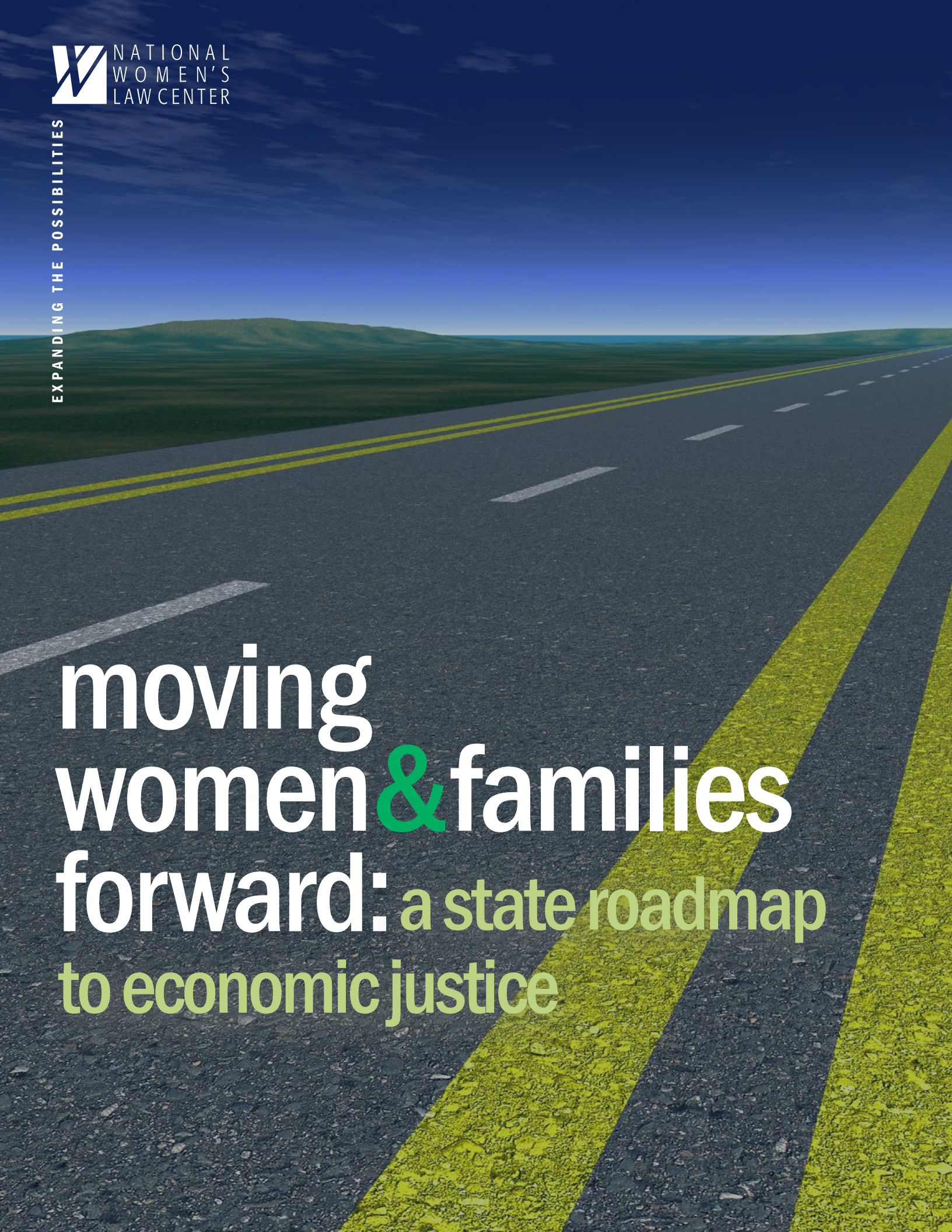
NATIONAL WOMEN'S LAW CENTER

EXPANDING THE POSSIBILITIES



moving women & families forward: a state roadmap to economic justice

ABOUT THE CENTER

The National Women's Law Center is a non-profit organization whose mission is to expand the possibilities for women and girls by working to remove barriers based on gender, open opportunities, and help women and their families lead economically secure, healthy, and fulfilled lives—especially low-income women and their families.

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introduction

WOMEN ARE HALF THE WORKFORCE AND FAMILIES DEPEND ON WOMEN'S INCOME MORE THAN EVER BEFORE. They are breadwinners or co-breadwinners in two-thirds of American families and continue to bear a disproportionate share of caregiving responsibilities.

Yet, our nation's public policies and workplace practices too often are based on outdated assumptions about who works, who stays home, and the supports necessary to make sure families are economically secure.

Because of this, women and their families are left behind. Women continue to be paid less than men; do not have access to comprehensive health care services, including reproductive health care; struggle to access affordable, high-quality child care and early education; are subject to unpredictable and inflexible work schedules; lack basic benefits such as paid sick leave and family leave; experience workplace discrimination, harassment, and unfair treatment; face barriers in accessing education; and are prevented from taking collective action.

Now is the time for advocates and legislators to advance a broad vision that knocks down these barriers, remedies discrimination, ensures accountability, and provides key supports that enable women and their families to be economically secure. This is especially important right now at the state level. While social programs and civil and constitutional rights have been under sustained attack in some states, there also are opportunities for building a movement at the state level to fill in gaps left by federal laws and policies – and move forward. Coalitions are coming together, and conversations about building an interconnected vision are already taking place.

Moving Women & Families Forward: A State Roadmap to Economic Justice provides a vision of an integrated state legislative women's economic agenda. It builds on work already being done at the state level – where advocates and legislators have stepped forward to advance broad agendas that promote women's health, equality, and economic opportunity.

The National Women's Law Center's Roadmap focuses on 17 key state policies that will create a more just society for women and families, grouped into six main categories.

- **Increasing Wages and Income Supports** – by raising the state minimum wage and enacting or expanding state tax credits for working families.
- **Expanding Access to Comprehensive Health Insurance** – by expanding health insurance coverage through Medicaid and ensuring that women have insurance coverage of abortion.
- **Supporting Workers with Family Responsibilities** – by curbing abusive scheduling practices and giving workers some say in their schedules; appropriating significant new state funds for child care and prekindergarten; requiring employers to provide paid sick leave; and creating programs that provide paid family and medical leave.

- **Eliminating Discrimination in the Workplace** – by ensuring equal pay for equal work; restoring and expanding strong protections from sexual harassment; guaranteeing that employers treat pregnant workers fairly; prohibiting discriminating against employees because of reproductive health decisions; prohibiting discrimination on the basis of sexual orientation or gender identity; and protecting family caregivers from employment discrimination.
- **Creating Pathways to Opportunity** – by alleviating the burden of student loan debt and addressing campus sexual assault.
- **Strengthening Collective Action** – by protecting and bolstering collective bargaining rights.

The National Women's Law Center's Roadmap is not fully comprehensive. Many other issues are important to the economic security of women and their families, and the most urgent needs will vary by state. However, the policies listed above reflect practical solutions the National Women's Law Center has identified and is already working to advance at the state level.

For each of the key policies recommended, the Roadmap provides a summary of the problem, key legislative strategies to address the problem, the research base for why this makes sense, information on what states are doing, and talking points for making a successful argument with policy makers, the media, and the public.

The goal of this Roadmap is to help advocates and policy makers move forward a broad vision that takes us further down the path to economic justice for women and their families.

increasing wages and income supports

boost paychecks and help narrow the wage gap: raise the state minimum wage

THE PROBLEM

The minimum wage is falling short for millions of Americans – especially for women, who represent about two-thirds of minimum wage workers across the country, and at least half of minimum wage workers in every state. Today, the federal minimum wage is just $7.25 per hour, and full-time earnings of $14,500 a year leave a mother with two children thousands of dollars below the federal poverty line. Twenty-nine states and the District of Columbia currently have minimum wages above the federal level, but in every state, the minimum wage leaves a full-time worker with two children near or below the poverty level. And women's concentration in minimum wage and other low-wage jobs is one reason for a large wage gap, with women typically making just 78 cents for every dollar paid to their male counterparts.

Women are also two-thirds of tipped workers, such as restaurant servers. In most states, employers can count a portion of tips toward wages (known as a "tip credit") and pay their tipped employees a minimum cash wage that is lower than the regular minimum wage. The federal minimum cash wage for tipped workers has been frozen for 24 years at $2.13 per hour –just $4,260 a year for full-time work, providing little reliable income when fluctuating tips make it difficult to cover regular expenses like rent and groceries. Tipped workers receive more stable base pay in states that do not allow a tip credit, but most states have established tipped minimum wages below $5.00 per hour (including 19 states that follow the federal standard). Nationwide, the poverty rate for tipped workers is about twice as high as the rate for the workforce as a whole.

