



TIME TO CARE:

How North Carolina Can Promote Health,
Support Workers, and Strengthen Families

.....
A Work-Family Policy Agenda



North Carolina Justice Center

Opportunity and Prosperity for All

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By Sabine Schoenbach with Louisa B. Warren



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CONTENTS

4	OVERVIEW
6	WORK-FAMILY CONFLICT AFTER THE GREAT RECESSION
6	The Mismatch between Today’s Workforce and Existing Workplace Policies
8	The Persistence of the Pay Gap and the Effect on Families’ Economic Security
9	The Escalated Challenges of Low-Income Workers
10	POLICIES THAT WORK FOR WORKERS AND EMPLOYERS
10	Paid Sick Days for Short-Term Illnesses
13	Family Leave Insurance for Long-Term Illnesses or to Care for New Children
16	Flexible Work Schedules to Meet the Needs of Today’s Families
20	Addressing Discrimination against Caregivers
22	CONCLUSION
24	ENDNOTES

OVERVIEW

With high unemployment and a severe jobs shortfall increasingly threatening the economic security of North Carolina's working families, it is imperative that state leaders develop policies that not only create jobs but also sustain employment. Workplace policies that promote family economic security, such as paid sick days and family leave insurance, allow workers to keep much-needed wages and provide job protection when inevitable life events arise. At the same time, these policies can create cost-saving solutions for employers.



Key Findings:

- **Many of North Carolina's workers have family responsibilities.** In the great majority of families with children in North Carolina, both parents are in the labor force. Nearly three out of four North Carolinians caring for an adult family member, a partner, or a friend suffering from a chronic illness work at a paying job.
- **Few protections currently exist to address the ubiquitous life events and caregiving responsibilities of North Carolina's working families.** There are no federal or state laws that guarantee paid time off for short- or long-term illness or to care for loved ones in North Carolina. No law

in North Carolina addresses the need for workplace flexibility, and there is no specific law protecting workers from Family Responsibilities Discrimination (FRD). Further, almost half of the private-sector workforce in North Carolina has no access to paid sick days through their employers.

- **Access to work-family protections is crucial for, but largely unavailable to, North Carolina's low-income workers.** Low-income workers are more likely to have significant caregiving responsibilities but also inflexible or unpredictable schedules. A reliance on part-time work, multiple jobs and a limited patchwork of child-care options can exacerbate work-family conflict. Low-income workers are much less likely than better-paid workers to have access to wage and job protections such as paid sick days and paid family leave.

- **The recession has increased the need for workplace policies that promote family economic security.**

In a recent study on economic insecurity after the Great Recession, almost half of workers surveyed felt they risked losing their jobs for missing work, regardless of the reason for the absence. Workers are understandably anxious about job security during this time of high unemployment and often feel they must go to work sick or send a sick child to school for fear of losing a day's pay or even a job.

- **Work-family policies are good for workers, employers, and the economy.** Job-retention policies that recognize families' competing demands are a critical step in supporting workers and saving jobs. They are also a way for employers facing difficult financial decisions to reduce costs created by employee absenteeism and turnover. Overall, creating a stronger and more engaged workforce is an important step on the road to getting North Carolina's economy back on track.

- **Polling data shows that workers need a better balance and that the American public overwhelmingly supports work-family policies.**

- 90 percent of mothers and 95 percent of fathers in the U.S. report work-family conflict.¹
- 76 percent of registered voters endorse laws to provide paid leave for family care and childbirth; 69 percent support laws to provide paid sick days; and 64 percent support policies to provide workers with the right to a flexible work schedule.²

North Carolina policymakers have an important role to play in creating workplaces that work for families and caregivers. This report examines the demographics and work-family conflicts of North Carolina's labor force and the ways in which legislators can create policies that support and empower families, protect workers and improve the state's business climate.



WORK-FAMILY CONFLICT AFTER THE GREAT RECESSION

The Great Recession and the lack of a meaningful recovery have placed North Carolinians' economic security on shaky ground. Over the last four years, families have witnessed and experienced rising unemployment, a jobs deficit, and a decrease in families' median income. The stakes are high not only for those looking for work but also for the 9 out of 10 workers struggling to hang on to their jobs.

With unemployment high and good jobs scarce, workers are understandably anxious about risking fragile job security by taking the time to recover from the flu, stay home with a child who has a fever, take an ailing parent to the doctor, or take time off to bond with a new child. A recent survey focusing on economic insecurity after the recession³ found that 41 percent of women and 45 percent of men surveyed felt they risked losing their jobs for missing work, regardless of the reason for the absence.⁴ Especially for low-income workers who have seen the value of their wages erode in the last 30 years and are less likely to have savings as a cushion for difficult times, the risk of income volatility and insecurity is great.⁵

The Great Recession has taken a toll on North Carolinians

- North Carolina's average unemployment rate more than doubled from July 2007 to July 2011.⁶
- North Carolina's job shortfall – the difference between the number of jobs the state has and the number it needs to regain its pre-recession employment rate – topped half a million as of July 2011.⁷
- The median income of families in North Carolina dropped by 8.9 percent from 2007 to 2010.⁸
- The poverty rate in North Carolina increased from 14.3 percent to 17.5 percent from 2007 to 2010.⁹

