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TESTIMONY PRESENTED TO HOUSE LABOR RELATIONS COMMITTEE

OF THE PENNSYLVANIA GENERAL ASSEMBLY
BY CAROL E. TRACY, EXECUTIVE DIRECTOR
WOMEN'S LAW PROJECT

August 27, 2008

Good morning. My name is Carol Tracy and I am the Executive Director of the Women's Law Project in Philadelphia. Thank you for the opportunity to present testimony to you today in support of the adoption of legislation establishing paid leave from employment due to sickness of the employee and/or family members. Adoption of such legislation will tremendously benefit employees and employers and respond to overwhelming public interest in providing paid seek leave for employees. The increase in households with two working adults and single working parents has justifiably led to greater demand for paid family leave.

The Women's Law Project is a nonprofit, legal advocacy organization that seeks to advance the legal status of women through litigation, public education and individual counseling. A significant portion of our work involves efforts to improve the economic status of women, including in particular women who have been victimized by domestic violence, stalking and sexual assault. Because care giving falls heavily on women and because most victims of domestic violence, sexual assault and stalking are women, paid leave will markedly improve the well being of working women.

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This committee has before it two bills. Pennsylvania, which currently provides no paid leave for employees of private employers, will move markedly forward in addressing the work-family conundrum faced by employees with the adoption of these bills. House Bill 1155 will require employers to provide paid leave to employees for their own and their families' care, treatment, diagnosis, and prevention. Very importantly, it also requires leave for employees to seek medical or psychological help, victim services, counseling, legal assistance, and to relocate. House Bill 1155 also offers significant protections against retaliation and for confidentiality. House Bill 1386, on the other hand, will establish an insurance program to provide partial wage replacement for up to 12 weeks a year for the birth or adoption of a child or to care for immediate families members with serious health conditions. While the Women's Law Project lacks the financial expertise to analyze the different funding mechanisms employed in these bills, the WLP wholeheartedly supports the objectives each of these bills attempts to accomplish.

Americans believe employers should provide paid sick leave. A poll conducted on behalf of The Wall Street Journal in 2007 found that 80% of U.S. adults favor legislation requiring employers to provide paid sick leave.¹

Providing employees with paid sick leave to allow them to take care of their own and their families' health needs will positively affect the health of their children, spouses, and parents as well as their own health. In addition, employers who provide family friendly policies do so in order to enhance employee retention, management of work and family life, and morale, goals that employees say are achieved in higher level of job satisfaction, greater engagement in jobs,

¹Wall Street Journal Online/Harris Interactive Healthcare Poll, *Most U.S. Adults Support Paid Sick Time Requirements 2* available at http://www.harrisinteractive.com/news/newsletters/wsjhealthnews/WSJOnline_HI_Health-CarePoll2007vol6_iss03.pdf (last visited Aug. 21, 2008). (hereinafter WSJ Poll).

stronger intentions to remain with employers, and less negative spillover from job to home and reverse.²

While many employers voluntarily provide their employees with paid sick leave, many do not. A 2001 survey by the U.S. Bureau of Labor Statistics found that 47% of private sector workers did not have paid sick leave.³ This number increases to 76% for low wage workers lacking paid sick leave,⁴ and 84% for part-time workers.⁵ These workers are left with no choice but to go into work sick, or to drop their children off at school sick. They worry that they cannot afford to take sick time, and that staying home sick will jeopardize their job.⁶ At the same time, employers do not want employees coming to work sick, spreading their illness to other employees and performing at less than 100%.⁷

Requiring paid sick leave will actually save employers money. While providing paid leave will cost employers, there are costs to failing to provide paid leave as well. Studies have shown that the cost to an employer of employees coming to work sick may be higher than the cost of an absence by a sick employee. These costs include decreased productivity and spreading of illness through the workforce.⁸ Some studies estimate that employee productivity when sick is only at around 50%.⁹ Turnover also represents an enormous cost to businesses, ranging from 1.5% of an employee's total compensation for a mid-level manager to 43% for a retail worker

² Families and Work Institute, 2008 National Study of Employees 3, 32, available at <http://familiesandwork.org/site/research/reports/2008nse.pdf>

³ Vicky Lovell, *No Time to be Sick: Why Everyone Suffers When Workers Don't Have Paid Leave* 1 (2002) available at <http://www.iwpr.org/pdf/B242.pdf>.