THE SOLUTION

Raising the minimum wage, eliminating the separate minimum wage for tipped workers, and indexing the wage to rise annually with inflation can improve women's economic security and help narrow the wage gap. Today, states with higher minimum wages tend to have smaller wage gaps—and states that require employers to pay their tipped workers the regular minimum wage before tips typically have lower poverty rates among tipped workers, as well as smaller overall wage gaps.

By boosting pay for minimum wage workers, states can also improve their overall economies, with widespread benefits for working families. A higher minimum wage means workers have more resources to spend in their communities, increasing demand for goods and services and creating jobs. It also benefits employers by reducing turnover and increasing productivity. And raising the minimum wage does not lead to job loss; in fact, states that implemented minimum wage increases in 2014 saw faster job growth than states that did not.

BASIC ELEMENTS OF THE SOLUTION

- ✔ Raise the state minimum wage.
- ✔ Eliminate the separate minimum cash wage for tipped workers.
- ✔ Index the minimum wage to rise annually based on inflation.

While the minimum wage increase that may be attainable will vary by state, recently enacted measures increasingly recognize the need for robust increases that can meaningfully improve economic security. Legislation raising the minimum wage was enacted in ten states and the District

of Columbia in 2014, and voters in Alaska, Arkansas, Nebraska, and South Dakota approved ballot measures to increase the minimum wage in their states. Of the 11 legislative measures, six will raise the state minimum wage above $10 per hour; the wage will reach $11 per hour in Massachusetts by 2018, and $11.50 per hour in the District of Columbia in 2016. And minimum wages in a number of cities will be considerably higher: Seattle and San Francisco, for example, are phasing in a $15 per hour minimum wage, while Chicago's will be $13 per hour by 2019. In addition, eight of the state minimum wage measures approved in 2014 raise wages for tipped workers (including Alaska and Minnesota, where tipped workers are entitled to the – now higher – regular minimum wage), and six provide for annual adjustments to keep pace with inflation in the future.

SUPPORT FOR THE SOLUTION

Public opinion polling consistently shows very strong support for minimum wage increases that transcends party affiliation. The results of the minimum wage measures on the ballot in 2014 reflect this strong support: for example, about two-thirds of voters approved the initiatives in Arkansas and Alaska, and more than three-quarters of voters supported the $15 minimum wage initiative in San Francisco. A national survey conducted in 2015 shows that fully three-quarters of Americans favor raising the federal minimum wage from $7.25 to $12.50 per hour by 2020. The same survey shows 63 percent support for raising the minimum wage to $15.00 per hour by 2020; 82 percent support for indexing the minimum wage to keep pace with inflation; and 71 percent support eliminating the separate minimum cash wage for tipped workers.

Recent polling also shows that 61 percent of small business employers support raising the minimum wage, with a majority citing benefits such as lower employee turnover and increased consumer purchasing power.

TALKING POINTS ON THE PROBLEM AND THE SOLUTION

- Anyone who works full time should not have to raise her family in poverty. But too many women in our state are working hard at minimum wage jobs that leave a mom with two children thousands of dollars below the poverty line.
- Most tipped workers in our state are women, and these workers are especially likely to live in poverty. Tipped workers should be entitled to the same minimum wage as all workers, before gratuities, so they can depend on a paycheck when unpredictable tips make it impossible to cover regular expenses.
- Raising the minimum wage and eliminating the lower cash wage for tipped workers will help women in our state support themselves and their families. It also can help close the persistent wage gap between women and men, because women are the majority of workers who would see their pay go up.
- Everyone benefits when working families experience greater economic security. More money in workers' pockets means more money flowing to local businesses, boosting our state's economy.

helping working families make ends meet: state earned income and child and dependent care tax credits

THE PROBLEM

It's tough to support a family in today's economy. Wages have stagnated for most workers, while the cost of raising children continues to increase. It's especially tough for women –women's wages are lower than men's and the vast majority of single parents are women. Nearly one-third of the women who work in low-wage jobs are mothers of children under 18 – and nearly half of these mothers are single parents. The statistics are grim: four out of ten single-mother families live in poverty.

Low- and moderate-income working families get help making ends meet from the federal Earned Income Tax Credit (EITC). The EITC, which is only available to people with income from work, boosts the wages of hard-working parents. The amount of the EITC depends on income, number of children, and marital status; in 2014, the maximum federal EITC can be worth just over $6,000. The federal EITC is refundable, so qualifying families receive the full credit, regardless of the amount of their federal income tax liability. In 2013, the EITC lifted the incomes of more than 5.3 million people above the poverty line, including almost 1.5 million adult women and more than 2.7 million children. The federal EITC is making a difference – but it's not enough.

Child care costs are a major expense for working families; in a majority of states, the cost of child care for an infant exceeds the cost of public college tuition. The child care assistance program and the federal tax code offer help to some families – but both are falling short. Only one in six children eligible for federal child care assistance receives it, which is why states also need to invest in early care and education. And the assistance provided by the federal Child and Dependent Care Tax Credit (CDCTC) is modest. The amount of the CDCTC depends on income, expenditures, and number of children; in 2014, the federal CDCTC is theoretically worth up to a maximum $2,100 for families making $15,000 or less. For families making above $43,000, the credit is worth a maximum of $1,200. However, because it is not refundable, low-income families with little or no federal income tax liability get little or no benefit from the CDCTC.

The federal tax code could do more for working families. But state tax policies don't just fall short: in virtually every state, tax policies overall make the lives of struggling families harder. In nearly every state, low and middle-income families pay a larger share of their income in state and local taxes than higher-income families do, because most states and localities rely heavily on regressive sales, excise, and property taxes to raise revenue. Nationwide, households in the bottom 20 percent of the income distribution (those making less than $18,000 per year) pay an average of 11.1 percent of their income in state and local taxes – about twice the rate paid by the top one percent (5.6 percent of income). Families in the middle of the income distribution fare little better than the poor, paying an average of 9.4 percent of their income in state and local taxes.

THE SOLUTION

Enact or Expand a Refundable EITC

Instead of pushing families into – or deeper into – poverty, state tax policies could improve their economic security and their children's wellbeing by providing a robust and refundable state EITC. Half of the states and the District of Columbia offer state EITCs that are based on the federal EITC. State EITCs are easy to implement for states and families: one line on a state tax return and a simple calculation to take a percentage of their federal EITC. But the amount of assistance they provide varies dramatically.

For example, in the District of Columbia the EITC is equal to 40 percent or more of the federal EITC and in several states, it is worth 30 percent or more. However, in eight states the state EITC is worth less than ten percent of the federal credit. And four states allow only a nonrefundable EITC, which limits its value for low-income families who may owe little state income tax, but still may pay significant state sales and property taxes.

BASIC ELEMENTS OF THE SOLUTION

- ✔ States should offer an EITC that is a generous percentage of the federal EITC. States without an income tax can still offer an EITC.
- ✔ State EITCs should be fully refundable.

IF YOUR STATE ALREADY HAS A REFUNDABLE EITC THAT IS A GENEROUS PERCENTAGE OF THE FEDERAL EITC, you can improve the credit for low-income workers without qualifying children. For these workers, the maximum federal EITC is less than $500. Allowing these workers to claim a state EITC equal to 100 percent of the federal EITC would help prevent these workers from being taxed into, or deeper into, poverty.

SUPPORT FOR THE SOLUTION

The EITC has long enjoyed bipartisan support as an effective measure that rewards work, strengthens families, and lifts families out of poverty. Presidents Ronald Reagan, George H.W. Bush, George W. Bush, Bill Clinton, and Barack Obama all signed expansions of the EITC into law. States with different political makeups have refundable EITCs, including Kansas, Oklahoma, New York, Vermont, Iowa, and New Mexico.

TALKING POINTS ON THE SOLUTION

- The EITC rewards and encourages work. Only people with income from work are eligible for the EITC.
- The EITC lifts millions of children out of poverty and increases their chances for success in school and in life.
- State EITCs improve the fairness of state tax systems, which take a larger bite out of the budgets of lower-income than higher-income families.
- State EITCs boost the economy, by putting money in the pockets of working families that they spend to meet their basic needs.

