

**Testimony
of
Jocelyn Frye President, National Partnership for Women & Families
United States Senate Finance Committee
Hearing: Exploring Paid Leave: Policy, Practice, and Impact on the Workforce
October 25, 2023**

Chairman Wyden, Ranking Member Crapo, and members of the Senate Finance Committee – thank you for the opportunity to testify on the critical topic of paid leave. My name is Jocelyn Frye, and I am the President of the National Partnership for Women & Families.

The National Partnership is a nonprofit, nonpartisan advocacy organization based in Washington, D.C. We promote fairness in the workplace, reproductive health and rights, access to quality, affordable health care and policies that help all people, especially women, meet the dual demands of work and family. For more than five decades, we have focused specifically on tackling gender-based barriers, often rooted in longstanding stereotypes and biases, used to limit the opportunities available to women, men, gender minorities and all those deemed to be out of step with assumptions about gender norms or roles. Women of color, disabled women, and women who hold other marginalized identities are particularly likely to face these barriers, compounded by prejudice and negative attitudes based on the intersections of their identities. We believe that it is essential to prioritize equity – in our workplaces, in our economy, in health care and health care systems – to create environments fully equipped to respond to the diverse needs of workers, patients and indeed all people regardless of their background or resources. Our goal is to create a society that is free, fair and just, where nobody has to experience discrimination, all workplaces are family friendly, and every family has access to quality, affordable health care and real economic security.

The National Partnership has been deeply involved in the fight for paid family and medical leave for decades. We wrote the first draft of the Family and Medical Leave Act (FMLA) – which provides unpaid, job-protected family and medical leave – and helped lead the coalition that successfully won its passage in 1993. Our work on the FMLA is rooted in our longstanding commitment to challenge barriers impeding women’s employment and full participation in the economy. The law has been instrumental in helping to counter biases and assumptions about workers with caregiving obligations and needs, and ensure that workers are not treated unfairly when navigating their family and work responsibilities. The FMLA is one of our proudest achievements as an organization, and since its passage has been used more than 460 million times,¹ meaning that millions of workers no longer have to risk their livelihoods in order to take care of their own health or care for their families.

In the three decades since the FMLA passed, we have had the privilege of working alongside a number of state and national partners to advance the issue of paid leave. We worked with paid leave champions Rep. Rosa DeLauro and Sen. Kirsten Gillibrand to craft the Family and Medical Insurance Leave Act (FAMILY Act) that was first introduced in 2013, and to update the bill in 2023 to reflect the growing body of evidence and state innovation on paid leave and the

legislative progress made in the Build Back Better Act. We are proud to be part of the Paid Leave for All campaign, a powerhouse coalition that leverages policy and research expertise and its grassroots memberships in the fight to make national paid family and medical leave a reality. We lead the National Work and Family Coalition, a diverse group of more than 200 national and state advocacy organizations that advance supportive workplace policies like paid leave nationally and in states across the country. We also participate in the Care Can't Wait campaign, a national campaign to advance comprehensive care supports to expand access to child care, paid family and medical leave and home- and community-based services while ensuring high-quality jobs for the care workforce.

We have worked at the national, state and local levels to advance different types of paid leave programs. At the federal level, our recent work has included successfully advocating for the Federal Employee Paid Leave Act (FEPLA), which provided federal workers with up to 12 weeks of fully paid leave to welcome a new child. We worked closely with members of Congress and partners to secure the inclusion of emergency paid sick leave and paid family leave in the Families First Coronavirus Response Act (FFCRA) – which, although narrow in scope, still helped slow the spread of coronavirus and prevented an estimated 15,000 cases per day.² And we worked day and night alongside our partners and legislative champions to shape the comprehensive, universal paid family and medical leave program that passed the House as part of the Build Back Better reconciliation package in November 2021. We also fought for the creation of a state paid leave research fund within the Department of Labor and worked with several states to help them apply for funding and carry out invaluable research that has been foundational to paid leave efforts across the country. Most recently, we successfully advocated for a provision in the CHIPS and Science Act to allow for more flexibility for people working on federal science grants who have caregiving responsibilities.

At the state level, we are routinely consulted by the dynamic and innovative advocates who have been fighting for – and winning – paid leave in their states. We have testified at state hearings and carried out extensive research on and analysis of the implementation of state paid leave laws, the benefits of paid leave and negative impacts of lack of access to paid leave – and we continue to do so to this day. We also work closely with business partners to discuss best practices, encourage the adoption of supportive leave policies, and elevate business support for a national paid leave law.³

The breadth and depth of our decades-long experience has given us a deep understanding of the evolution of paid leave policy, what works and doesn't work in program design, and what these programs have meant to millions of workers, businesses, local communities and the American economy as a whole. We believe that paid family and medical leave is a core workplace standard that is necessary, long overdue, and essential to strengthening our economy and creating workplaces of the future that maximize the potential of all workers.

