

## TESTIMONY REGARDING H. 2172 AND S.1048

### Submitted to the General Court of the Commonwealth of Massachusetts Joint Committee on Labor and Workforce Development

June 13, 2017

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy organization based in Washington, D.C. For more than four decades, we have fought for every major policy advance that has helped women and families. We promote fairness in the workplace, reproductive health and rights, access to quality, affordable health care, and policies that help women and men meet the dual demands of their jobs and families. We appreciate the opportunity to submit testimony regarding House Bill 2172 and Senate Bill 1048, legislation to establish paid family and medical leave insurance.

At some point, nearly everyone will need to take time away from work to deal with a serious personal or family illness, or to care for a new child. But nationwide, only 14 percent of workers have access to paid family leave through their employers, and less than 40 percent have access to personal medical leave through employer-provided short-term disability insurance.<sup>1</sup> Without the ability to receive income, many workers must forgo taking leave or put their economic stability in jeopardy in order to care for a family member, a new child or their own health.

States like Massachusetts are seeking to address this issue. We commend the committee for thoughtfully exploring the best means for helping ensure that working people can take paid family and medical leave when a new child arrives, a seriously ill family member needs care or a serious personal injury or illness arises.

**We are pleased to see the Committee giving consideration to H. 2172 and S. 1048, bills to provide Massachusetts workers with access to paid family and medical leave.** Our support for paid leave is based on our understanding of the problems that workers, families, businesses and communities face when people do not have access to paid leave; the experiences of other states that have adopted paid leave programs; and a growing body of evidence showing the benefits of paid family and medical leave. Researchers estimate that more than 60 percent of the Massachusetts workforce is either ineligible for or cannot afford to take the unpaid leave that is currently available under the federal Family and Medical Leave Act.<sup>2</sup> It is time to adopt a statewide paid leave solution.

#### **I. Demographic and Economic Changes Reveal an Urgent Need for Family-Friendly Policies**

The world of work, wages and family has changed dramatically over the last several decades, but our nation's workplace policies and norms remain largely stagnant, addressing few of the challenges Americans face day to day as they struggle to manage the dual demands of their jobs and families. Today, women make up nearly half of the U.S. workforce.<sup>3</sup> In Massachusetts, nearly two-thirds of mothers are breadwinners or co-breadwinners for their families, and nearly 75 percent of children live in households where both parents hold jobs or live with a single working parent.<sup>4</sup>

Despite dramatic increases in women’s workforce participation and contributions as family breadwinners, women are still typically the primary caregivers for children from birth through childhood – as well as for adult family members requiring care or assistance.<sup>5</sup> And although men are increasingly interested in, and taking on, more family caregiving<sup>6</sup> – whether it be for young children or aging parents – too many workplaces have not adjusted their policies to reflect this reality.<sup>7</sup>

At the same time, the nation’s population is aging: Over the next few decades, the number of adults 65 and older is expected to nearly double.<sup>8</sup> By 2060, there will be 98.2 million older adults – accounting for nearly one quarter of the U.S. population.<sup>9</sup> More than 1,046,000 people living in Massachusetts, or more than 15 percent of the state’s population, are 65 and older, and this number will only grow.<sup>10</sup> According to the Gerontology Institute at the University of Massachusetts Boston, people age 65 and older will comprise 21 percent of the state’s population by 2030.<sup>11</sup> As the demand for elder care continues to increase and family sizes decrease, there will be fewer potential family caregivers to provide this care.<sup>12</sup>

People are also working longer. Currently, nearly 72 percent of people in Massachusetts age 55 to 64 and more than 21 percent of people 65 and older are in the labor force.<sup>13</sup> By 2024, workers age 55 and older will comprise nearly 25 percent of the labor force nationally.<sup>14</sup> Older workers are more likely to need time away from work to address a serious medical issue or have elder caregiving responsibilities than other workers.<sup>15</sup> Yet a lack of access to paid leave forces too many people to choose between the jobs they need and caring for loved ones or themselves.

Despite the clear need for paid family and medical leave, whether a worker has access to paid leave is largely a function of who they work for. Lower-wage workers are hit the hardest: only 6 percent of workers in the bottom wage quartile have access to employer-provided paid family leave, and 18 percent have access to employer-provided short-term disability insurance.<sup>16</sup> It is time for lawmakers to acknowledge the realities faced by working families and ensure that workers can take the time they need to care for themselves and their families.