Enact or Expand a Refundable CDCTC

In addition to the EITC, state tax policies could improve the economic security and wellbeing of families with children by providing a robust and refundable state Child and Dependent Care Tax Credit. Half of the states and the District of Columbia offer state CDCTCs, and they are refundable in 12 states. Most are based on the federal CDCTC, but the amount of assistance they provide varies dramatically. For example, New York offers a fully refundable credit that for low-income families is worth 110 percent of the federal credit, but in some states, the credit equals 25 percent or less of the federal credit. In addition, some states calculate their credit as a percentage of the full federal credit, before the latter is limited by the fact that the federal credit is not refundable. However, in other states the credit is based on the amount of the federal credit the family can claim, which can dramatically reduce the value of the state credit for lower-income families. For example, if a family's full federal CDCTC equals $800 but its federal tax liability is only $200, the family can claim a credit of only $200 on its federal tax return. If the state credit is 50 percent of the full federal credit, this family could claim a state credit of $400 (50 percent of $800). If the state credit is 50 percent of the federal credit after it is limited by the family's federal tax liability, the family could claim a state credit of only $100 (50 percent of $200).

BASIC ELEMENTS OF THE SOLUTION

- ✔ States that base their CDCTC on the federal credit should offer a generous percentage of the federal CDCTC. States can also improve upon the federal credit, for example, by setting more realistic expense limits, increasing the percentage of expenses that families can claim, providing additional assistance to families using higher-quality care, and indexing the credit for inflation.
- ✔ State CDCTCs should be fully refundable, so that low-income families with little or no state income tax liability can take full advantage of the credit.
- ✔ State CDCTCs that equal a percentage of the federal credit should be calculated on the amount of the full federal credit, before the credit is limited by the amount of the family's federal income tax liability.

SUPPORT FOR THE SOLUTION

The CDCTC has long enjoyed bipartisan support as an effective measure that helps families cover the growing costs of employment-related child and dependent care. Presidents Ford, George W. Bush, and Barack Obama all signed expansions of the CDCTC into law. States with different political makeups have refundable CDCTCs, including Arkansas, Louisiana, Minnesota, New York, and New Mexico.

TALKING POINTS ON THE SOLUTION

- State CDCTCs can help ease the strain that child care expenses place on the budgets of working families. For families with a child ages three through five, child care represents the second greatest household expense (after housing).
- State CDCTCs improve the fairness of state tax systems by recognizing that families with employment-related child care expenses have less available income than families without such expenses.
- The cost of child care is a barrier to women's participation in the workforce; by offsetting part of the cost, state CDCTCs help women and men support themselves and their families.

expanding access to comprehensive health insurance

states must close the gap: provide low-income women with health insurance

THE PROBLEM

Over three million low-income women in the United States fall into a coverage gap and are uninsured, even though they are eligible for coverage under the Affordable Care Act (ACA). This gap is the direct result of 22 states' failure to use federal money available to them under the ACA to expand health care coverage through Medicaid.

Under the ACA, states can expand Medicaid coverage to individuals with incomes below 138 percent of the federal poverty level (approximately $16,000 for an individual). The ACA also offers premium tax credits to people with incomes between 100 and 400 percent of the federal poverty level to help them purchase coverage on the health insurance Marketplaces. In states that do not expand Medicaid eligibility, individuals who have incomes below 100 percent of the federal poverty level and who do not qualify through a traditional Medicaid eligibility group will fall into the coverage gap – they will not be eligible either for traditional Medicaid or tax credits.

Low-income uninsured women – who would be eligible for health insurance if their state accepted the federal money to expand Medicaid coverage – are more likely to go without care because of cost, less likely to have a regular source of care, and utilize preventive services at lower rates than low-income women with health insurance. This population is in dire need of affordable health coverage in order to access the care they need to get and stay healthy.

THE SOLUTION

States that have not yet expanded coverage through Medicaid must do so immediately. Affordable, comprehensive health coverage is a critical component of the economic security of women and their families.

Health insurance provides women with greater access to health services and reduces cost burdens, it helps women avoid medical debt, and it keeps women healthy, so they can pursue their educational and professional goals. Depending on state law, states can expand Medicaid eligibility through legislative or administrative action.

BASIC ELEMENTS OF THE SOLUTION

- ✔ All qualified individuals with incomes below 138 percent of the federal poverty level should qualify for coverage.
- ✔ Program benefits should include comprehensive coverage. The state can use either its current Medicaid benefit package for traditional eligibility groups, or an Alternative Benefit Package as outlined in implementing regulations for the Affordable Care Act.
- ✔ Enrollee out-of-pocket costs may not exceed the limitations on premiums and cost-sharing that apply to traditional Medicaid eligibility groups.
- ✔ The state Medicaid expansion should not rely on federal waiver approvals that would allow the state to impose work or work search requirements, charge premiums to individuals with incomes below poverty, increase cost-sharing levels beyond Medicaid limits, eliminate critical benefits, or otherwise shift costs to individuals eligible for coverage under the program expansion.

SUPPORT FOR THE SOLUTION

According to a March 2014 nationally representative poll, 74% of people had a favorable view of Medicaid expansion. A 2013 poll similarly found that a majority of people viewed Medicaid expansion favorably, including in the Deep South states of Alabama (64% favorable), Georgia (61% favorable), Louisiana (63% favorable), Mississippi (59% favorable), and South Carolina (65% favorable).

Twenty-nine states, including the District of Columbia, have expanded Medicaid. These states include Arizona, Arkansas, California, Kentucky, Nevada, New Mexico, New York, and Ohio.

TALKING POINTS ON THE PROBLEM AND THE SOLUTION

- If our state accepted federal money to expand Medicaid coverage, uninsured people in our state could have affordable health insurance. The health care law includes money for each state to cover more people through Medicaid. The federal government will pay 100 percent of these costs through 2016 and at least 90 percent of the costs after that. Our state will have to pay the remaining costs.
- The purpose of the health care law is to provide access to affordable health insurance for all Americans. Many people are already receiving tax credits to help them buy health insurance. However, if our state continues to turn down the federal money to expand Medicaid, people whose incomes are too low to receive tax credits will still fall into a "coverage gap." In other words, they will not get any help towards the cost of health insurance.
- By accepting the federal money—and covering more people—hard-working families will have the health coverage they need, to get the care they need, when they need it, without facing huge medical bills.
- By providing women with greater access to health care services and lessening cost burdens, health insurance makes women and their families more financially secure. Health insurance also allows women to be healthy, so that they can advance their career and educational goals.
- Our state has successfully brought the uninsured rate for children down to record lows thanks to our state's CHIP program. Now it is time to help their uninsured parents get health coverage too so that the whole family can get the health care they need to stay healthy – like getting mom's blood pressure checked and getting her daughter the asthma medication she needs.
- Our state is already spending money to treat uninsured people in emergency rooms. Making sure more of our residents have health insurance and can get the care they need before they get sicker will reduce spending on emergency room care. This is a smarter use of healthcare dollars.

IF YOUR STATE HAS ALREADY EXPANDED MEDICAID COVERAGE,

think about other ways to improve health insurance coverage for women and their families. For example you could work to:

- Pass a law that clarifies the scope of required coverage for breastfeeding supports and supplies, including lactation consultants and electric breast pumps, that private insurance plans must cover without cost-sharing. Even though these services must be covered, some women have had trouble accessing breastfeeding supports and supplies because their health plan has established inappropriate restrictions on these benefits.
- Improve Medicaid coverage for women's preventive services, including breastfeeding supports and supplies. Depending on your state, women with traditional Medicaid may not have coverage for these services.
- Pass a law protecting patient privacy in Explanations of Benefits (EOBs), to ensure confidentiality for individuals who are insured as dependents. This is particularly important for individuals seeking services related to intimate partner violence, reproductive health care, or behavioral health services. For example, a minor may go without birth control for fear that her parent will learn she sought these services because it would be listed on an EOB.

help women make a real decision when facing an unintended pregnancy: insurance coverage of abortion

THE PROBLEM

Insurance coverage for reproductive health care, including abortion, is a critical health and economic issue for women. Yet, states have subjected women in both private and public insurance plans to limitations and exclusions that prevent them from making a real decision when faced with an unintended pregnancy.

Currently, 25 states prohibit women from purchasing a private health plan that covers abortion services in the new health insurance exchanges set up in states. In 10 of those states, no private insurance plan – whether in the exchange or not – is allowed to cover abortion as part of its comprehensive health plan. Since most insurance plans cover abortion absent a prohibition on doing so, these laws take benefits away from women.

If women are unable to access insurance coverage for abortion, they may face high out-of-pocket costs for these services. On average, women already have lower incomes than men and therefore have greater difficulty paying premiums than men, are more likely than men to have higher out-of-pocket health care expenses, and use more health care services than men. Inability to access insurance coverage of abortion only increases the barriers women face.