I. Paid leave is essential for the modern workforce – and essential for strengthening and growing a modern economy

The need for paid leave is urgent – the millions of families across the country who stand to benefit cannot wait, and its positive impacts on the workforce and economy are clear. The pandemic's sudden disruption of our economy was a stark, sobering demonstration that the lack of comprehensive care supports undermines the ability of workers, especially women workers, to find and keep jobs and economically contribute to their families. Learning from the pandemic's lessons requires building a modern, functioning economy that can tap the full potential of all workers, and to do so requires prioritizing access to comprehensive paid leave. Research consistently shows that paid leave is an indispensable tool, enabling people from all backgrounds to better participate in the economy. Ample evidence from existing paid leave programs shows how to successfully implement paid leave to support workers and businesses, and the policies are overwhelmingly popular with workers and the public. Without action, the nation risks leaving recent economic gains on the table and stalling future progress. The cost of failing to act – for workers, families and the nation – is too high to ignore.

A. Learning from History: Correcting Discrimination and Valuing Women's Work

Our nation's current lack of a comprehensive, nationwide paid family and medical leave program cannot be divorced from our historical context. For much of our nation's history, women's labor was viewed very narrowly and often seen as less important than the labor performed by men. Women's work was devalued precisely because it was performed by women, reflected in lower wages and fewer opportunities – a legacy that continues to this day. A large body of research demonstrates these gender dynamics, showing how wages decrease for both women and men as women's share of an occupation increases, even after accounting for other relevant factors.⁴ Additionally, women were often limited to certain sectors, such as the domestic sphere,⁵ which lacked essential labor protections,⁶ while other, more lucrative opportunities were foreclosed. Outside of the domestic sector, women have generally faced barriers to training, better-paying jobs and accessing diverse roles in the formal labor market.⁷

In addition to gender, the segregation of work along racial and ethnic lines is also deeply rooted in the nation's history. From the era of slavery into the ensuing decades, Black women, for example, were always expected to work, mostly in service of white families with their own personal caregiving or family needs de-prioritized and taking a back seat.⁸ Entrenched racism meant that Black women were confined to domestic and laborer jobs where their opportunities were limited.⁹ While each demographic group has had their own unique experiences in the labor market, many other women of color – Latinas, Asian and Pacific Islander women, and Native women – have also had to navigate the combined effects of race, ethnic, and gender bias that has relegated them to the lowest paying domestic, service, and laborer jobs.¹⁰

Because of these collective attitudes, the term "women's work" has often involved care work, disproportionately performed by women of color for little or no pay.¹¹ Such work is frequently

seen as not having real value even though it is essential to the sustainability and well-being of families. The importance of caregiving as work, both paid and unpaid, has long been ignored and treated as inconsequential, thus it isn't always quantified or measured or captured by metrics such as the GDP.¹² National Partnership research shows that women spend nearly twice as much time as men providing unpaid care for children, parents, spouses, and other loved ones.¹³ Overall, Americans' unpaid caregiving – two-thirds of which is done by women – is worth nearly \$1 trillion each year.¹⁴

The perception that caregiving should be largely understood through a framework of women's responsibilities – and that women's responsibilities are not considered labor, nor is their participation in a formal labor market valuable or an economic priority – has directly contributed to the undervaluing of caregiving and care work. It helps us understand why certain types of supports have not been prioritized in our public policy landscape. When efforts to begin a paid leave program began more than a hundred years ago, women in what might have been considered as the mainstream American workforce were less common, with women of color and unmarried women much more likely to be engaged in work to support their families than white women.¹⁵ Women across the globe banded together to advocate for working protections, lobbying the newly formed International Labor Organization in 1919 to pass an international standard that included 12 weeks of paid maternity leave, but the United States did not ratify the convention and remains the only developed nation without this standard.¹⁶ Even as women in the workplace became more common, especially during World War II,¹⁷ permanent, sustainable policies to support child care and maternity leave remained out of reach. In the 1960s and 1970s, as women's education increased and they entered the formal workplace in droves,¹⁸ they still faced unemployment and discrimination when they become pregnant or need to care for a loved one, impeding women's abilities to achieve economic independence or support themselves and their families.¹⁹ Employers discriminated against women regardless of their family status, denying employment opportunities to those they believed might become pregnant or need time away from work. The FMLA broke new ground to tackle this problem head on – by connecting the dots between the need to create supports for caregiving, and the need to prevent discrimination aimed mostly, but not always, at women because of their caregiving roles. Under the FMLA, the ability to take leave was established as a gender-neutral protection, available to all eligible workers, to help them fulfill their work and family obligations without penalty and avoid discriminatory treatment. This historical context about how women workers and the work that they perform have been perceived is crucial to understand the current public policy landscape – and the obstacles that have influenced certain supports not being prioritized.

B. Current Challenges Facing Workers That Undermine Maximizing Full Participation in the Economy

Much of the current conversation about the economy has focused on low unemployment and tight labor markets, but the challenges that faced certain categories of workers prior to the pandemic – women, workers of color, disabled workers, and workers in low wage jobs –

continue to persist.²⁰ And the cost of not acting to address these shortcomings through critical caregiving investments is high.

