



ACS Issue Brief Author Says Workplace Fairness Laws Need to Match the Times

Issue Brief Examines National, State and Local Laws that Hamper Care of Family

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WASHINGTON, D.C. – American workers, especially mothers and caregivers, are harmed by the nation’s workplace laws and policies that severely undercut their ability to care for their families, writes Phoebe Taubman in an Issue Brief released today by the American Constitution Society for Law and Policy (ACS).

Taubman, an Equal Justice Works fellow with A Better Balance: The Work and Family Legal Center, examines the nation’s policy toward workers who must juggle the demands of family while keeping their jobs, and concludes that major changes are needed.

“Our society as a whole ... incurs real costs from our failure to value and support the work of caring,” Taubman writes. “Families, not just women, suffer from the motherhood pay gap as they rely on the earnings of mothers who bring home over one third of total family income in married-couple households. Employers suffer from the loss of highly-qualified women who have left the paying workforce to care for family, only to find it difficult to return and resume their careers.

“As a society,” Taubman continues, “we suffer from the increased health costs associated with work/life conflict. One recent report pointed to a correlation between parental work-family conflict and childhood obesity, and highlighted increased rates of anxiety disorders and substance dependence among parents who reported work/family stress.”

The nation’s “workplace norms” Taubman notes, were developed more than “50 years ago when a different workforce model and a different family model prevailed.” For instance, in 1960, she reports, seventy percent of families “had at least one parent at home full time,” but today seventy percent of children are “growing up in families headed by either a single working parent or two working parents.”

New laws are needed to fit the times, Taubman writes. The Family and Medical Leave Act (FMLA), which was passed in 1993 was done so with “gaping holes, through which millions of individuals and families fell.” For example, the FMLA guarantees leave that is unpaid, thereby making leave financially impossible for many workers to take.

The federal government, Taubman asserts, should play a larger role, perhaps by mandating paid leave and sick days.

Taubman writes, “Without paid sick time, workers, especially low-wage workers, are faced with an impossible choice – do they send a sick child to school or daycare or do they risk losing a day of pay, or perhaps even worse, to stay home and care for the child? Forcing families to make such decisions harms not just the individuals themselves but has broader implications as well. The lack of paid sick days is a public health problem. More than three in four food service and hotel workers do not have a single paid sick day, and workers in childcare centers also overwhelmingly lack paid sick days.”

Moreover, states and cities should take more action to advance a fairer workplace for mothers and others who need to care for family. Taubman notes that San Francisco has enacted a paid sick day law, and that voters in Wisconsin have approved ballot measures similar to San Francisco’s law.

Taubman also reports that new policy is needed to promote workplace flexibility, to combat workplace discrimination against mothers and caregivers, and to end pay inequality for those who seek to balance family responsibilities and work.

“By implementing some of these reforms at the local, state, and federal level, we can begin to make good on the promise of ‘family values’ by finally valuing the unsung and indispensable work of families,” Taubman concludes.

The Issue Brief, “Free Riding on Families: Why the American Workplace Needs to Change and How to Do It,” is [available here](#). Please contact the ACS Communications Department to arrange interviews with the author.

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