■ The Mismatch between Today's Workforce and Existing Workplace Policies

Despite the job losses of recent years, today most families are headed by working adults, and many of these workers, women and men, have child-care responsibilities, elder-care responsibilities, or both. Overall, almost one-third of all households in North Carolina include children under the age of 18, and the percentage of households with all parents in the labor force actually increased slightly from 2007 to 2010.¹⁰

Caregivers and Workers by the Numbers

- 2,293,791 women are in North Carolina’s labor force.¹¹
- 2,160,646 families have children under the age of 18.
 - 72 percent of the families with children 6- to 17-years old have all parents in the labor force.
 - 65.5 percent of families with children under 6 years of age have all parents in the labor force.¹²
- 130,058 North Carolinians gave birth in 2010.¹³
- 877,335 North Carolina households include one or more persons over the age of 65.¹⁴
- 1,180,000 North Carolinians are caregivers. The majority (74 percent) of caregivers, nationally, have been employed at some point during their caregiving experience.¹⁵

But work-family policies are not just about families with children. A recent study found that in 2009, almost 1.2 million North Carolinians cared for adult family members, partners, or friends suffering from chronic illness.¹⁶ The study found that, nationally, 74 percent of caregivers worked at a paying job at some point during their caregiving experience.¹⁷ Almost 900,000 North Carolina households included a person aged 65 years or older in 2010.¹⁸ By 2030, North Carolina’s population of people aged 65 and older is expected to grow by 80 percent, meaning that more workers will be looking after loved ones who require care.¹⁹

Today’s workplace policies were created for a labor force that does not exist— one built on the concept of a sole male breadwinner and a female homemaker who tended to family responsibilities and caregiving needs. Though this concept was already problematic when major federal policies governing the workplace were instituted,²⁰ the more complicated reality of North Carolina’s current workforce is not reflected in the laws that are in place.

Women’s labor-force participation in North Carolina was already higher than the national rate in 1980, and the last 30 years have seen an overall increase in women’s labor-force participation in the state, from 55.3 percent in 1980 to 57.4 percent in 2010.²¹ Women now make up 47.3 percent of the state’s labor force.²² The labor-force participation rate for mothers in North Carolina increased

FIGURE 1

Labor Force Snapshot by Gender
North Carolina, 2010

	Male	Female
Labor force participation rate	70.3%	57.4%
Unemployment Rate	11.7%	9.1%
Underemployment rate	18.2%	16.5%
Part-time workers share	17.6%	28.1%
Part-time for economic reasons share	34.1%	23.1%
Share of labor force	52.7%	47.3%

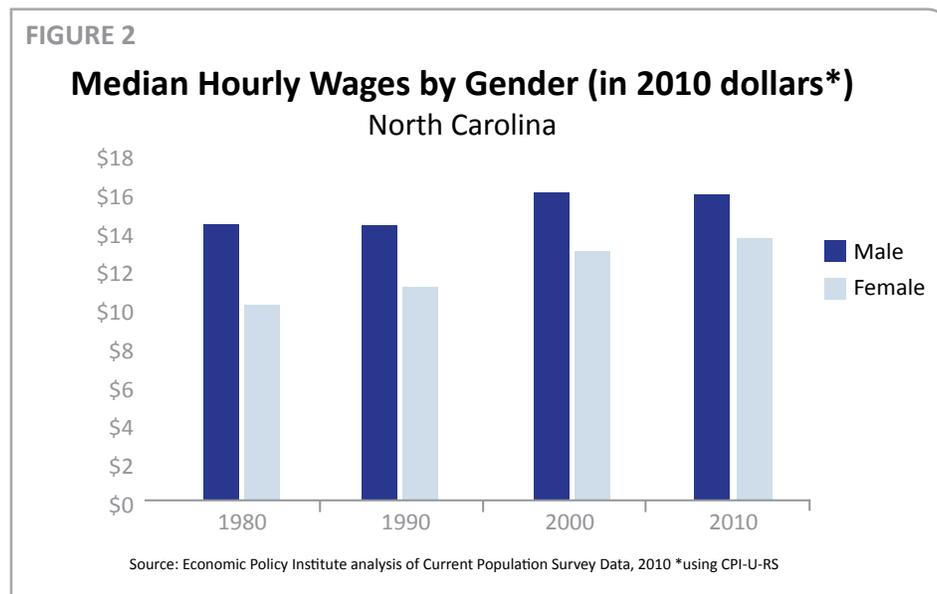
Source: Economic Policy Institute analysis of Current Population Survey Data, 2010

from 70.9 percent in 1980 to 77.4 percent in 2009.²³ In North Carolina, 42.7 percent of working mothers are the family's breadwinner and 23.6 percent are co-breadwinners.²⁴

Despite the recent dip in women's labor-force participation over the course of the recession,²⁵ the result of the overall trend in labor-force participation is that fewer families have a stay-at-home adult to see to caregiving responsibilities, and many families rely on women to bring home a paycheck.