Barriers to women's full participation in the economy

Decades of deliberate policy choices to under-invest in necessary caregiving programs, undermining families' abilities to prioritize their caregiving needs, have had enormous impacts on America's women. Women are the unspoken backbone of our nation's economy. They drive an overwhelming majority of purchases²¹ and control a growing share of the nation's wealth.²² Women are nearly half the labor force,²³ and are a key source of economic support for their families. Two-thirds of mothers are their family's primary, sole or co-breadwinners.²⁴ These numbers are even higher for many mothers of color, with Black mothers occupying the highest share – an estimated 85 percent of Black mothers are primary, sole or co-breadwinners for their families.²⁵ Yet, women continue to face numerous barriers to full participation in today's economy, including discrimination and harassment²⁶ that too often goes unchecked²⁷ and insufficient caregiving supports, even while they continue to do the majority of paid and unpaid caregiving.²⁸ The result is that these forces push many women out of the labor force altogether – as we saw so clearly when the pandemic hit.²⁹ Even when they are able to hold jobs, that work is often undervalued and underpaid. The failure to support women's full participation in the economy comes at a cost to both families and the economy – and paid leave is an essential part of the solution.

Despite the fact that women are disproportionately likely to need paid leave, they are less likely than men to be able to take leave when they need it.³⁰ They are also more likely than men to take leave without full pay or to take unpaid leave.³¹ In part due to a large gender wage gap,³² women are also more likely to report financial distress when taking leave without full pay, with three-quarters of women saying it is much more difficult to make ends meet when on leave.³³ Single women are especially likely to confront challenges when taking leave: more than half report going without pay, and 15 percent report losing a job as a result of taking leave.³⁴

A lack of paid leave disproportionately impacts workers of color

While paid leave is needed for all families across the country, regardless of race, gender, or ethnicity, we know that both the devaluation of care and the lack of guaranteed paid leave has disproportionate impacts on women of color, especially Black women and Latinas.³⁵ The inadequate access to paid leave for women and communities of color compounds other racial injustices including the racial wealth gap, maternal morbidity and mortality, inequitable access to health care and discriminatory experiences with health care providers.³⁶ Inadequate paid leave policies cost Black women and their families nearly \$4 billion a year in lost wages,³⁷ a loss that is especially challenging because Black women also face a large gender wage gap.³⁸ Despite their caregiving commitments, surveys find that Black and Latino workers are less able to take leave when they need it.³⁹ In fact, Black women report being unable to take leave 38 percent of the time they need it, resulting in 1.1 million untaken leaves.⁴⁰ And even when they do take leave, they are often forced to do so without pay. On top of the Black women who are unable to take any leave at all, more than one-quarter (26 percent) of leaves taken by Black women are taken without pay, reducing their and their families' economic security.⁴¹

A lack of paid leave disproportionately impacts disabled workers

Paid leave is also critical for disabled women workers. Research by the Center for American Progress shows that 16 percent of workers who took FMLA leave did so to address an ongoing health condition, many of which may be disabilities such as chronic migraines, diabetes or multiple sclerosis.⁴² Women workers and Black workers were particularly likely to need this type of leave.⁴³ Though disabled workers may be especially likely to need paid leave to take care of their own health, they report less access to paid leave than nondisabled workers.⁴⁴ This is in part because disabled people are more likely to work in low-wage jobs, which are less likely to offer paid leave.⁴⁵ Disabled workers also need leave to provide care to their family or loved ones. Nearly three out of 10 workers (29 percent) who took leave for an ongoing health condition were also caring for children under 18,⁴⁶ and, similar to LGBTQ+ workers, disabled workers are especially likely to need leave to support their chosen family.⁴⁷ For disabled workers – who have less income and savings to rely on, face significant health disparities, and are more likely to be in poverty⁴⁸ – a lack of paid leave compounds existing inequities.

A lack of paid leave disproportionately impacts low-wage workers

Low-wage workers and those in service occupations especially lack access to paid leave. Bureau of Labor Statistics data for 2023 shows that workers in management and professional occupations have twice as much access to employer-provided paid family leave (39 percent), than service workers (16 percent).⁴⁹ The gap between the highest-paid workers (48 percent) and lowest-paid (6 percent) is even more stark, with the highest paid workers eight times more likely to have employer-provided paid leave than those with the lowest wages.⁵⁰ While these data are not broken down by gender, National Partnership research demonstrates that women, especially women of color and disabled women, are especially likely to hold low-wage and service sector occupations.⁵¹ Low-wage workers are the least likely to be able to take unpaid leave even if they are eligible,⁵² making paid leave particularly critical for these workers.

The cost of inaction on paid leave is high

Failure to act on paid leave and other caregiving policies has tremendous consequences for families and the economy. As women's labor force participation in the United States continues to lag behind other comparable nations, we leave billions of dollars on the table each year.⁵³ In fact, the gap between prime-age women's labor force participation in the United States compared to Canada, Germany, and the U.K. cost the U.S. economy more than \$3 trillion over a five year period.⁵⁴ And research from the Center for American Progress shows that even before recent increases in inflation workers were losing more than \$22.5 billion in wages each year due to a lack of paid leave – and the majority of this loss is borne by women workers.⁵⁵

C. Investing in Paid Family and Medical Leave Can Help Address Problems Facing Workers, Workplaces, and Employers

Research proves that the benefits of paid leave are substantial, supporting all workers and the economy overall.