Women who qualify for the Medicaid program also face restrictions on their ability to access abortion. The federal Hyde Amendment currently prohibits federal Medicaid coverage of abortion except in limited, dire circumstances. Although states are allowed to use their own funds to cover all medically necessary abortions, only 17 states do so.

Low-income women denied abortion coverage may have to postpone paying for other basic needs like food, rent, heating, and utilities in order to save the money needed for an abortion. Moreover, because of the high cost of the procedure, low-income women are often forced to delay obtaining an abortion because they need time to raise the money. The greater the delay in obtaining an abortion, the more expensive the procedure becomes, catching poor women in a vicious cycle. And although abortion is a safe procedure, the risks increase with each week of pregnancy.

Other women may be forced to carry an unwanted pregnancy to term, which could harm their future well-being. For example, one study showed that one year after attempting to obtain an abortion, women denied an abortion were more likely to live below the federal poverty level and receive public assistance than those who received an abortion. Being forced to forego an abortion could push more women and their families closer to poverty and others deeper into the poverty they endure.

Restrictions on abortion coverage disproportionately affect women of color who are more likely to face financial barriers when seeking abortions. Furthermore, women of color are more likely to experience unintended pregnancy due to racial, ethnic, gender, and economic healthcare inequalities.

THE SOLUTION

States should ensure that insurance plans cover the full range of pregnancy-related care, including abortion.

BASIC ELEMENTS OF THE SOLUTION

- ✔ Repeal any existing ban on private and/or public insurance coverage of abortion.

- ✔ Require issuers to cover abortion as part of the comprehensive health services they offer in one plan, and not as a rider or supplemental plan.
- ✔ Use state funds to cover abortion in public insurance.

Currently, 25 states and the District of Columbia allow private insurance plans to decide for themselves whether or not to cover abortion. For the past three years, Washington state has introduced – and the House has passed – a bill to require insurance plans to cover abortion if they cover maternity care. Seventeen states, including Arizona, Montana, New Mexico, and West Virginia, use their own state funds to pay for medically necessary abortions for qualified women in the Medicaid program.

SUPPORT FOR THE SOLUTION

In 2013, a majority of Michigan voters said they opposed a proposed state ban on insurance coverage of abortion in private comprehensive health plans.

An October 2014 survey commissioned by the National Latina Institute for Reproductive Health found that nearly six in ten (57 percent) of Latino/a voters in Texas believe that every women should have access to insurance coverage for a full range of reproductive health care, including abortion.

A February 2013 poll examining African American attitudes found that more than three-quarters (76 percent) of African Americans agree that health insurance should cover abortion to ensure that when a woman needs to end her pregnancy she will be able to see a licensed, quality health care provider.

TALKING POINTS ON THE PROBLEM AND THE SOLUTION

- When it comes to a decision about whether or not to end a pregnancy, it's important that a woman has health coverage so that she can afford to make a real decision.
- All health insurance plans should provide coverage for the full range of pregnancy-related care, including abortion.
- Politicians seeking to ban insurance coverage of abortion are endangering women's health, taking away access to health benefits that most women already have, and interfering with a woman's ability to make her own health care decisions.
- When women do not have insurance coverage of abortion they may be forced to postpone care while attempting to raise the necessary funds – a delay that can exacerbate both the costs and health risks of the procedure.
- Denying women insurance coverage of abortion unfairly and disproportionately impacts low-income women. Women should not be denied safe and comprehensive reproductive care just because they are poor.

supporting workers with family responsibilities

giving workers the tools they need to succeed: promote fair work schedules

THE PROBLEM

Many workers report little ability to make even minor adjustments to their schedules in order to meet their responsibilities outside of work and some suffer penalties just for making a scheduling request. And for the nearly 20 million workers in low-wage jobs (paying $10.10 per hour or less) scheduling challenges are especially acute. Women are disproportionately affected by this problem because women hold the majority of low-wage jobs and still shoulder the majority of the caregiving responsibilities, which can pose sharp conflicts with unpredictable or inflexible work schedules.

Rather than setting schedules that take employees' lives outside of work into account, employers in some industries are increasingly turning to "just–in-time scheduling" in an effort to minimize labor costs. Just-in-time scheduling bases workers' schedules on perceived consumer demand and often results in workers being given very little advance notice of their work schedules. As a result, workers experience unstable schedules with hours that vary from week to week or month to month, and periodic reductions in work hours when work is slow. Many workers want more hours, but are only offered part-time work, and struggle to support their families with fewer hours and less pay.

Unpredictable and unstable work schedules are extremely disruptive to workers' lives and budgets. They undermine workers' efforts to fulfill their caregiving responsibilities and make maintaining stable child care arrangements nearly impossible. They make it tougher to pursue education or workforce training while holding down a job, as many workers want to do in order to make a better life for themselves and their families. They make it difficult for workers to hold a second part-time job to make ends meet when they cannot get enough hours at their primary job. And workers managing serious health conditions are often denied the control over their schedules that they need to manage their conditions while continuing to work.

THE SOLUTION

State should pass laws that curb abusive scheduling practices and give workers some say in their schedules. For hourly workers, who often hold jobs where abusive scheduling practices are especially prevalent, states should provide additional baseline protections to ensure that workers have a say in their schedules, and that their schedules are more predictable and stable.

BASIC ELEMENTS OF THE SOLUTION

- **Right to request:** All employees have the right to make scheduling requests without retaliation. Employers have an obligation to consider and respond to all employees' requests. And for employees who need a scheduling change to fulfill caregiving responsibilities, to work a second job (for part-time workers), to pursue education and workforce training, or for the employee's own serious health condition, the employer must grant the request unless there is a bona fide business reason not to do so, such as a detrimental effect on the employer's ability to meet organizational need or customer demand.
- **Discouraging abusive scheduling practices:** Hourly employees are entitled to a set minimum amount of pay when they are sent home without being permitted to work their scheduled shift (reporting time pay), when they are required to work a shift with nonconsecutive hours that includes a break of an hour or more (split shift pay), or when the employee must contact his or her employer or wait to be contacted by the employer less than 24 hours in advance of the start of a potential

shift to determine whether the employee must report to work.

- ✔ **Notice of work hours:** Employers must disclose at the time of hire the minimum number of hours an employee will be scheduled to work, and give the employee two weeks' notice of any change in minimum hours. Employers must also provide work schedules two or three weeks in advance. While the employer may later change this schedule, employees are entitled to receive an extra pay when changes are made close in time to the employee's scheduled shift (e.g., a few days to 24 hours before a scheduled shift).
- ✔ **Promoting full-time work and access to hours:** If an employer has additional hours of work to provide, the employer must first offer the additional hours to existing qualified part-time employees, before hiring new employees.
- ✔ **Equal treatment for part-time workers:** Employers shall not discriminate against employees with respect to their rate of pay, pro-rated access to employer-provided paid and unpaid time off, or access to promotion opportunities because of an employee's part-time status.

Eight states, the District of Columbia, and Puerto Rico currently have reporting time pay laws. The District of Columbia, New York, and California have split-shift pay laws. Vermont has a right to request law that applies to all employees. San Francisco has a right to request law that applies to caregivers only and recently passed the Retail Workers Bill of Rights, which provides many of these protections to employees of chain restaurant and retail stores.

SUPPORT FOR THE SOLUTION

Over 150 organizations dedicated to promoting a voice in the workplace and economic security for all workers have urged Congress to support the federal Schedules That Work Act, which includes many of the above provisions.

TALKING POINTS ON THE PROBLEM AND THE SOLUTION

- Today's work scheduling practices often undermine workers' best efforts to meet their obligations at work while addressing the most critical responsibilities in the rest of their lives – including caregiving, holding down a second part-time job to make ends meet, going to school, or addressing one's own medical needs.
- Women still shoulder a disproportionate share of caregiving responsibilities while playing a critical role as breadwinners for their families, and this is especially true for women in low-wage jobs. Women with children under 18 make up 24 percent of workers in the ten largest low-wage occupations, compared to just 16 percent of the workers overall.
- Unpredictable and unstable scheduling practices make it extremely difficult for women workers to arrange and keep stable child care.
- When women have schedules that allow them to meet their family responsibilities, they are less likely to be absent from work and more likely to stay in their jobs. Fair work schedules also make it possible for workers to stay in degree or certificate programs that provide opportunities for advancement. An education is critically important for women –since women must often be more educated than men to receive the same pay they do.
- Workers who are victims of domestic violence and sexual assault need to have a voice in their schedules so that they can plan for and seek help escaping and recovering from abuse.
- When workers have no idea how many hours or when they will work from week to week, planning and budgeting is nearly impossible. Conversely, providing employees with more flexible, predictable, and stable schedules is not only good for workers and their children, it also results in greater employee morale, engagement, and productivity.

help parents earn while children learn: invest in early care and education

THE PROBLEM

Early learning programs are one of the best investments the country can make to support both our current and future economy. These programs ensure that children get the strong start they need to succeed and that parents can work to support their families and/or to go to school and attain the skills they need to improve their economic circumstances. Yet, many families and children do not have access to high-quality early learning and child care opportunities. Many parents cannot afford reliable child care because their jobs simply do not pay enough. And many parents cannot find affordable, high-quality preschool programs for their children in their communities. These issues are particularly important for women because they need to work to help support their families—working mothers are primary breadwin¬ners in 41 percent of families with children, and co-breadwinners in another 22 percent of these families—and because, at the same time, women still shoulder the majority of caregiving responsibilities.