■ The Persistence of the Pay Gap and the Effect on Families' Economic Security

Women in North Carolina are still only earning 80.7 percent of men's earnings.²⁶ This is partially due to the fact that women are over-represented among part-time workers. The Bureau of Labor Statistics counts being employed part-time because of caregiving responsibilities in the "voluntary" part-time category, but given the lack of adequate work-family policies, working part-time is often an unwelcome necessity and not a choice. Despite the fact that more than one-third of part-time workers nationally are the primary breadwinners in their families, part-time work is much less likely to offer benefits and more likely to pay low wages.²⁷



Research has shown that motherhood and caregiving can be economic risks, leaving caregivers with fewer earnings in the long term. One study found that, over a 15-year period, prime-age women workers earned only 38 percent of men's earnings, in part due to lost wages or pay penalties for time spent caregiving.²⁸

In addition, research has shown that employed mothers as a group suffer a substantial wage penalty, suggesting that the pay gap between mothers and non-mothers under the age of 35 can be even greater than the pay gap between women and men.²⁹ Researchers in another study found that mothers are held to different punctuality and performance standards while, at the same time, they are perceived as less competent or less committed at work.³⁰ The perceived tension of the motherhood role with the societal understanding of an "ideal worker" can keep mothers from earning their rightful pay.³¹

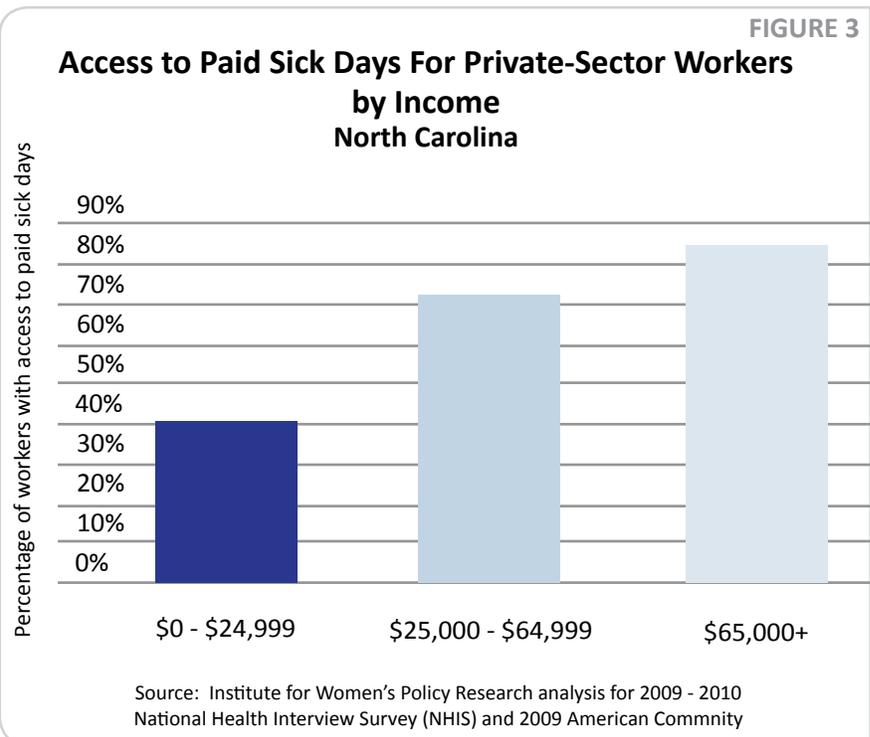
■ The Escalated Challenges of Low-Income Workers³²

The struggle to meet family responsibilities while putting food on the table is especially exigent and complicated for low-income workers, who also tend to have greater caregiving responsibilities than better-paid workers. Many low-income families simply do not have the resources to take unpaid leave or to pay for professional child care or elder care. One study found that workers living under the federal poverty level were more than two times as likely to provide significant hours of unpaid assistance to elderly parents as those above the poverty level. Another study looking at low-wage parents found that more than two-thirds of parents interviewed cared for a child with either a learning disability or a chronic health condition.³³

Disturbingly, low-income families have the fewest employer benefits to help them keep their jobs when work and family responsibilities conflict. For example, only 30.5 percent of private-sector workers in North Carolina earning less than \$25,000 per year have access to paid sick days compared to 83.9 percent of those earning more than \$65,000 per year (see chart below). Moreover, many low-income workers juggle multiple jobs, rely on a patchwork of child-care options, and often work “asocial” hours – nights and weekends – to provide for their families.³⁴ Hourly workers may only get paid for hours worked, and the inflexibility and unpredictability of schedules makes coping with work-family conflict even more difficult.

Workers who are unable to reconcile the demands of caregiving and work may ultimately leave the workforce for a period of time. For professional women, this phenomenon is often portrayed as a choice to “opt out,” though for many women the lack of supportive workplace policy keeps these decisions far from being a true choice.³⁵ But for parents and caregivers in low-wage professions, the combination of unstable work schedules, lack of access to paid leave, and a greater share of caregiving burdens may lead to a pattern of serial quitting.³⁶

Turnover and absentee rates of lower-income workers are higher due to the combination of less workplace flexibility and fewer resources for assistance with child care and elder care. Not only does this underemployment of parents impose a great cost on families by interrupting much-needed earnings, it impacts mobility, brings significant costs to employers through turnover rates and absenteeism, and reduces communities’ spending power necessary to stimulate local economies.



POLICIES THAT WORK FOR WORKERS AND EMPLOYERS

An array of proven policy options exists to help create workplaces in which workers can be productive and effective without sacrificing family responsibilities or their health. Each policy addresses specific situations or aspects of work-family conflict and should be seen as one piece of a holistic work-family policy agenda. Paid sick days, Family Medical Leave Act (FMLA) expansion, family leave insurance, and flexible work schedules are tools that policymakers can use to create opportunity for workers, families, businesses, and the flagging economy.