Paid leave supports workers caring for older adults amidst demographic changes

As the U.S. population ages, the need for paid leave to support family caregivers is already acute and only growing more urgent. Right now, about one in five Americans is providing unpaid care to an older or disabled adult,⁵⁶ and these caregivers are disproportionately women.⁵⁷ The need for caregivers is certain to grow in the coming years, as by 2040 the population of adults 65 and older is expected to grow more than 40 percent compared to its 2020 level, reaching more than 80 million people.⁵⁸ About six in ten family caregivers are also in the workforce,⁵⁹ all too often struggling to manage both their caregiving responsibilities and their jobs. One in seven caregivers has had to cut back their hours at work as a result of caregiving, six percent report giving up working and five percent report retiring early.⁶⁰ These job impacts undermine caregivers' long-term financial security: men over the age of 50 who leave the workforce to provide care for a parent lose, on average, nearly \$284,000 in earnings and retirement savings – and women, \$324,000.⁶¹ For women of color, that lost income further compounds wage and wealth gaps.

When a lack of support drives caregivers out of the workforce, employers lose talented, experienced employees and our economy suffers. Health and caregiving reasons are main factors behind why nearly 20 percent of prime-age adults are out of the labor force.⁶² But among those who are out of the labor force due to family care, about half say that they would have kept working in their last job if they had had paid family leave.⁶³ And in fact, state paid leave programs have been shown to improve the labor force participation of unpaid family caregivers.⁶⁴ Investments in paid leave are an essential piece of adapting our economy to demographic change.

Paid leave programs benefit workers' health and economic security

Supporting workers' caregiving and health needs through paid leave has tremendous positive impacts for individuals and families. Numerous studies now show that paid leave programs go a long way to redress long standing inequities for workers, especially women of color. Paid leave programs increase the time new mothers take to bond with new children and recover from birth,⁶⁵ and reduce the incidence of low birthweight and preterm births⁶⁶ – with both benefits especially pronounced for Black mothers. Research also links state paid leave programs to improved physical⁶⁷ and mental health for new mothers, including lower postpartum distress,⁶⁸ improved on-time vaccination rates,⁶⁹ greater initiation and duration of breastfeeding,⁷⁰ fewer infant hospitalizations⁷¹ and more. Paid leave increases new fathers' leave-taking,⁷² which supports greater involvement in parenting,⁷³ including for nonresident fathers.⁷⁴ And paid leave for parents supports economic security as well as health; research on the nation's longest-running paid leave program in California shows increases in income and decreases in poverty as a result of paid leave.⁷⁵

The health and economic effects of paid leave are not limited to parental leave. Only about one in five FMLA claims are taken for a new child; the majority of leaves are taken to address one's own illness or serious health condition.⁷⁶ Research on service and retail workers – a group of workers who are especially likely to lack access to paid leave – demonstrates clear impact. When these workers took paid leave, as compared to unpaid leave, for a new child or to address their

own or a loved one's health concern, they were significantly less likely to have difficulty making ends meet or experience hunger and significantly more likely to report happiness and quality sleep.⁷⁷ Paid leave has even been shown to reduce elder nursing home utilization,⁷⁸ which can benefit those adults' health (for example, by lessening exposure to infections common in congregate settings), improve staffing ratios for those patients who remain in institutional care and keep more older adults in their homes and communities.

Paid leave is a win-win for businesses and workers alike

State paid leave programs are also feasible and workable for businesses, including small businesses, and employers even accrue benefits to retention, productivity and morale. Recruiting and training new employees is costly, averaging 24 percent and up to 150 percent of annual wages in certain industries,⁷⁹ and research shows paid leave decreases turnover and increases the likelihood new mothers and low-wage workers return to their previous jobs.⁸⁰ Firm-level analysis of employers in California before and after paid family leave was implemented confirmed that for the average firm, wage costs had not increased and turnover rates had decreased.⁸¹ Research in California also found that for workers in lower quality jobs who needed time off, the share who reported returning to their same employer was nearly 10 percentage points higher among those who used the state paid leave program compared to those who did not⁸² – a major benefit to employers in a tight labor market where replacing workers can be challenging. And employers cite increases in employee morale, with an executive from Deloitte (a corporation with locations in numerous paid leave program states)⁸³ testifying before a Senate Finance subcommittee that, "[our] expanded leave program has had a profound impact on our people, and the realized benefits have far outstripped concerns about operational disruption from expanded leave."⁸⁴

Employer profitability and employee performance also improve with paid leave. A study found that after implementing their own paid leave policies, manufacturing companies saw a \$2.57 return for every \$1.00 invested in their workforce, on average, and tech companies a \$2.64 return per \$1.00 invested.⁸⁵ A study conducted for the New Jersey Business and Industry Association found that after the state's paid leave program was implemented, the majority of businesses experienced no negative impact on profitability or performance, and that "[r]egardless of business size, based on survey results, New Jersey businesses have had little trouble adjusting to requirements of the Paid Family Leave law."⁸⁶ A study of New York state firms with fewer than 100 employees found the majority were supportive of the paid family leave program, and that it led to an increase in employers' ease of handling long employee absences.⁸⁷