While the families of nearly 1.5 million children receive critical help paying for child care through the major federal child care assistance program, the Child Care and Development Block Grant (CCDBG), the program falls far short of meeting the need. Only one in six children eligible for federal child care assistance receives help. Tens of thousands of parents are on waiting lists to receive assistance. Rather than addressing this unmet need by serving more children, the number of children served is actually declining. There were 358,700 fewer children receiving child care assistance in 2013 than at the peak in 2001, and federal and state child care spending has fallen to a 10-year low.

In addition, reimbursement rates paid to child care providers that serve families receiving child care assistance are very low in most states. As of February 2014, only one state set its provider reimbursement rates at the federally recommended level (the 75th percentile of current market rates, which is the level designed to give families access to 75 percent of the providers in their community). With such low rates, child care providers are deprived of the resources they need to offer high-quality care. Child care centers cannot pay adequate wages to their teachers, which makes it difficult to attract and retain the well-qualified teachers that are central to the quality of children's early learning experiences, and difficult for teachers (the vast majority of whom are women) to support their own families. Family child care providers working to offer a high-quality experience for children in their care find it extremely challenging to earn enough income to stay in business. Low rates can also discourage some providers from serving families receiving child care assistance, which can limit these families' options.

Additional resources are needed not only to close these serious gaps but also for states to effectively implement the Child Care and Development Block Grant reauthorization legislation enacted in November 2014. The legislation includes important new health and safety requirements for child care as well as new opportunities for states to improve their child care policies and practices. However, states will only be able to fulfill the goals of the legislation – ensuring the health and safety of children in care, improving the quality of care, and increasing families' access to help paying for child care – and avoid exacerbating existing gaps if there are significant new child care investments.

Access to high-quality preschool needs to be expanded as well. Numerous studies show that children enrolled in high-quality early education programs go on to perform better on cognitive tests in elementary and secondary school, are more likely to graduate from high school, go to college, be employed, and be

in good health, and are less likely to become involved with crime. Yet many children – particularly low-income children who stand to benefit the most – lack access to early education. Only about half of three- and four-year-olds (not yet in kindergarten) are enrolled in public or private preschool programs, and children in low- and moderate-income families are less likely to be enrolled than children in higher-income families. Some support for prekindergarten is provided through federal and state programs, but these programs serve only a fraction of four-year-olds and an even smaller proportion of three-year-olds, and most state programs lack sufficient quality standards.

THE SOLUTION

States should significantly expand their investments in child care and prekindergarten so that families have access to high-quality early learning opportunities that help children succeed in school and that enable parents to work. Child care and prekindergarten policies should be designed to ensure that children have healthy, safe environments that promote their growth and learning. Policies should also be designed to meet the varied needs of families, including those who work non-standard hours or have other special circumstances that can make it difficult for them to access child care and early education programs.

BASIC ELEMENTS OF THE SOLUTION

Child Care

- ✔ Provide help in paying for child care to additional low-income families. Ensure parents who work non-traditional and unpredictable hours have child care options that meet their needs.
- ✔ Increase reimbursement rates to child care providers that serve families receiving child care assistance, and offer additional incentives and supports to encourage providers to improve their quality.
- ✔ Fully implement the new health and safety requirements and provisions designed to improve the quality of care included in the CCDBG reauthorization.

Prekindergarten

- ✔ Make full-school-day prekindergarten programs available to all four-year-olds whose families want them to participate.
- ✔ Once prekindergarten is universally available to four-year-olds, expand prekindergarten opportunities for three-year-olds, beginning with low-income children.
- ✔ Allow state funding for prekindergarten programs to be available to schools, child care providers, Head Start programs, and other community-based providers that meet high-quality standards.

SUPPORT FOR THE SOLUTION

National and state polls show strong support for investing in prekindergarten and child care. In a recent national poll, 91 percent of voters supported investments to make early education and child care more affordable. In the poll, 85 percent of voters said that children getting a strong start in life was an important national priority, second only to increasing jobs and economic growth in the proportion of voters saying it was an important national priority.

There is bipartisan support for child care and early learning among policy makers. The recent reauthorization of the Child Care and Development Block Grant passed the U.S. House of Representatives unanimously and the U.S. Senate by a vote of 88 to 1. Across the country, governors of both parties have supported investments in prekindergarten programs as well as child care.

TALKING POINTS ON THE PROBLEM AND THE SOLUTION

- Child care assistance enables more parents to work and earn a steady income, which can allow them to offer their children more stability, opportunities, and resources.
- High-quality preschool has substantial positive effects on children's early learning, particularly for low-income children.
- Families on waiting lists for child care assistance are often forced to use a patchwork of unstable arrangements, causing disruption for children, more stress for parents, and a risk of job loss. Families that stretch to pay for reliable child care often struggle to pay for other necessities.
- The average cost of full-time center care for an infant ranges from approximately $5,500 to over $16,500 a year, depending on where a family lives. Nearly half of children under age three – 5.6 million infants and toddlers – live in low-income families, who cannot afford these high costs without help.

healthy families, productive workers: earned paid sick days

THE PROBLEM

Too often, workers are forced to choose between caring for their health – or the health of their loved ones – and keeping their job. In fact, over 40 million workers do not have any access to earned paid sick days. And 4.2 million additional workers have not worked for their employers long enough to qualify for the time off their companies provide. Workers without earned paid sick days often face job loss or workplace discipline for taking the time they need for personal or family illness.

Low-wage workers are even less likely to have earned paid sick days – 80% of low-wage workers don't have a single paid day off to recover from illness. And women are over-represented among low-wage workers, which means that this hits women especially hard. Workers without earned paid sick days often go to work sick, risking others' health. And workers without earned paid sick days are nearly twice as likely as those with earned paid sick days to say they have sent a child to school or child care sick. Workers without earned paid sick days are also more likely to say they have gone to the emergency room to get care for themselves because they can't take time off for medical care. And without earned paid sick days, too many victims of domestic violence and sexual assault cannot take the time they need to seek help or recover from abuse.

THE SOLUTION

States should enact laws requiring employers to allow employees to earn paid sick leave. A minimum earned paid sick days standard would help millions of workers take care of themselves and their families, and would benefit women particularly, given their over-representation in low-wage jobs which are least likely to provide this benefit.

BASIC ELEMENTS OF THE SOLUTION

- ✔ Workers can earn up to seven job-protected paid sick days each year to use when they are sick, for preventive care, or to care for a sick family member.
- ✔ Workers who are victims of domestic violence, stalking, or sexual assault can use earned paid sick days to take the time they need to get help or recover.
- ✔ Workers can earn sick time based on a simple system of accrual. For example, a worker could earn a minimum of one hour of paid sick time for every 30 hours worked, up to 56 hours per year.
- ✔ Employers may continue existing sick leave policies, so long as they meet the minimum standard set forth in the law.

In 2006, San Francisco became the first locality in the nation to guarantee access to earned paid sick days. Since then, many other localities have adopted earned paid sick days standards, including: the District of Columbia; Milwaukee, Wisconsin; Seattle, Washington; Portland and Eugene, Oregon; New York, New York; Jersey City and six other cities in New Jersey; and San Diego and Oakland, California. In 2011, Connecticut became the first state to pass a paid sick days law. California and Massachusetts passed sick day laws in 2014.

SUPPORT FOR THE SOLUTION

According to polling by the National Partnership for Women and Families, 75 percent of Americans favor a law guaranteeing a minimum number of earned paid sick days for all workers. Eighty-eight percent of women, 90 percent of African-Americans, and 85 percent of unmarried parents – precisely those with lower rates of access to paid sick leave and more caregiving responsibilities – favor legislation requiring paid sick days.

Three-quarters of respondents agreed that earned paid sick days are a basic worker's right, just like being paid a decent wage.