■ Paid Sick Days for Short-Term Illnesses

Every day North Carolina's workers fall ill or need to care for sick children, yet North Carolinians have no protection under state or federal laws covering absences for short-term illnesses or routine medical visits. In North Carolina, nearly 1.4 million, or 44.5 percent, of private-sector workers do not have access to paid sick days to address their own health, and even fewer can take time off to care for their children when they are sick.³⁸

North Carolina Needs Paid Sick Days

In North Carolina, nearly half of the state's private-sector workforce lack paid sick days. Currently, no state or federal law requires employers give employees the opportunity to earn paid sick days.

Lack of access to paid sick days

- Forces workers to go to work sick and send their children to school sick, putting others' health at risk and potentially increasing health-care costs in the long run.
- Means workers risk losing pay or even their jobs if they stay home to tend to an illness.
- Costs employers millions of dollars in lost productivity and employee turnover.

The Healthy Families and Healthy Workplaces Act, first introduced in the NC General Assembly in 2007 and currently pending, would

- Allow workers to earn up to seven days of sick leave annually.
- Improve public health, saving health-care providers and patients millions of dollars.
- Save employers \$111 million annually, largely from reduced employee turnover.³⁷

Low-income workers have significantly less access to paid sick days overall, and access is unequally distributed among industries. In North Carolina, only one in four private-sector workers in the hospitality and construction industries has access to paid sick days, in contrast to three in four workers in the financial industry.

For the 55 percent of North Carolina's private-sector workers who do not have access to paid sick days, choosing to take time off to recover from illness or to care for a family member may mean losing a day's pay—no trivial matter for low-income workers who may be living paycheck to paycheck. Missing 3.5 days of work can cost a family consisting of two full-time average-wage earners \$280, an amount equal to a family's entire monthly food budget.³⁹ In addition to lost wages, workers without paid sick days face the risk of job loss when they stay home to recover from illness. In a recent survey, 23 percent of

workers said they have lost a job or were told they would lose a job for taking time off to handle a personal or family illness.⁴⁰

FIGURE 4

Access to Paid Sick Days for Private-Sector Workers by Industry, North Carolina

	Percent with paid sick days	Percent without paid sick days	Number with paid sick days	Number without paid sick days
Agriculture, Forestry, Fishing and Hunting	26.2%	73.8%	8,863	25,236
Mining	65.7%	34.3%	2,411	1,267
Utilities	86.9%	13.1%	24,541	3,733
Construction	27.4%	72.6%	57,273	152,855
Manufacturing	61.6%	38.4%	321,429	202,478
Wholesale Trading	69.4%	30.6%	72,132	32,062
Retail Trade Industries	50.9%	49.1%	212,897	207,498
Transportation and Warehousing	56.4%	43.6%	57,106	44,463
Information Services	73.0%	27.0%	50,208	18,689
Financial Activities	77.4%	22.6%	178,195	52,374
Professional and Business Services	60.5%	39.5%	185,047	121,658
Education and Health Services	67.3%	32.7%	382,733	187,183
Leisure and Hospitality	24.5%	75.5%	73,920	229,550
Other Services	46.1%	53.9%	66,511	78,363
Total	55.5%	44.5%	1,693,268	1,357,410

Source: Institute for Women’s Policy Research analysis of 2009-2010 National Health Interview Survey (NHIS) and 2009 American Community.

The Public Costs of Not Having Paid Sick Days

A survey by NORC at the University of Chicago found that when workers lack paid sick days, they are more likely to go to work sick (known as “presenteeism”) or to send a sick child to school or daycare.⁴¹ The result is a cost not only to workers and their families but also to society and public health.

By going to work sick, workers may prolong illness at great cost to themselves with collateral costs to the health-care industry. Workers without paid sick days are twice as likely to use hospital emergency rooms, adding to their personal financial burdens and putting additional strains on the health-care system.⁴² A forthcoming report from the Institute for Women’s Policy Research finds paid sick days are associated with more timely medical care for employees and their children and decreased emergency-room visits. The study’s findings suggest that by shifting treatment away from the emergency-room setting, universal sick days would decrease health expenditures by approximately \$1 billion annually. Currently, public insurance programs foot about \$500 million of these preventable costs.⁴³



Currently I am going through breast cancer, so it's fortunate for me that I have the opportunity to have paid sick days because there are times when I need to be out for surgery and times when I need to be out for chemo. Without that benefit, I think that would hurt my family; it would be an economic issue for us.