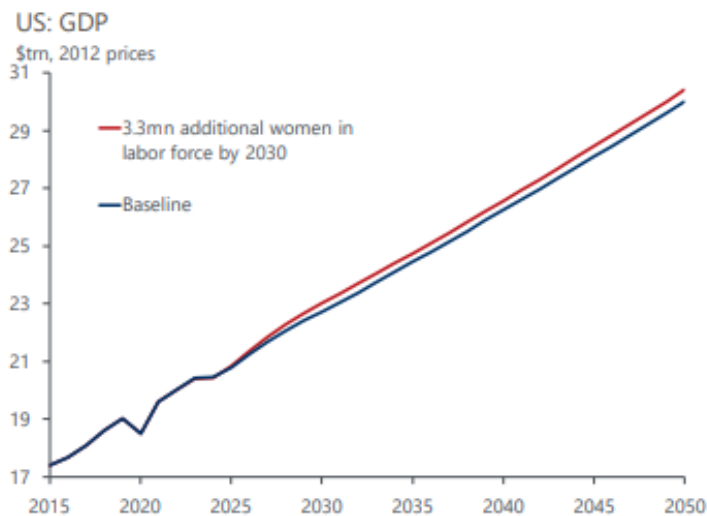
Paid leave strengthens the economy and women's labor force participation

Paid leave is hugely important to the nation's economy. A lack of paid leave can have devastating impacts, but when access to paid leave increases, our economy sees significant benefits. After a steep decline in women's labor force participation in the early days of COVID – largely due to increased caregiving responsibilities with few initial supports – prime-age women's labor force participation has recovered significantly, with nearly 78 percent of U.S. women ages 25-54 in the labor market.⁸⁸ This recovery has been driven in large part by policies

to support caregiving such as paid leave, investments in child care and home- and community-based services, and flexible work arrangements (such as hybrid work), the prevalence of which increased during the pandemic as states, companies and the nation adopted more supportive workplace policies.⁸⁹ These trends make clear that paid leave and other caregiving supports are essential for the nation’s resiliency and these important investments must continue.

The labor force participation recovery that was created in large part by these policies followed years of stagnant rates and policy inaction that left the United States falling farther and farther behind comparable economies.⁹⁰ Even now, those recent gains still leave women in the United States behind global peers in terms of labor force participation. Now, however, we could be poised to close the gap. In fact, if current trends in women’s labor force participation continue, economists estimate that prime-age women’s labor force participation may finally catch up to that in comparable advanced economies within five years, adding an estimated 3.3 million women to the U.S. workforce by the end of the decade.⁹¹ Increasing the number of women in the labor force would ensure there are more workers to fill jobs essential to our economy like health care, infrastructure, and more. It would also boost the nation’s GDP. Economists estimate that adding 3.3 million women to the workforce will result in a nearly one percent increase in GDP over five years.⁹² But this is dependent on women’s continued access to supportive policies like paid leave.

Chart 4: Higher female participation would be a medium-term boost



Source: Oxford Economics/Haver Analytics

This opportunity for women’s increased workforce participation comes at a critical time in our economy’s history. Inflation is substantially higher now than just a few years ago,⁹³ making it harder for women and families to put food on the table, pay rent or afford the goods and services that are the backbones of local economies.⁹⁴ And while inflation has come down from its peak,⁹⁵ the Federal Reserve continues to signal the potential for additional interest rate increases,⁹⁶ despite the fact that inflation has not been primarily driven by wages.⁹⁷ Researchers

estimate that increasing women’s labor force participation will improve our chances of a “soft landing,” which would combine increased GDP with reduced inflation.⁹⁸ This, in turn, would likely lead to lower interest rates, reducing borrowing costs, supporting the housing market and stimulating the economy writ large.⁹⁹

Economists fear that these positive trends may not last without action.¹⁰⁰ Yet despite the overwhelming evidence in favor of paid leave, access to this critical economic support remains uncertain for tens of millions of workers across the country, and for the businesses needing to attract and retain them. While states have continued to advance paid leave policies, including two new states in 2023 alone,¹⁰¹ large swathes of the country continue to be left out without federal action, and American Rescue Plan funding for child care has expired, creating a cliff that will leave many families without affordable access to child care.¹⁰² With women's partial, precarious economic gains in jeopardy, now is the time for Congress to act. That's why it's so encouraging to see the members of this committee prioritizing the issue of paid leave through today's hearing.

II. Paid leave must be universal and comprehensive to meet workers’ needs

Creating strong supports to ensure that all workers can navigate their work and family responsibilities without jeopardizing their jobs or their economic security is essential. The FMLA was a groundbreaking first step, establishing as a baseline principle protections allowing workers to take time off for caregiving or self-care. But the limitations of the law have always meant that additional action would be needed to close gaps and help as many workers as possible. Although the FMLA has benefited millions of workers, many workers are not able to make use of the FMLA’s protections because of the law’s eligibility criteria, and due to the fact that many workers cannot afford to take unpaid leave. Only 56 percent of the overall workforce, including part-time workers, is eligible for the FMLA,¹⁰³ only 39 percent is both eligible for the FMLA and can afford to take six weeks of unpaid leave,¹⁰⁴ and only 35 percent can afford to take 12 weeks unpaid leave without financial distress.¹⁰⁵

Paid leave policy experts understand that an equitable paid leave program must be universal: covering all workers, including part-time, hourly and temporary workers; and covering all employers, with mandatory coverage and inclusive of small businesses. It also must be comprehensive, covering the wide range of medical and caregiving needs of families, including but not limited to parental leave, leave for one’s own serious health condition, and the serious health condition of a loved one, including chosen family members. The benefits themselves must be meaningful, in a duration and amount sufficient for low-wage workers to meet their needs; they must be secure, by protecting workers from being penalized or losing job opportunities for taking leave; and they must be funded sustainably.