## **II. Some States Are Doing Better for Working Families**

A handful of states have enacted legislation to address the mismatch between working families’ needs and their lived realities. California, New Jersey and Rhode Island have successfully implemented paid family leave and temporary disability insurance programs that demonstrate how well paid leave insurance works.<sup>17</sup> New York amended its temporary disability insurance law to provide paid family leave starting in 2018, and the District of Columbia enacted a paid family and medical leave program that will take effect in 2020. Massachusetts should take lessons from these states as it develops and implements its own program.

In California, workers have filed more than 2.6 million leave claims since the state implemented its family leave insurance program in 2004.<sup>18</sup> The vast majority of California employers report seeing a positive effect or no effect on employee productivity, profitability and performance<sup>19</sup> – and smaller businesses were less likely than larger businesses to report negative effects.<sup>20</sup> Even the Society for Human Resource Management, one of the chief

opponents of paid family leave before it was passed in California, issued a report finding that the law had created “relatively few” new burdens for employers and that employers’ concerns about the program “have so far not been realized.”<sup>21</sup> In October 2015, *Bloomberg News* reported on the business impacts of paid leave in California in an article entitled, *California Shows How Paid-Leave Law Affects Businesses: Not Much*, and noted that “California’s employment growth outpaced the U.S. average by 2 percentage points” over the last decade.<sup>22</sup> California lawmakers have expanded the program twice since its adoption – once to broaden the range of family members for whom caregiving leave can be taken,<sup>23</sup> and again in 2016 to increase benefit levels for lower- and middle-wage workers.<sup>24</sup>

In New Jersey, workers have filed more than 200,000 leave claims since the state implemented its paid family leave program in 2009.<sup>25</sup> Three out of four voters (76 percent) say they view the program favorably.<sup>26</sup> In a report prepared on behalf of the New Jersey Business and Industry Association, the majority of both small and large businesses say they have adjusted easily to the law and experienced no effects on business profitability, performance or employee productivity.<sup>27</sup>

In Rhode Island, workers have filed more than 26,000 claims since 2014, the year the program took effect.<sup>28</sup> Business supporters were critically important in passing the law, and early research suggests that businesses in key industries have adjusted easily. A study of small- and medium-sized food service and manufacturing employers in Rhode Island by researchers at Columbia University Business School finds no negative effects on employee workflow, productivity or attendance, and finds that 61 percent of employers report supporting the law.<sup>29</sup> The National Partnership’s own analysis of the Rhode Island program’s first year indicates that men took paid family leave at higher rates than during the first years of the California and New Jersey programs and that leave-taking was more evenly distributed between baby bonding claims and family caregiving claims.<sup>30</sup> Rhode Island’s program improved upon the programs in California and New Jersey by guaranteeing workers reinstatement to their jobs.

In New York, legislators adopted a new paid family leave program that will take effect in 2018 and be fully phased in by 2021.<sup>31</sup> Eighty percent of New York voters supported the proposal prior to enactment.<sup>32</sup> When fully implemented, New York will provide 12 weeks of job-protected paid family leave, making it the country’s strongest paid family leave law. In 2017, the District of Columbia became the first jurisdiction without an existing temporary disability insurance program to pass a paid family and medical leave law. When the law takes effect in 2020, it will provide up to eight weeks of parental leave, six weeks of leave to care for a family member with a serious health condition and two weeks for a worker’s own serious health condition.<sup>33</sup>

### **III. Paid Family and Medical Leave Offers Clear Benefits for Families and Businesses**

Available research, including analyses of the state paid family leave programs in California, New Jersey and Rhode Island; data about the experiences of people who work for employers that offer paid leave; and analyses of paid leave in other countries, demonstrates the clear benefits of paid leave for families, businesses and government.

### **A. Paid Leave Promotes Greater Economic Security and Financial Independence for Working Families**

Guaranteeing workers access to paid leave can improve families' economic security and support financial independence in the face of major life events. Paid leave promotes workforce attachment. Mothers who take paid leave are more likely than mothers who do not to be working nine to 12 months after a child's birth.<sup>34</sup> They are also more likely to receive higher wages over time. In the year after the birth of a child, mothers who take paid leave are 54 percent more likely to report wage increases than mothers who take no leave, and are nearly 40 percent less likely to participate in public assistance or be enrolled in SNAP, the Supplemental Nutrition Assistance Program (formerly known as food stamps), taking into account other socioeconomic and workplace factors that might explain these differences. When fathers take paid leave, they too are significantly less likely to participate in public assistance or SNAP than fathers who do not.<sup>35</sup> These figures are particularly important in context: Having a baby is the most expensive health event that families are likely to face during their childbearing years,<sup>36</sup> and it is estimated that 13 percent of families with a new infant become poor within a month of the baby's arrival.<sup>37</sup> The program also reduced disparities in leave-taking: Black and Latina mothers saw some of the highest increases in rates of maternity leave-taking after California's law went into effect.<sup>38</sup>