Anna, Durham

Recent studies of restaurant workers have also pointed to the impact on public health when workers go to work sick. One survey found that 87.7 percent of more than 4,000 restaurant workers surveyed lacked access to paid sick days, and 63 percent of respondents stated they cooked and served food while sick.⁴⁴ Another nine-state survey of food workers and their managers found that 12 percent of restaurant workers worked two or more shifts while experiencing vomiting and diarrhea.⁴⁵ The authors noted that access to paid sick days was likely an important factor in whether or not workers went to work when sick.⁴⁶

In addition, parents without access to paid sick days are much more likely to send sick children to school or child-care settings due to the inability to take time off from work.⁴⁷ A recent study of employees and employers in San Francisco found that parents with access to paid sick days were more than 20 percent less likely to send a sick child to school than parents without paid sick days.⁴⁸ Sending sick children to school can spread illness and can impact children's ability to succeed in school. The health of children has been linked to academic success by the Centers for Disease Control; increasing the access to paid sick days can help level the playing field for student achievement.⁴⁹

A growing body of research shows that paid-sick-days policies also provide positive outcomes for employers. First, the access to paid sick days has been linked with reduced employee turnover.⁵⁰ Second, paid sick leave has been shown to improve productivity by limiting the occurrence of employees working while they are ill.⁵¹

The Healthy Families and Healthy

Workplaces Act, which would create a paid sick days standard in North Carolina, was introduced in the General Assembly in 2007 but has not yet passed. In 2009, the Institute for Women's Policy Research found that the benefits of the legislation to workers and their employers would significantly outweigh the estimated cost. The report found that in North Carolina, 50 percent of the workforce would benefit directly, improved public health would save providers and patients millions of dollars, and statewide employers would save \$111 million annually as a result of the legislation, largely from the reduced costs of turnover.⁵⁸

State and Local Legislation for Paid Sick Days

Four cities and one state have passed legislation guaranteeing all workers a small number of paid sick days, and legislators and advocates are advancing proposals in nearly 20 other states and cities.⁵² Recent studies on San Francisco's Paid Sick Leave Ordinance⁵³ have shown that such legislation can have a significant positive impact on workers while having minimal effects on employers' bottom line.⁵⁴ A survey of both employees and employers in San Francisco found that six out of seven employers reported no negative effect on profitability and two-thirds of employers now support the measure.⁵⁵ Moreover, job growth and growth in the number of businesses has been higher in San Francisco since the law's implementation than in neighboring counties without similar laws.⁵⁶ Price Waterhouse Coopers recently named San Francisco the third-best city in the world to do business.⁵⁷

I have not received sick pay or leave or vacation time from work [at previous jobs]. One summer I was sick for approximately three weeks. I developed a sinus infection and then after that I developed an allergy from the medication I was taking for the infection ... I called my director and explained what the situation was, and she told me that she really needed me to come in ... I told her I wouldn't be able to make it. She implied to me ... that if I did not then I would be fired from the job.

Kylista, Greensboro



■ Family Leave Insurance for Long-Term Illness or to Care for New Children

Passed in 1993, the Family Medical Leave Act (FMLA) provides unpaid job-protected leave for up to 12 weeks to care for a seriously ill family member, to recover from the employee's own illness, or to care for a new child.⁵⁹ However, the scope of the FMLA is limited (see Box 5), and because the leave is unpaid, many workers who are eligible cannot take advantage of it. In a study of the FMLA, 78 percent of workers who needed family or medical leave but did not take it, although they were eligible for it, said that they chose not to do so because they could not afford to take unpaid leave.⁶⁰

Paid family medical leave to deal with long-term illness or the arrival of a new child is rare in the United States.⁶¹ Similar to the nation as a whole, in the South Atlantic region only 11 percent of private-sector workers have access to paid leave.⁶² Rates of access are even lower in certain industry sectors; for instance, only 6 percent of workers in the service industry and 5 percent of workers in the production and transportation industries have access to paid family leave nationally.⁶³ Access to paid leave is also more likely for those employed in professional occupations or companies with at least 100 employees. Nationally, only 8 percent of employees in companies with fewer than 100 employees have access to paid leave compared to 14 percent in companies with more than 100 employees.⁶⁴

Family Leave Insurance at a Glance

- Without family leave insurance, workers face the difficult choice of taking unpaid leave (if they qualify under federal law), quitting their jobs, or returning to work too early.
- A minority of employers in North Carolina provide paid leave. In the South Atlantic region, only 11 percent of private-sector workers have access to paid leave. Eligible workers can take unpaid leave under the Family Medical Leave Act (FMLA), but currently no North Carolina legislation guarantees paid leave.
- Research has shown that family leave insurance can be critical for workers' economic security and have positive health impacts. For employers, the impact is minimal and may even be a cost-saving measure by reducing employee turnover rates.

The Benefits of Family Leave Insurance

North Carolina's workers currently do not have access to state or federal family leave insurance. In order to support its working families, North Carolina can follow the examples of other states that have created family leave insurance programs. Such programs are usually funded through an employee payroll tax at no cost to employers. Employees can then get a percentage of their usual wages when they need to take family leave to deal with a long-term illness or the arrival of a new child.

Family leave insurance can help caregivers to stay in the workforce while fulfilling caregiving responsibilities.⁶⁵ Researchers estimate that more than one-third of caregivers providing care to older adults leave the workforce or reduce hours worked due to caregiving demands.⁶⁶ While many caregivers have ongoing long-term-care demands, access to family leave insurance would provide many caregivers in North Carolina with the ability to take protected leave as life events arise.

There are also societal and economic benefits to allowing a parent to take family leave after the birth or adoption of a child. Research shows that access to parental leave has consequences for parents' attachment to the labor force, positively impacts employers' bottom line, and has health benefits for parents and children. Maternity leave, for instance, has proven health benefits for both mothers and children by making it more likely that children will be breastfed.⁶⁷ Longer leaves also allow new mothers to choose an appropriate length of time to recover from childbirth, especially from Cesarean sections.