TALKING POINTS ON THE PROBLEM AND THE SOLUTION

- Many workers simply cannot afford to stay home when they are sick. Others face discipline at work when they do. Earned paid sick days help families achieve economic security by allowing them to take care of their health without losing their paycheck.
- Workers with earned paid sick days are more productive and less likely to leave their jobs. Businesses that provide earned paid sick days can save money by reducing turnover.
- Sick workers put everyone's health at risk. And workers in restaurants and similar service industries requiring frequent contact with the public are among the least likely to have earned paid sick days.
- Mothers are much more likely than fathers to shoulder child care responsibilities, even if both parents work. When workplace policies don't reflect families' realities, it is difficult for parents to balance family and work responsibilities. Nearly one in five low-wage working moms have lost a job due to sickness or caring for a sick child.
- Workers who are victims of domestic violence, sexual assault, or stalking need to be able to take time off to get help.
- Earned paid sick days are already in place in several states and localities. Workers should have the same right to take a day away from work to get the care they need no matter where they live!

letting workers take the time they need: paid family and medical leave insurance

THE PROBLEM

Nearly all workers need to take time away from work at some point during their careers because of their own serious health condition, or to care for a family member with a serious health condition or a new baby. Yet, few workers have access to employer-provided paid family and medical leave. Only 12 percent of workers have paid family leave through their employers and fewer than 40 percent have personal medical leave through an employer-provided short-term disability program. As a result, workers who take time off often face a significant loss of income.

Women make up almost half of today's work force and are still far more likely than men to be the primary caregivers for children and other family members in need of care. Lack of paid leave compounds the financial hardships that many women already face. For example, low-wage workers – over two-thirds of whom are women – are far less likely than other workers to have access to paid leave.

The federal Family and Medical Leave Act (FMLA) provides up to 12 weeks of unpaid, job-protected leave to care for a new baby or a family member with a serious health condition, or for one's own serious health condition. Although the FMLA provides critical job protections, nearly 40 percent of the workforce is not eligible. Of those who qualify for FMLA, nearly half are unable to use it for financial reasons.

THE SOLUTION

State laws should ensure that employees can take the time off they need to care for themselves and their families by creating insurance programs that provide paid family and medical leave to workers.

BASIC ELEMENTS OF THE SOLUTION

- Eligible employees are provided with up to 12 weeks of paid leave to address their own serious illness; care for a child, parent, or spouse with a serious illness (including a domestic partner); or care for a newborn, newly-adopted child, or newly placed foster child.
- Leave is funded by joint employee and employer payroll contributions to a state-operated paid family and medical leave insurance fund.
- All workers are eligible, regardless of the size of their company, because the funds are not tied to specific employers, but paid from the state-operated paid leave insurance fund.

California, New Jersey, and Rhode Island have created insurance programs that provide paid family and medical leave to workers. These states represent 15 percent of the U.S. population. Of 167 countries studied by the International Labor Organization, 98 percent provide cash benefits to women during maternity leave. Only four countries – Lesotho, Papua New Guinea, Swaziland, and the United States – provide maternity leave without pay. The United States is the only industrialized country in the world that does not offer a guaranteed paid leave program.

SUPPORT FOR THE SOLUTION

Americans support ensuring that women don't lose their jobs because of pregnancy or maternity leave. A July 2013 poll found that 91 percent of voters support policies protecting pregnant workers and new mothers who take leave.

TALKING POINTS ON THE PROBLEM AND THE SOLUTION

- Nearly all workers need to take time away from work at some point because of their own serious health condition, the serious health condition of a family member, or to care for a new child. Paid family and medical leave would ensure that workers can actually afford to take leave when they need it to care for themselves or their families.
- Paid leave is a commonsense solution to the pressing needs of today's workforce. It is crucial for employers, employees, families, and our nation.
- There is simply no excuse for America to continue to lag behind every other industrialized country by failing to provide paid leave to its workers. Healthy workers are the backbone of the American economy. When workers and their families get sick, we should make certain they can take the time they need to get better.

eliminating discrimination in the workplace

combatting pay discrimination: equal pay for equal work

THE PROBLEM

More than fifty years after the passage of the Equal Pay Act, women are still paid less than men. In 2013, a woman working full time, year round was typically paid just 78 cents for every dollar paid to a man working full time, year round. The wage gaps experienced by women of color were even larger than the overall gender wage gap – nationally African-American women and Hispanic women working full time, year round were typically paid just 64 cents and 56 cents, respectively, for every dollar paid to their non-Hispanic white male counterparts.

The wage gap persists in all fifty states and in nearly every occupation, whether the occupation is female-dominated, male-dominated, or is more integrated. In fact, numerous studies show that even when relevant career and family attributes are taken into account there is still a significant, unexplained gap between the earnings of women and men. Even when women make the same career choices as men and work the same hours, they often earn less.

Pay discrimination persists in part because of stereotypes that continue to infect workplaces. Outdated assumptions, such as the idea that families do not rely on women's income and that women do not need higher pay, stand in contrast to the economic reality for women. Indeed, families are increasingly relying on women's earnings to make ends meet – today women are the primary breadwinners in 41% of families with children and are co-breadwinners in another 22% of families with children. Thus, paying women less undermines the economic security for women and the families they support.

More than 50 years after Congress banned discrimination in wages in the Equal Pay Act of 1963, pay discrimination persists. It is a problem that is difficult to detect – 61 percent of private sector employees report that discussing their wages is either prohibited or discouraged by employers. And even when workers discover unfair pay, loopholes in the law make it difficult to hold employers responsible for pay discrimination. Employees therefore lack the tools they need to effectively fight against pay discrimination and employers lack the incentives to proactively reduce pay disparities.

THE SOLUTION

State laws should improve upon existing protections against pay discrimination by protecting employees who share pay information with colleagues from retaliation, closing longstanding loopholes in pay discrimination laws that make it harder for employees to prevail in equal pay claims, fully compensating victims of sex-based pay discrimination, empowering women and girls by strengthening their negotiation skills, and holding employers more accountable under the Equal Pay Act.

BASIC ELEMENTS OF THE SOLUTION

- ✔ Provide explicit nondiscrimination protections for employees who share pay information; prohibit employers from engaging in any retaliation against an employee who does share such information.
- ✔ Specifically prohibit employers from retaliating, threatening to retaliate, or taking any negative action against employees who report unlawful pay discrimination. This includes employees making an internal complaint to the employer, filing a complaint with the state's fair employment practices agency, or assisting the state agency in investigating a discrimination complaint.

- ✔ Limit the reasons employers may offer to justify paying different wages to employees in the same position. Require that employers that pay men and women different salaries for the same job provide a business justification.
- ✔ Specify that the time-limited period to pursue an equal pay claim starts over each time that an employee receives a paycheck that reflects a discriminatory decision about compensation.
- ✔ Allow employees with successful pay discrimination claims to recover compensatory and punitive damages.
- ✔ Require the state to collect data from private-sector employers about what their employees are paid. Ensure this data is broken down by gender and other protected categories, such as race and ethnicity.
- ✔ Require all companies that bid for and/or receive government contracts to engage in self-analysis and certify ongoing compliance with pay equity laws and principles.

Although nearly all states ban discrimination in pay, several states have taken steps to improve upon their equal pay laws. New Hampshire, Minnesota, and Vermont are among the states that have recently taken steps to close loopholes in their equal pay laws. And 10 states ban retaliation against workers who share their wages.

SUPPORT FOR THE SOLUTION

Equal pay enjoys widespread support. According to a July 2013 poll, 90% of respondents expressed support for ensuring that women get equal pay for equal work.

In a January 2014 nationwide poll of likely 2014 voters, 62% of respondents expressed specific support for the Paycheck Fairness Act – a federal bill intended to improve the federal laws relating to equal pay. In addition, 57% of voters said they were more likely to vote for a candidate who supports the Paycheck Fairness Act.

TALKING POINTS ON THE SOLUTION

- Closing the wage gap would significantly improve families' finances. In fact, bringing women's earnings in line with men's would bring in an additional $11,608 a year for the many families that rely on a woman's income.
- Ensuring equal pay for women makes good business sense. Achieving pay equity for women would not only increase spending and improve the economy, it would also lead to improvements in employee performance and retention and eliminate turnover costs.
- Eliminating the wage gap helps state budgets and reduces public costs. If women receive equal pay, this will move many families out of poverty and reduce the need for public spending on programs that provide support to families for basic needs.

improve the tools workers need to hold employers accountable for sexual harassment

THE PROBLEM

For too many women, sexual harassment undermines the ability to provide for themselves and their families. Particularly for women working in some of the lowest paid fields and those in many high-wage, traditionally male fields, sexual harassment is a continuing problem that is frequently unaddressed. In fact, a recent survey found that 25 percent of working women experience sexual harassment on the job, but about 70 percent of those women say they have never reported it.