Family caregivers of older adults also need paid leave to continue working: Of caregivers who leave the workforce, half (52 percent) said they did so because their jobs did not allow the flexibility they needed to work and provide elder care.<sup>39</sup> And helping older workers stay employed has real implications for their retirement security: A woman who is 50 years of age or older who leaves the workforce to care for a parent will lose more than \$324,000 in wages and retirement income.<sup>40</sup> For men, the figure is substantial as well – close to \$284,000 in lost wages and retirement income.<sup>41</sup>

### **B. Paid Leave Promotes Better Health and Well-Being for Working Families**

When people have time to care for themselves and their loved ones without jeopardizing their ability to make ends meet, their health and well-being improve. Newborns whose mothers take at least 12 weeks of paid leave are more likely to be breastfed and to receive medical checkups and critical immunizations.<sup>42</sup> For low-income families in New Jersey, researchers found that new mothers who use the paid leave program breastfeed, on average, one month longer than new mothers who do not use the program.<sup>43</sup> Additionally, neonatal mortality is reduced when parents have access to paid leave.<sup>44</sup> A review of international research concludes that there are benefits for maternal health when fathers take paid leave, including a reduction in maternal illness and depression and an increase in well-being.<sup>45</sup>

California's paid leave program has helped working people – particularly those in lower-quality jobs – by providing them time to better equip themselves to care for their families and to find outside child care. Eighty-seven percent of adults in lower-quality jobs who took paid family leave through the state program reported a positive effect on their ability to care for their child or ill family member, compared with 72 percent of adults in lower-quality jobs who did not use the state paid leave program. In addition, 70 percent of parents

in lower-quality jobs who used state paid family leave reported a positive effect on their ability to arrange child care, compared to just 58 percent of those who did not use the state paid family leave program.<sup>46</sup> In Rhode Island, a study also found that parents who use the state paid family leave program are much more likely than those who do not to report that leave has a positive effect on their ability to care for their new children and arrange child care.<sup>47</sup>

Paid leave also has important benefits when family members are ill. When infants and children are critically ill, the presence of a parent shortens a child's hospital stay by 31 percent.<sup>48</sup> Active parental involvement in a child's hospital care may help avoid future health care needs and reduce costs.<sup>49</sup> Similarly, family caregivers with paid leave who care for an elderly loved one are better able to help loved ones recover from illness, fulfill treatment plans, and avoid complications and hospital readmissions, which can help lower health care costs and improve health outcomes.<sup>50</sup> Family caregivers themselves are also better able to care for themselves when workplace policies anticipate and are responsive to their needs.<sup>51</sup>

### **C. Paid Leave Benefits Businesses**

Businesses experience cost-savings and other benefits such as enhanced employee engagement, productivity and morale when workers can take paid leave to address family and medical needs. First-time mothers who take paid maternity leave are more likely than mothers who do not to return to work – and to return to work for the same employer – after taking time to recover and care for their children.<sup>52</sup> Workers who are dealing with personal health issues or caring for a loved one are better able to stay employed when they have paid leave and other family friendly policies.<sup>53</sup>

Retaining workers is cost-effective because of the high costs that employers shoulder as a result of employee turnover. Across all occupations, median turnover costs are estimated to be 21 percent of workers' annual wages, and even in middle- and lower-wage jobs, turnover costs are estimated to be 16 to 20 percent of workers' annual wages.<sup>54</sup> For high-wage, high-skilled workers in fields including technology, accounting and law, turnover costs can amount to 213 percent of workers' salaries.<sup>55</sup> Direct costs associated with turnover include separation costs, higher unemployment insurance, costs associated with temporary staffing, costs associated with searching for and interviewing new workers, and training costs for new workers;<sup>56</sup> indirect costs can arise from lost productivity leading up to and after employee separations, diminished output as new workers ramp up, reduced morale and lost institutional knowledge.<sup>57</sup>