In addition, research shows mothers who have access to paid leave are more likely to return to their jobs after giving birth, which reduces recruitment and training costs for the employer.⁶⁸ Turnover can be a significant issue for employers who do not provide adequate leave for parents. The Institute for Women's Policy Research conducted a study of staff turnover in the federal government, which does not provide paid leave for parents, and found significantly higher turnover rates for women of child-bearing age versus men in the same age bracket. These differences in turnover rates were not present for older workers.⁶⁹

When my child was born I was fortunate to have paid maternity leave, but he was born with a lot of health problems ... He underwent chemotherapy ... for about a year. I ended up having to quit my job to be able to care for him. The money that I brought in right before I ended up having to quit my job is really what kept us going for the first few months. My husband is a student, so there is no income from that ... We would have lost our house and we would have had to claim bankruptcy in the long run with all of the medical bills that piled up.

Felicia, Durham



How Family Leave Insurance Works in Other States

In order to fill the need for paid leave, some states have created family leave insurance programs, and there is research available about their effectiveness.⁷⁰ In 2002, California became the first state to enact a Paid Family Leave (PFL) program. The law provides eligible employees with up to six weeks of wage replacement at 55 percent of earnings. It is funded by an employee payroll tax, which builds on California's State Disability Insurance system. Structured as an insurance benefit, the program imposes no direct costs to employers. In 2009, New Jersey launched a similar program, which is an extension of the state's Temporary Disability Insurance program, is fully funded by employees, and offers eligible employees up to two-thirds of weekly pay to a maximum of \$559 per week in 2011.⁷¹

Research has shown that PFL in California has had a significant positive impact on workers while having a minimal impact on employers' business operations and their bottom line.⁷² A recent survey of California's system found that use of the PFL positively affected respondents' ability to care for new babies or adopted children. Use of the PFL doubled the median duration of breastfeeding for new mothers. Moreover, wage replacement levels were higher for those who took advantage of the PFL, especially for workers in low-quality jobs.⁷³

At the same time, the vast majority of employers reported that PFL had a minimal impact on business operations. Most employers said the program had either a "positive effect" or "no noticeable effect" on productivity (89 percent) and profitability/performance (91 percent).⁷⁴

Instituting a family leave insurance program in North Carolina would be a cost-effective way to support working families. Studies

Research has shown that Paid Family Leave in California has had a significant positive impact on workers while having a minimal impact on employers' business operations and their bottom line.⁷²

The FMLA and North Carolina’s Caregiver Relief Act

The **Family Medical Leave Act (FMLA)** provides unpaid job-protected family medical leave for up to 12 weeks.⁷⁷ However, FMLA only applies to workers at companies with 50 or more employees who worked at least 1,250 hours each in the preceding year. These eligibility rules mean thousands of North Carolina workers cannot use the FMLA.⁷⁸ In addition, the FMLA’s definition of “family” excludes domestic partners and other family members such as parents-in-law and grandparents, further limiting its scope.⁷⁹

Several states have taken the initiative to broaden the reach of FMLA protections under their own state statutes. Maine, for instance, lowered the FMLA employee threshold to 15 or more employers for private employees and 25 or more for city or town employers.⁸⁰ Other states have expanded the definition of “family” to include domestic partners, parent-in-laws, grandparents, and grandchildren.⁸¹

North Carolina can follow the lead of these states and expand the protection of the FMLA to more employees. The **Caregiver Relief Act**, introduced in 2011 in the state Senate, would expand the definition of “family” to include siblings, grandparents, grandchildren, stepparents, or parents-in-law. The legislation is pending.

on the impact of California’s Paid Family Leave program emphasize the program’s effectiveness. Analysis, however, also underscores the importance of outreach and education about family leave insurance. For instance, California state residents with low incomes and workers with no paid sick days or paid vacation days had far lower levels of awareness of the program.⁷⁵ Building on the experience of other states, an outreach and education component would be an important aspect of a family leave insurance program in North Carolina.⁷⁶

■ Flexible Work Schedules to Meet the Needs of Today’s Families

Flexible work schedules are work arrangements that allow employees flexibility in the scheduling of hours, the number of hours, or the place of work. Caregivers often do not have the choice of scheduling caregiving and work responsibilities separately. Flexible schedules allow workers to meet both demands and to reduce unplanned absences at work.

Currently, state law does not address workplace flexibility in a broad sense, though North Carolina has joined other states in responding to the strong evidence of parental involvement as a factor in children’s educational success.⁸² Employers in North Carolina are currently required to grant four hours of leave per year to parents and guardians to be involved in their children’s schools.⁸³ Although North Carolina has taken a lead on educational leave policy, the state has not addressed the mismatch between multiple family members’ work schedules and the demands of child and elder caregiving.