The public support and demand for paid leave has helped to fuel a national conversation about paid leave that has continued to grow in profile, especially during and in the ongoing aftermath of the COVID-19 pandemic. This increased attention has led to many different ideas about how best to design a paid family and medical leave program that meets the needs of workers and

families. Importantly, there is more and more research about what works and what does not – learning from a growing number of state-based programs, along with data from other private sector and international efforts. While the increased interest in paid leave is an important step forward, it is crucial to build programs that actually solve – and don't ignore or exacerbate – the problems that workers are navigating. Accordingly, we believe proposals that, for example, do not cover all workers, do not allow workers to take different types of caregiving leave, or do not give workers an actual right to take leave are not the right approach. There are essential elements that must be foundational features of an effective paid family and medical leave programs that meet the current needs of workers.

A. Paid leave must be universal and guaranteed

The evidence from 30 years of the Family and Medical Leave Act and 20 years of state paid leave programs makes it clear that a comprehensive program has to cover the vast majority of the workforce and be guaranteed. The most effective state strategies have sought to cover as many workers as possible with less cumbersome eligibility criteria – and to ensure that they have the right to an adequate amount of leave for family and self care reasons.

A lack of universal paid leave to cover all workers and all employers has resulted in heavily lopsided access along existing lines of social and economic inequality. For example, sixty-five percent of the highest paid workers – those in the top ten percent of wage earners – receive disability insurance through their employers, making them over six times more likely to have this benefit than the lowest paid workers (10 percent).¹⁰⁶ Workers in managerial and professional jobs are more than twice as likely (52 percent) to have access to these benefits than service workers (23 percent).¹⁰⁷ Forty-seven percent of full-time workers have access compared to 21 percent of part-time workers.¹⁰⁸ Although the data does not break out access by gender or race and ethnicity, occupational segregation means that women of color and disabled women are disproportionately more likely to work in low-paid service jobs,¹⁰⁹ and women and people of color are more likely to be working part-time involuntarily.¹¹⁰ These disparities are therefore also likely to be present along lines of race and gender.

The disparities in access also apply to industries and small businesses that are crucial to a healthy national economy. In construction – one of the industries with a high demand for workers in light of the massive infrastructure investments being overseen by the Biden administration – only 31 percent of workers have access to short-term disability insurance through their employers.¹¹¹ Large businesses are nearly twice as likely to offer disability insurance as small businesses,¹¹² reflecting the disparity in resources that makes it hard for small businesses to compete with large ones for the best employees. An approach to paid leave that is not working for the small businesses that are the foundation of our economy, or the growing industries that are critical to our future, is an approach that does not work for America.

A handful of states have recently enacted laws that do not guarantee paid family and medical leave, but instead permit private insurers to offer family leave insurance plans that employers (and in some cases, employees) can opt to purchase for their employees. It is too early for us to

have evidence of whether such plans are effective – and given the relative lack of mandatory transparency and reporting requirements for these programs, it is possible that we will never have the same level of detailed, public information about how these plans are playing out that we have for the public programs. The limited information that has been made available about the implementation of New Hampshire's voluntary insurance law shows that about two percent of the state's workforce is covered by its voluntary plan.¹¹³ Unfortunately, the data show that the private short-term disability market – a similar, opt-in approach – has failed to result in widespread access to leave: in 2023, only 41 percent of America's workers had access to short-term disability insurance through their employers, and this access rate has barely budged in the last 15 years.¹¹⁴ Furthermore, laws to permit the sale of opt-in paid family leave insurance products typically provide no guarantee that premiums will be affordable or even transparent for small employers, or that premiums will be uniform across employers regardless of size or employee demographics.¹¹⁵

The transformational potential of paid family and medical leave will only be fully realized if it is attainable for the people who have the most to gain and the businesses that drive our economy. Universal, mandatory programs have proven that they can achieve this goal.

B. Benefits must be of sufficient duration and size and they must be secure

Paid leave benefits must last long enough to address common medical and caregiving needs of workers. For example, for new parents, public health experts recommend at least twelve weeks of leave in order to establish and support breastfeeding, reduce risk of postpartum depression and support strong bonds between children and their parents and caregivers.¹¹⁶ Needs vary for other conditions requiring parental or family care, but serious or chronic health conditions may require several weeks of leave.¹¹⁷ For example, a typical hospital stay for a child with pediatric cancer is about 12 days, and a child may have three to six stays per year.¹¹⁸ The FMLA established a federal standard of up to 12 weeks of family and medical leave and evidence from states demonstrates this is a minimum for meeting workers' needs.