Although Title VII of the Civil Rights Act's ban on sex discrimination includes a ban on harassment, it applies only to employers with 15 or more employees, leaving too many women unprotected against harassment. And women working for large employers who do report harassment risk retaliation, ranging from further harassment to losing their jobs, to even having their physical safety put at risk. Moreover, Title VII protections for workers facing harassment were recently further undercut by the Supreme Court's 2013 decision in *Vance v. Ball State University*. The decision in *Vance* applies the more stringent standard reserved for "coworker" harassment to harassment by lower-level supervisors – making it more difficult for workers to prove their harassment claims in court.

THE SOLUTION

State laws should extend protections against sex discrimination to all employees in the state and provide incentives for employers to engage in efforts to prevent harassment. State laws should also make it clear that employers are automatically liable for harassment by supervisors, including those who are lower level, rejecting the overly restrictive interpretations in *Vance*.

BASIC ELEMENTS OF THE SOLUTION

- Extend employment discrimination laws to all employers in the state with 1 or more employee.
- Require employers to conduct education and training on sexual harassment.
- Clarify that, even after the Supreme Court's decision in *Vance v. Ball State University*, employers can be vicariously liable for harassment by individuals with the authority to undertake or recommend tangible employment actions or with the authority to direct an employee's daily work activities.

SUPPORT FOR THE SOLUTION

According to a November 2011 poll, 64% of Americans see sexual harassment as a problem in this country. This number includes a majority of both men (59%) and women (69%), a supermajority of individuals who identify as Democrats (75%), and a majority of individuals who identify as Republicans (53%).

A number of states already apply harassment protections to the very smallest employers and require employers to conduct education and training for employees on sexual harassment, including California, Connecticut, Illinois, Maine, Pennsylvania, Tennessee, Texas, and Washington. In the past two years, Kentucky and Washington passed laws requiring harassment education/training on at least some segment of public employers in the state.

At the federal level, the Fair Employment Protection Act, which would restore protections for workers who face harassment from supervisors on the job, has sixty-two cosponsors representing twenty-five different states.

TALKING POINTS ON THE PROBLEM AND THE SOLUTION

- Sexual harassment is a persistent problem in the American workplace, particularly for women in low-wage jobs and traditionally male-dominated jobs. According to a national poll, 25 percent of women report experiencing sexual harassment at work.
- In a tough job market, it is especially unfair that some workers' best efforts to earn a living for themselves and their families are compromised by sexual harassment.
- Improving the law will ensure that the legal protections against workplace harassment match the realities of the workplaces by providing strong protections against supervisors who abuse their authority to control the daily activities of others.

it shouldn't be a heavy lift: fair treatment for pregnant workers

THE PROBLEM

More than thirty years after the passage of the Pregnancy Discrimination Act (PDA), pregnant women still face challenges on the job. This is especially so in jobs that require physical activity like running, lifting, standing, or repetitive motion, activities that may pose challenges to some women during some stages of pregnancy.

While many women will work through their pregnancies without any need for accommodations, some women will need temporary adjustments to their job duties to continue working safely during pregnancy. When pregnant workers have asked for these temporary adjustments, however, all too often employers have denied their requests. Instead of receiving simple accommodations that would allow them to continue working safely, many pregnant workers have been forced onto unpaid leave or out of a job entirely. Losing a job can be calamitous for these workers and their growing families. In families with children, 41 percent of mothers are primary breadwinners. Women in low-wage jobs are particularly likely to seek and be denied pregnancy accommodations, given the physically demanding nature of many low-wage jobs and a culture of inflexibility in many low-wage workplaces; these low-wage women are also even more likely to be their family's primary breadwinners and income loss during pregnancy can impose particularly severe consequences on these families.

Before Congress passed the PDA, it was common for employers to categorically exclude pregnant women from the workforce. The PDA changed this forever by guaranteeing the right not to be treated adversely because of pregnancy, childbirth, or related medical conditions, and the right to be treated at least as well as other employees "not so affected but similar in their ability or inability to work." However some courts have interpreted this language narrowly, leaving women seeking temporary accommodations for pregnancy without recourse, even when their employers routinely accommodate non-pregnancy-related disabilities and injuries.

THE SOLUTION

State laws should prohibit pregnancy discrimination and explicitly provide that employers must make reasonable accommodations to employees who have limitations stemming from pregnancy, childbirth, or related medical conditions. Such laws would ensure women with medical needs arising out of pregnancy are treated as well in the workplace as workers with medical needs arising out of non-pregnancy-related disabilities.

BASIC ELEMENTS OF THE SOLUTION

- ✔ Employers may not discriminate on the basis of pregnancy, childbirth, or related medical conditions, must treat those affected by pregnancy, childbirth, or related medical conditions as well as they treat those similar in ability or inability to work, and must make reasonable accommodations to employees who have limitations arising from pregnancy, childbirth, or related medical conditions, unless the accommodation would impose an undue hardship on the employer.
- ✔ Employers are prohibited from discriminating against an employee because she needs this sort of reasonable accommodation.
- ✔ An employer may not require a pregnant employee to accept changes to her work when the pregnant worker does not have any medical need for the modification and does not want the modification.

- ✔ Employers are prohibited from forcing a pregnant employee to take leave when another reasonable accommodation would allow the employee to continue to work. While the employee would remain free to choose to use any leave available to her, she would not be forced onto leave against her will.

Twelve states—Alaska, California, Connecticut, Delaware, Hawaii, Illinois, Louisiana, Maryland, Minnesota, New Jersey, Texas, and West Virginia—have laws that require at least some employers to provide reasonable accommodations to pregnant workers. Six cities—Central Falls, Rhode Island; New York, New York; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; Providence, Rhode Island; and Washington, D.C.—have also passed pregnancy accommodations bills. Many of these provisions have passed within the past two years, with bipartisan and frequently unanimous support.

SUPPORT FOR THE SOLUTION

Providing reasonable accommodations to pregnant workers with medical needs is vital to supporting American families, to our economy, and is what the American people overwhelmingly want.

- A July 2013 poll found that 91 percent of voters supported policies protecting pregnant workers and new mothers so they can't be fired or demoted when they become pregnant or take maternity leave, with 70 percent strongly favoring and 80 percent of women strongly favoring.
- A June 2014 poll found that 77 percent of likely voters and 88 percent of unmarried women said they would be more likely to support a candidate who proposed a policy of "finally recognizing that working mothers need help by protecting pregnant workers and new mothers from being fired or demoted, making sure they have paid sick days and access to affordable childcare."
- According to September 2014 polling by The Feldman Group:
  - 95 percent of participants believe that it is appropriate for employers to make reasonable accommodations for women who become pregnant and are unable to work;
  - 93 percent believe that employers should provide a pregnant worker with lighter duties or a different schedule if her medical provider says it is necessary; and
  - 89 percent say that the employer should treat a pregnant worker the same as any other employee with a temporary disability.

TALKING POINTS ON THE PROBLEM AND THE SOLUTION

- No woman should have to choose between her job and a healthy pregnancy.
- While most women can work through their pregnancies without any changes in their jobs, some pregnant women may have a medical need for their employer to make reasonable accommodations so that they can continue to work safely and support their families.
- The right to pregnancy accommodations is too important to take the chance that judges will misinterpret the law. Pregnancy accommodation laws would make it *unmistakable* to employers, employees, and the courts that pregnant workers are entitled to reasonable accommodations when they need them.
- It benefits our economy when women are able to keep working, continue supporting their families, and keep their families off of public assistance programs. Department of Labor studies show that workplace policies of providing reasonable accommodations improve recruitment and retention, increase employee satisfaction and productivity, reduce absenteeism, and improve workplace safety.
- Ultimately, we are talking about women who simply want to work and provide for their families. Why would anyone want to discourage that?

protect employees' private decisions: prohibit employers from discriminating against employees because of reproductive health decisions

THE PROBLEM

Across the country, employers are using their religious beliefs to discriminate against their employees because of the employee's personal reproductive health care decisions. Women are being punished, threatened, or fired for using birth control, for undergoing in vitro fertilization in order to get pregnant, or for having sex without being married. It is unfair that a person would be fired or discriminated against at their job because of a decision about whether to prevent pregnancy or start a family.

Many state and federal laws – particularly those that prohibit discrimination on the basis of sex or pregnancy – offer protections against reproductive health discrimination. Yet narrow or erroneous decisions by courts and officials have created loopholes in the existing laws that leave women without a legal remedy.