In addition, surveys conducted with California employers and employees several years after the state paid leave program was implemented show that nearly 89 percent of workers in "low-quality" jobs (those that paid less than \$20 per hour or did not provide health insurance) reported returning to their employers after taking paid family leave, an eight-point improvement in retention compared to workers in low-quality jobs who did not take paid leave through the California program.<sup>58</sup> Similarly, a recent study of low-income workers in New Jersey found that those who use the paid leave program report returning to the same employer at almost twice the rate of workers who do not use the program.<sup>59</sup>

In addition, nearly 89 percent or more of California employers that were surveyed either reported positive effects on profitability, performance and morale, or reported no effects.<sup>60</sup> New Jersey employers interviewed as part of a study about that state's paid family leave insurance program noted that paid leave helped reduce stress and improve morale among workers taking leave, as well as among their co-workers.<sup>61</sup>

Prominent businesses are also recognizing the benefits of paid leave. In a recent study by the Boston Consulting Group of 250 employer paid leave policies, researchers found that employer paid leave policies helped companies increase employee retention, reduce turnover costs, and facilitate diversity in leadership. For example, Google, Accenture, and Aetna reported that after they expanded their paid leave policies their attrition rate of female employees after the birth or adoption of new child declined significantly. Google experienced a decrease in turnover of female employees by 50 percent; at Accenture, female attrition decreased by 40 percent; and Aetna reported that the percentage of women who returned to work increased from 77 percent to 91 percent.<sup>62</sup>

#### ***D. Paid Leave Impacts Government Revenues and Spending***

Paid leave is a wise public investment. When people with caregiving responsibilities are able to remain in the workforce and earn higher wages, they can better support themselves and their families, save for the future and contribute to their local economy by paying for goods and services, which helps stimulate the economy and broaden the tax base. Guaranteeing paid leave to more workers would also likely lead to reductions in government spending. An analysis of states with paid leave programs found that women in those states are less likely than women in other states to receive public assistance or SNAP, formerly known as food stamps, following a child's birth, particularly when they use their state paid leave program.<sup>63</sup>

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H. 2172 and S. 1048 are strong bills that draw on many lessons from other state programs. Both bills cover a range of caregiving needs: birth, adoption or foster placement of a new child, caring for a family member with a serious health condition, addressing certain needs arising out of a family member's military service, or a worker's own serious health condition. Both provide leave long enough to meet families' needs: up to 12 weeks of family leave for H. 2172; up to 16 weeks of family leave for S. 1048; and up to 26 weeks of personal medical leave for both bills, up to a maximum of 26 weeks combined. The bills allow leave to care for a variety of family members, reflecting the many caregiving responsibilities that working people face. Finally, the bills provide job and benefits protection for workers who take leave and prohibits employers from retaliating against workers who exercise their rights under the program.

H. 2172 takes a progressive approach to determining benefit levels such that lower-wage workers receive a higher rate of wage replacement. However, the Committee should consider increasing the maximum weekly benefit amount to improve low-wage workers' ability to utilize the program. The bill currently sets the maximum weekly benefit amount at \$650, adjusted annually based on inflation. This amount is insufficient to meet the needs

of many low-income families, especially at a time when medical expenses may also be increasing.

Although the benefit amount in S. 1048 is only 50 percent in the program's first year, it increases to 70 percent in the second year and 90 percent in the third year, which will make leave more affordable for lower-wage workers. However, the Committee should consider revising the eligibility requirements in the bill in order to improve low-wage and part-time workers' ability to utilize the program. S. 1048 currently requires that an employee must have worked for an employer for at least 1,250 hours in order to be eligible for benefits. This threshold could exclude many vulnerable part-time workers, as well as workers who may cycle in and out of employment. In order to truly realize the benefits of a paid family and medical leave program, this requirement should be removed from the bill.

**The National Partnership for Women & Families urge the Committee to advance the strongest possible versions of H. 2172 and S. 1048.** We applaud the committee for working to create a statewide paid family and medical leave program that will assure working people the stability they need when they take time from their jobs to welcome a new child into their family, care for a seriously ill family member, or recover from their own serious health issue. Thank you for your consideration, and we look forward to continuing to work with you to assure all Massachusetts workers have access to paid family and medical leave. If you have any questions regarding this testimony, please contact Sarah Fleisch Fink, Director of Workplace Policy and Senior Counsel ([sfleischfink@nationalpartnership.org](mailto:sfleischfink@nationalpartnership.org)) at the National Partnership for Women & Families at 202-986-2600.

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