It is also critical that the program pay an amount of benefits that allows workers at all wage and income levels to not jeopardize their ability to afford basic expenses while on leave. Without ensuring a program provides benefits that are as close as possible to full wages for the lowest paid workers, workers living paycheck to paycheck are unable to take the leave they need. Adequate wage replacement is also vital for gender equity: when paid leave replaces closer to full usual wages, men are more likely to take their share of parental leave,¹¹⁹ which in turn helps equalize involvement in caregiving.

Paid leave is also not accessible to workers if they are not protected from retaliation or other penalties for using the leave. This is particularly critical for workers of color, who are more likely to report concerns about retaliation or job loss for taking leave.¹²⁰ A meaningful paid leave policy for workers should include protections from retaliation so that all workers can feel they can take the leave they need without fear of discrimination or retaliation.

C. Paid leave must be comprehensive to meet the full range of workers' and families' needs

We believe it is essential to cover the full range of needs for workers and not pick and choose which kinds of families deserve support. A comprehensive paid leave program ensures that certain groups of workers are not marginalized and avoids preferring certain types of caregiving over others. Thus, it's critical that any national paid leave program supports all types of leave, including medical, caregiving and parental.

Covering medical and caregiving leave in paid leave programs – the vast majority of leave taken under FMLA¹²¹ – ensures workers have the supports they need to thrive during difficult times. Paid medical and caregiving leave has been shown to contribute to financial health. Data from the Financial Health Pulse survey shows that workers who have access to paid leave for medical or caregiving purposes are 14 percentage points more likely than those without access to report having low (or no) financial stress.¹²² For workers who experienced a serious illness or injury in their household in the past year, those with access to paid leave were 26 percentage points less likely than those without to report financial hardships, such as trouble paying for housing, food, or healthcare.¹²³

Including medical and caregiving leave also ensures paid leave programs address the full range of workers' needs. More than half of leaves taken under FMLA are taken for an employee's own serious health condition and 20 percent are taken for caregiving for an immediate family member's illness, while leave to care for a new child makes up only a quarter of leaves.¹²⁴ Parental-only policies would therefore fail to meet the vast majority of the demand for leave. Family caregiving leave and personal medical leave are particularly important to disabled people and their families, low-wage workers, older adults, veterans, military families and other workers with personal and family caregiving responsibilities.¹²⁵

A paid leave program without family caregiving is particularly harmful for women, who still carry out the bulk of family caregiving responsibilities,¹²⁶ but are less likely than men to report having access to paid leave for caregiving or medical purposes.¹²⁷ And a program without paid medical or family caregiving leave also excludes many disabled workers, particularly disabled women of color workers, who are more likely to work in low-wage jobs¹²⁸ that are the least likely to provide paid leave.¹²⁹ A paid leave program designed only to value and accommodate the care needs of new parents – or that otherwise restricts eligibility to a narrow definition of caregiving – doesn't address the needs of those currently least likely to have access.

Additionally, comprehensive paid leave must inclusively define family to reflect the needs and diversity of America's families, including extended family members, like siblings and grandchildren, as well as chosen family, defined as "loved ones people consider family but to whom they may not have a legal or biological relationship."¹³⁰ Research shows that nearly one-third of people in the United States have taken leave to support the caregiving of a chosen family member,¹³¹ This type of leave is particularly important for LGBTQIA+ and disabled workers.¹³² Nearly every state paid leave program goes beyond the FMLA's limited definition of

family, and several have successfully included chosen family as well.¹³³ It's imperative that a national program incorporate a modern and inclusive definition of family, too.

III. State programs guaranteeing comprehensive paid leave are a proven success

Policymakers across states have spent nearly twenty years developing and innovating state programs to guarantee comprehensive, universal paid family and medical leave – with clear positive results for workers and businesses. Public programs to provide paid family and medical leave are the only proven solutions to expand paid leave access to workers across geography, job type, race, disability status, gender and income. They are also the only policy solution on the table that has a large and growing body of research documenting their benefits to public health, to workers' economic well-being, and to employers.¹³⁴

Research shows that paid leave insurance offered through the private market creates large gaps in access, especially for lower wage workers. In public state programs, however, the majority of workers gain coverage and those large gaps in people's ability to use leave based on income and other factors narrow considerably. Our analysis of labor force data and program rules finds that on average, close to 90 percent of workers in a state are eligible for leave under state programs.¹³⁵ That compares to only 41 percent nationally for employer-provided short-term disability insurance – available on the private market for decades – and 27 percent for employer-provided paid family leave.¹³⁶

Near-universal coverage and equitably designed benefits help ensure gender and racial equity in access and utilization. For example, we know that women and workers of color are generally less likely to have access to paid leave through their jobs. But in Washington state, the first to collect and report data disaggregated by race/ethnicity, women and workers of color make up about the same shares of workers eligible for the state's paid leave program as they do in the workforce at large.¹³⁷ And women and Black and Latino workers are actually slightly overrepresented among approved paid leave claims – exactly what we would hope to see in light of the disproportionate caregiving burden and health inequities those groups experience.¹³⁸

Washington			
	Women	Black Workers	Hispanic/Latino Workers
Percentage of Workforce	46%	4%	11%
Percentage of Workers Eligible for Paid Family and Medical Leave	46%	4%	12%
Percentage of Approved Paid Family and Medical Leave Claims	57%	7%	17%

Source: Washington Employment Security Department.