The Council of Economic Advisors, an agency within the Executive Office of the President, released a report in 2010 on workplace flexibility,⁸⁴ which found that some private employers are already providing flexible work schedules for their employees but disparities in access exist across types of employees.⁸⁵ Less-skilled workers have less flexibility in scheduling than highly skilled workers, and low-income workers and those who do not have high school diplomas are significantly less likely to have access to workplace flexibility.⁸⁶ A recent study documented that many low-wage employees lack access to any flexibility for caregiving responsibilities, even in emergencies, and encounter little understanding for justifiable absences.⁸⁷



Fostering Flexibility in the Workplace

- Doctors' appointments are often only scheduled within traditional work hours, and child-care schedules may not overlap completely with work schedules. Without flexible work schedules, workers may be unable to meet all of their obligations and unplanned absences from work may be unavoidable.
- Some private employers recognize the benefits of providing flexible work schedules for their employees, but no state legislation in North Carolina currently addresses this need.
- Research has shown that flexible work schedules reduce the occurrence of unplanned absences and employee turnover, ultimately decreasing employer costs.

Furthermore, many low-wage workers have unpredictable schedules, lack of meaningful input in scheduling, and requirements of mandatory overtime.⁸⁸ Just-in-time schedules, which maintain a tight fit between labor supply and consumer demand, are on the rise. For instance, restaurant workers might find their shifts cancelled if there are not enough customers, or hotel housekeepers may lack job security during the slow seasons. This lack of consistency in scheduling can lead to difficulties with child-care arrangements, transportation problems, and ultimately financial instability.⁸⁹ Moreover, the stress associated with chaotic schedules may be compounded by a lack of access to other work-family policies such as time off for short-term illness and medical appointments.

Workplace Flexibility Works for Workers and Employers

Schedules are an important workplace condition, and flexibility is a necessity for caregivers. Doctors' appointments are often scheduled only within traditional work hours, child-care schedules may not overlap completely with work schedules, and flexibility is critical to supporting breastfeeding workers. Workers providing care for adult family members also need flexibility to address their daily responsibilities. A national study of employees of Fortune 500 companies, for example, found that 78 percent of male respondents and 84 percent of female respondents came to work late or left early due to elder-care responsibilities.⁹⁰ Workplace inflexibility creates stress for employees that can significantly affect their health, their family life, and their work attendance and performance.⁹¹

Businesses can also benefit from policies that allow workers to better manage their time. For instance, flexible work schedules reduce the occurrence of unscheduled absences and high turnover.⁹² Many caregivers miss days from work because of caregiving responsibilities. In a study of full-time employees with caregiving responsibilities, absenteeism attributed to caregiving was estimated to cost U.S. employers more than \$5 billion per year, and workday interruptions cost employers an additional \$6.2 billion per year.⁹³ In a survey of lower-income workers and their managers in organizations implementing flexibility, 74 percent of managers noted that workplace flexibility had a positive effect on absenteeism.⁹⁴

Caregiving responsibilities can also lead to high turnover. U.S. employers' replacement costs for workers who leave the workplace due to caregiving responsibilities have been estimated to be more than \$6.5 billion a year.⁹⁵ Employees who have access to flexible work arrangements are more likely to stay with their employers, reducing turnover costs. One study looking at the impact of flexible work arrangements on the experience of lower-income workers found that workers with flexibility were 30 percent less likely to leave their employers within two years than those who did not have flexibility.⁹⁶



The commitment of low-income workers with access to flexible work arrangements has been found to be 50 percent more than that of workers without workplace flexibility.⁹⁹ More than 41 percent of workers in another study agreed that if given more control over their schedules, they could be more productive.¹⁰⁰

Research has found that employees with flexible work arrangements also tend to be more committed to and engaged with their jobs.⁹⁷ Flexibility tends to be associated with greater job satisfaction, and employees with access to flexible work arrangements appear more willing to work hard to help their employers succeed.⁹⁸ The commitment of low-income workers with access to flexible work arrangements has been found to be 50 percent more than that of workers without workplace flexibility.⁹⁹ More than 41 percent of workers in another study agreed that if given more control over their schedules, they could be more productive.¹⁰⁰

Traditional workplace flexibility programs for professional and managerial workers that include telecommuting or individually negotiated flexible work arrangements may not be applicable to many workers in low-income industries and especially hourly workers. Instead, models of effective flexibility programs have been designed with low-wage or hourly employees in mind. The Center for WorkLife Law, for instance, has created templates for employers that include flex-time, compressed work weeks, and a redesign of overtime systems.¹⁰¹

Increasing Flexibility around the Nation

More than twenty states have passed statutes that address the availability of flexible work schedules.¹⁰² In this economic climate, when every dollar matters to both workers and businesses, flexible work arrangements can be a cost-effective step toward creating a stable, engaged workforce and cutting down on absenteeism and turnover costs.

Case studies on companies that instituted flexible work schedules provide models for how flexible schedules can be effective, including for lower-wage and hourly employees. Costco, which counted flexible scheduling as a key benefit, achieved turnover rates below industry norms. After a year of employment, only six percent of employees leave the company; the rate of turnover has been reported to be one-third the industry average.¹⁰³ Kraft Foods instituted a program in 2002 called “Fast Adapts” for hourly employees and production supervisors, which allow workers to swap shifts, take single-day vacations, and request job-sharing arrangements. In a follow-up employee satisfaction survey, employees noted improved work-family outcomes. Texas Instruments instituted separate policies for its manufacturing and non-manufacturing employees. The former were limited to participation in compressed work-week arrangements, while the latter also had access to flexible schedules and job sharing. Overall, the company saw improvements in employee retention, lower stress levels for employees, and more effective workers.¹⁰⁴

The impact of flexible work arrangements has also been studied in the public sector. A case study of Arizona and Michigan as employers looked at the actions state governments take to provide workplace flexibility in their offices. Both states as employers created new workplace flexibility telework programs to increase employee productivity and morale and at the same time address emerging problems like traffic congestion and rising gas prices. The case study showed that states can create or increase flexibility through low- or no-cost strategies.¹⁰⁵

There are several ways states can play an important role in increasing workplace flexibility. State laws can protect employees who are concerned about the ramifications of requesting flexible schedules and can reward employers for instituting the option of flexible schedules.