⁴ Jody Heymann, *The Widening Gap: Why America's Working Families are in Jeopardy and What Can be Done About It* 62 (2000).

⁵ Lovell, *supra* note 3, at 6.

⁶ WSJ Poll, *supra* note 1 at 2-3.

⁷ CCH Incorporated, *2005 CCH Unscheduled Absence Survey*, (Oct. 2005).

⁸ Vicky Lovell, *Valuing Good Health in California, The Costs and Benefits of the Healthy Families, Healthy Workplaces Act of 2008* 10-12 (2008) available at <http://www.iwpr.org/pdf/B259capsd.pdf>.

⁹ Kristin L. Nichol, *2001 Cost-Benefit Analysis of a Strategy to Vaccinate Healthy Working Adults Against Influenza*. *Arch. Intern. Med.* 749-759 (2001).

earning \$7 per hour; the average estimate of turnover costs is 25% of total compensation.¹⁰ A 2001 study indicates that offering paid sick leave has a positive outcome on profits.¹¹

In addition, paid leave will not be a burden on employers. Surveys in 1995 and 2000 on the effect of the federal Family Medical Leave Act on employers demonstrated that the percentage of employees who take unpaid leave is low and that the leave is infrequently taken, and for a short period of time.¹² Moreover, employers have generally reported that such leave has been easy to administer and has not negatively affected their business or their employees.¹³

The Women's Law Project knows firsthand how important adoption of this bill is to victims of abuse and sexual assault. Through both our telephone counseling service and policy initiatives, we hear from women who are unable to obtain protection orders or seek the assistance of other social services to help them address the abuse to which they are subjected because their jobs do not give them time off for such activities. Unable to risk losing their ability to support their families, these individuals continue to live in fear and suffer abuse without legal protection or other support. Those who take time off from work to address domestic violence and sexual assault even though they lack leave time, risk loss of employment, destitution, and homelessness.

Except for 24 hour hotlines and emergency services, the courts and most medical, social, legal and other services operate on a 9 to 5, Monday through Friday schedule. While someone faced with imminent danger may call 911 or file a petition for an Emergency Protection From Abuse order at any time, anyone seeking a final order of protection or relief from the criminal justice system must ultimately appear in court during the work week, typically for many hours, and often on a repeated basis. Women pursuing their legal remedies have told us they simply

¹⁰ Lovell, *supra* note 8, at 9-10.

¹¹ Ann Sestero, *Work-Family Benefits: Which Ones Maximize Profits?* 13 J. Managerial Issues 1 (Apr. 2001).

¹² David Cantor, et al, *Balancing the Needs of Families and Employers: Family and Medical Leave Surveys*, 2-2 (2008) available at <http://www.dol.gov/esa/whd/fmfla/toc.pdf>.

¹³ *Id.* at 1-9-1-11, 8-2-8-7.

could not take more time off from work to return to court again. If the plaintiff in a civil matter or victim in a criminal matter does not appear for a hearing, the court dismisses the case and no relief is granted. This bill, if adopted, will enable victims of abuse and sexual assault to effectively seek and obtain legal redress and protection.

We have known for a long time that domestic violence causes employees to lose time from work. In 1990, the Bureau of National Affairs estimated that domestic violence cost U.S. employers \$3 to \$5 billion annually in lost work time, increased health care costs, higher turnover rates and lower productivity.¹⁴ In a 2003 report on its study of the costs of domestic violence, the Centers for Disease Control and Prevention found that victims of rape, physical assault, and stalking lose an estimated 8 million days of paid work due to intimate partner violence.¹⁵ Work time is lost to obtaining medical care, going to court, receiving counseling, and addressing children's needs, sometimes resulting in exhaustion of paid leave options and loss of employment due to absenteeism.¹⁶

We urge you to vote both these bills out of committee and thank you again for the opportunity to present testimony today.

¹⁴ Bureau of National Affairs, *Violence and Stress: The Work/Family Connection* (Aug. 1990).

¹⁵ Centers for Disease Control and Prevention, *Costs of Intimate Partner Violence Against Women in the United States* 18 (2003).

¹⁶ Maine Dept. of Labor & Family Crisis Services, *Domestic Violence Survivors at Work: How Perpetrators Impact Employment* 16-17 (Oct. 2005).