In New Jersey, where data on race/ethnicity has recently become available, we also see significant uptake by women and by Black and Latino workers.¹³⁹

New Jersey			
	Women	Black Workers	Hispanic/Latino Workers
Percentage of Workforce	47.1%	12.1%	21.5%
Percentage of Approved Paid Family Leave and Temporary Disability Insurance Claims	70.4%	14.3%	17.9%

Source: National Partnership for Women & Families analysis of data from the New Jersey Department of Labor and Workforce Development and U.S. Census Bureau.

IV. There is Broad and Substantial Voter Support for Comprehensive Paid Family and Medical Leave

Voters believe that the government can and should play a role in supporting families balancing work and caregiving.¹⁴⁰ Comprehensive, inclusive paid leave policies are popular with all types of voters. Eighty percent of voters want Congress to pass a comprehensive national paid family and medical leave program, including 90 percent of Democrats, 77 percent of Independents, and 69 percent of Republicans. Support is especially strong among women (83 percent),¹⁴¹ including suburban women (79 percent),¹⁴² and voters of color (86 percent among Black voters, 85 percent among Hispanic voters, 83 percent among AAPI voters).¹⁴³

Support is also strong for all types of paid leave: 89 percent of voters support a federal paid leave program that allows workers to take time to recover from their own serious illness or health condition, 87 percent support leave for workers to care for a seriously ill or disabled family member, and 83 percent support leave to care for a new child.¹⁴⁴ While all types of voters support different types of leave, Republican and independent voters are especially supportive of providing personal medical leave, underscoring the importance of not only passing paid leave for new parents.¹⁴⁵

States have been moving on paid leave because voters want it. In Delaware, 85 percent of voters supported a paid family and medical leave program.¹⁴⁶ Voters in swing states also support paid leave. Colorado enacted its paid leave program through a ballot initiative that won by a 15-point margin, including in Republican-leaning counties like Weld County, El Paso County, and Las Animas County.¹⁴⁷

Paid leave remains popular in states with paid leave programs, including among small businesses. A survey of small employers (100 or fewer employees) in New York and New Jersey found that support increased from 2019 to 2020, especially among firms that had employees

use paid leave.¹⁴⁸ In California, a 2023 survey found more than eight in 10 small business owners supported a number of proposals to expand the state's paid leave program.¹⁴⁹

V. Conclusion

As the nation continues to recover from a devastating pandemic, we must learn from the past and make smart investments to support workers, businesses, and our economy. The conversation about paid family and medical leave and other caregiving investments does not occur in a vacuum – it is an integral part of a broader, important discussion about how we build an economy for the future that works for everyone. What the pandemic taught us is that there are essential gaps in our policy infrastructure that we must fill in order to ensure that all workers, especially women, can be full participants in the economy. Decades of history and experience have shown that women's progress in the labor market has not occurred without intentional, concrete action to combat barriers and expand opportunity. When these doors are opened, women are eager to walk through them – and they have done so successfully, in ways that have contributed enormously to our economy and our country.

Access to leave for caregiving purposes has been a pivotal strategy to support women workers, to ensure that they – and all workers – are not treated unfairly at work when addressing their caregiving responsibilities.

Comprehensive paid family and medical leave is no longer an issue that we can continue to put off – a lack of action has already cost us dearly. Each day, millions of Americans worry about how they will manage the seemingly impossible task of caring for themselves and for their loved ones without sacrificing their financial security. This sense of apprehension springs to their minds the moment they awake – and it keeps them up at night as they lay in bed.

We can dramatically improve the lives of families in every segment of our nation by enacting thoughtful, comprehensive, intentional interventions to meet the needs of all workers. There are innovative, inclusive, state models that are already working around the country – and there is an opportunity for the members of this committee to exhibit bold leadership at the federal level to address a problem that is long overdue for a solution.

Thank you for the invitation to join this important discussion and for your consideration of these comments.

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illness, breaking down to 97 percent of Democrats, 92 percent of independents, 92 percent of Republicans and 94 percent of undecided voters – and for all affiliations, a majority of voters rated their level of support as “strong.” With respect to leave to care for a seriously ill family member, 91 percent supported overall, with 97 percent of Democrats, 87 percent of independents, 86 percent of Republicans and 91 percent of undecided voters. For leave to care for a new child, support was at 88 percent overall, 94 percent of Democrats, 90 percent of independents, 81 percent of Republicans and 95 percent of undecided Global Strategy Group and Paid Leave for All Action. (2021, May). New Survey Shows Voters in Senate Battleground States Want Paid Leave Urgently, as Part of Infrastructure Package. Retrieved 19 October 2023, from <https://globalstrategygroup.com/wp-content/uploads/2020/05/PLFA-BG-Press-Memo-F06.01.21.pdf>

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