■ Addressing Discrimination against Caregivers

Family Responsibilities Discrimination (FRD) is workplace discrimination against workers based on their family caregiving responsibilities. For instance, a worker who cares for an elderly parent or a parent with a young child may experience FRD by being passed over for promotion, terminated, or otherwise penalized due to stereotypical notions of how she or he will or should act given family responsibilities.¹⁰⁶

Though FRD is illegal under a medley of state and federal laws, no federal law and only a few state laws explicitly prohibit FRD.¹⁰⁷ No law in North Carolina specifically addresses FRD. Instead, to date, plaintiffs have relied on a patchwork of federal employment law, state leave and anti-discrimination law, and common law causes of action.¹⁰⁸

Protection from discrimination is a civil right. Workers need to know that they will be able to work without being subjected to negative employment outcomes based on their caregiving responsibilities. Caregiver discrimination is not limited to mothers. Especially as younger generations of men take on more active caregiving roles, fathers and men are subject to caregiving discrimination.¹⁰⁹ FRD against men can take a variety of forms, including being discouraged from taking leave and being harassed or even terminated based on family responsibilities.¹¹⁰ Finally, both men and women with elder-care responsibilities can experience negative employment consequences due to their employers' stereotypical notions about family responsibilities.

In many workplaces, discrimination against workers who have family responsibilities is open and blatant, and overall FRD has been recognized as a growing problem. Over the last 10 years the number of lawsuits filed by caregivers has increased almost 400 percent, at the same time that overall employment discrimination claims have decreased.¹¹¹ Cases have arisen in every industry, at every level of organizations, and at workplaces of all sizes.¹¹²

Family Responsibilities Discrimination

- Several states and 63 local jurisdictions across the country have passed employment discrimination legislation that addresses family responsibilities discrimination.
- Taking steps to reduce caregiver discrimination ultimately benefits both workers and employers. Clear guidance to employers can save them from expensive legal liability. Moreover, similar to workplaces that lack work-life policies, the lack of FRD protection can lead to higher turnover and lost productivity, increasing employer costs.

Caregiver discrimination in low-wage workplaces can be particularly egregious. A report by the Center for WorkLife Law found that one common type of FRD case involved low-wage workers being denied their legal rights, such as the right to take leave under the FMLA. The report also shed light on lawsuits filed by men in caregiving roles and found that women of color were subjected to harsher conditions on account of caregiving responsibilities than white mothers.¹¹³

Taking steps to reduce caregiver discrimination ultimately also benefits employers. Clear guidance to employers can save them from legal liability. Businesses are often caught off guard by expensive lawsuits caused by actions they might not have known were illegal. Some employers, for example, have been subject to verdicts as high as \$11.65 million for an individual case and \$49 million for a class action.¹¹⁴ Moreover, similar to workplaces that lack work-family policies, the lack of FRD protection can lead to higher turnover and lost productivity.¹¹⁵

The importance of affordable, quality child care

A critical component of a comprehensive work-family agenda is affordable, reliable, and quality childcare. For many families, child-care costs are the largest expense of a family's budget, representing one fifth or more of a household budget for a family with two or three children.¹¹⁸ North Carolina's child-care subsidies program, administered by the North Carolina Division of Child Development, provides financial aid to offset the high cost of child care for low-income residents. The program is critical to providing a foundation for the development of North Carolina's children and ensuring that working parents can attain and hold on to employment.

Growing Momentum

In 2007, the federal Equal Employment Opportunity Commission issued enforcement guidelines to address how discrimination against caregivers may be illegal under existing law. Several states and 63 local jurisdictions have passed employment discrimination legislation that address family responsibilities discrimination.¹¹⁶ For instance, Alaska includes "parenthood" in its employment discrimination protections, and localities in 22 states include "family status," "family responsibilities," "parenthood," or "parental status" in their employment discrimination protections.¹¹⁷ While several civil rights laws provide protection from discrimination for North Carolina's workers, legislation that specifically addresses discrimination against caregivers is noticeably absent.

CONCLUSION

The policies described above are realistic, timely, and essential for struggling employees and employers faced with difficult economic times. All are part of a holistic agenda to create workplaces that promote family economic security. North Carolina's economy depends on those who provide care to their families, either through child care or elder care, yet today's workplace policies do not reflect this reality.¹¹⁹ Nor do today's workplace policies adequately support struggling workers and families. Workers at different income scales may experience work-family conflict in distinct ways, but it is clear that all workers need more realistic work-family policies. Paid sick days, family leave insurance, workplace flexibility, and protection from caregiver discrimination are realistic and overdue policies. Providing protection for workers' wages and jobs when illness or caregiving demands arise is the right solution for North Carolina's workers, for employers, for public health, and for the state's economy.



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