For example, Kelly Romenesko was fired from her 7-year job teaching French at two Wisconsin Catholic schools, because she and her husband used in vitro fertilization to become pregnant. An investigator for the state's agency charged with enforcing anti-discrimination laws upheld her termination. The agency said that she had not been fired for becoming pregnant, which would have been illegal, but for undergoing in vitro fertilization, which was not protected under state law.

People should be judged at work by their performance, not by their reproductive health care decisions.

THE SOLUTION

State laws should make it clear that an employer cannot take adverse employment action against an individual based on his/her reproductive health care decision.

BASIC ELEMENTS OF THE SOLUTION

- ✔ Clarify that individuals have a right to make their own reproductive health care decisions without interference by an employer.
- ✔ Prohibit employers from taking adverse employment action against an employee, such as firing or demotion, because of or on the basis of an individual's or a dependent's reproductive health decision, including whether to use a particular drug or medical service.
- ✔ Prohibit employers from requiring an employee to sign a waiver or other document which purports to deny an employee the right to make their own reproductive health care decisions, including use of a particular drug, device, or medical service.
- ✔ Provide remedies.

In 2014, five states (Illinois, Michigan, New York, North Carolina, Ohio) and the District of Columbia introduced bills prohibiting employers from discriminating against their employees because of reproductive health decisions. In New York, the bill passed the Assembly, and in D.C., it passed the Council, was signed by the Mayor, and is awaiting Congressional review. So far in 2015, similar bills have been introduced in Missouri, New York, Virginia, and Washington.

SUPPORT FOR THE SOLUTION

According to an October 2013 poll, 67% of voters in red and swing states support legislation that would bar employers from interfering in employees' reproductive health decisions or discriminating against them because of their reproductive health decisions (55% strongly favor; 12% somewhat favor).

In a December 2012 nationwide poll, 91% of respondents agreed that a company should not be allowed to fire an unmarried employee who is pregnant because the owners believe sex outside of marriage is a sin.

TALKING POINTS ON THE SOLUTION

- People should be judged at work by their performance, not based on their reproductive health care decisions.
- Real religious freedom gives everyone the right to make personal decisions, based on our own beliefs. It doesn't give bosses the right to impose their beliefs on employees and their families.
- Given the recent threats to women's reproductive health care, now is the time for our lawmakers to show that they support the idea that it is women and their families – not bosses – who should make their own reproductive health care decisions.
- This is about simple fairness. This bill makes it clear that our state will protect the right of workers to make reproductive health care decisions without fear of getting fired.

everyone should have a chance to work hard and succeed: prohibit discrimination on the basis of sexual orientation or gender identity

THE PROBLEM

While federal law prohibits sex discrimination and discrimination on the basis of gender stereotypes in employment, housing, and education, it does not specifically prohibit discrimination on the basis of sexual orientation or gender identity. Federal law also does not prohibit discrimination in public accommodations on the basis of sexual orientation or gender identity – or sex. Fewer than half the states have prohibited sexual orientation and gender identity discrimination in employment, housing, education, and public accommodations.

These types of discrimination inflict profound harm on individuals. Like discrimination on the basis of sex, discrimination on the basis of sexual orientation often rests on gender stereotypes about supposedly "normal" or appropriate behavior for women and men. Both sex discrimination and sexual orientation discrimination often take the form of punishing or burdening individuals who fail to conform to gender stereotypes. Despite this close relationship, many courts have rejected claims brought by LGBT individuals who have alleged that the discrimination they face at work or at school is actually sex discrimination on the basis of gender stereotypes and prohibited under federal law. As a result, in more than half of the states in the country, individuals who lose their job or their home, or experience harassment at school, or are denied services in restaurants or stores because of their sexual orientation or gender identity, may be without recourse.

Discrimination on the basis of sexual orientation or gender identity inflicts specific harm on women. Nationwide, a higher proportion of lesbians live in poverty (nearly 23 percent) than heterosexual women (about 21 percent), heterosexual men (about 15 percent), or gay men (almost 21 percent). Women in same-sex couples have a median personal income of $38,000, compared to $47,000 for men in same-sex couples and $48,000 for men in different-sex couples. Further, LGBT women are far more likely than LGBT men to be raising children– 48 percent compared to 20 percent—and LGBT parents are more likely than heterosexual parents to live close to poverty. In addition, 47% of trans people report they were either fired, not advanced, or not hired due to their gender identity, and one study found that the earnings of transgender women fell by nearly one-third following their gender transitions.

THE SOLUTION

State laws should be updated to provide employment, housing, education, and public accommodations protections for LGBT people. (And to the extent state laws do not already prohibit these forms of discrimination on the basis of sex, they should be updated to protect against sex discrimination too.) No one should be subject to unfair, harmful treatment and harassment based on their orientation or gender identity. Updating state nondiscrimination laws in this way is an important element of an economic agenda for women and their families, because of the particular economic vulnerability of lesbian, bisexual, and transgender women, which both arises from discrimination and compounds the harm from discrimination.

BASIC ELEMENTS OF THE SOLUTION

- ✔ Prohibit public and private employers from discriminating against an employee based on his or her sexual orientation or gender identity.

- ✔ Prohibit schools and other educational institutions from discriminating on the basis of sexual orientation or gender identity.
- ✔ Prohibit places of public accommodation from refusing services to or otherwise discriminating against individuals on the basis of sexual orientation or gender identity.
- ✔ Prohibit housing discrimination on the basis of sexual orientation or gender identity.

SUPPORT FOR THE SOLUTION

A September 2013 poll found that 68 percent of registered voters, including a majority in all 50 states, support legislation to prohibit discrimination on the basis of sexual orientation or gender identity.

A December 2012 nationwide poll found that 77% of respondents agree that businesses should not be allowed to refuse to serve LGBT individuals, just as we no longer allow them to turn people away based on race or ethnicity.

TALKING POINTS ON THE PROBLEM AND THE SOLUTION

- We should all follow the Golden Rule and treat others as we would like to be treated, including gay, lesbian, and transgender people.
- Workers should be judged on the job they do – nothing more and nothing less – and that includes gay, lesbian, and transgender people.
- Everyone who works hard and plays by the rules – including those who are gay, lesbian, or transgender – should be treated fairly and equally in school, on the job, and in their homes.
- No one should be unfairly fired from her job for reasons that have nothing to do with her job performance.
- No one should lose her home based on her sexual orientation or gender identity; everyone deserves the opportunity to create a safe and stable home.
- Everyone – including lesbian women, gay men, bisexuals, and transgender people – deserves the opportunity to provide for their families and build a better life. Our state understands that all residents should be treated with fairness, compassion, and respect.

give all women the chance to succeed at home and at work: protect family caregivers from employment discrimination

THE PROBLEM

Too often men are still assumed to be primary breadwinners while women are assumed to be primary caregivers. In reality, women are primary breadwinners in 4 of 10 families with children. And an increasing proportion of caregiving is provided to the elderly – a trend likely to continue as the baby boomer population ages – and many workers are also caring for individuals with disabilities or serious medical conditions.

Caregivers often face discrimination at work. While men and women both shoulder caregiving responsibilities, caregiver discrimination disproportionately affects women, especially women of color, who are more likely to be employed while raising young children or caring for other individuals, and more likely to be the sole source of income for their families. Indeed, caregiver discrimination is often based upon gender stereotypes about what working mothers do or should do, and how that impacts their ability to succeed at work.

Caregiver discrimination takes many forms. Some examples include: refusing to hire an applicant after asking about family caregiving responsibilities, demoting a mother after she returns from maternity leave, or passing workers over for a promotion based on the stereotype that caregivers are less reliable than workers without similar responsibilities.

The Equal Employment Opportunity Commission (EEOC), the agency tasked with enforcing the federal anti-discrimination law, has issued enforcement guidance on unlawful sex discrimination against workers with caregiving responsibilities because it violates Title VII of the Civil Rights Act of 1964. The EEOC has also issued guidance on employer best practices for workers with caregiving responsibilities. Title VII, however, only prohibits discrimination against caregivers that is sex-based – if an employer treats male and female caregivers equally poorly, that poor treatment is not sex-based caregiver discrimination. Executive Order 13152 prohibits discrimination against federal employees based on that employee's status as a parent. Five states and over 90 localities prohibit discrimination based on family responsibilities to some degree.

While these provisions have provided critical protections, many workers remain unprotected.

Employees should be evaluated at work on their performance, not on their responsibilities at home.

THE SOLUTION

States should ensure their non-discrimination laws prohibit employers from discriminating based on family responsibilities, so that women are not punished at work for their caregiving responsibilities or because of stereotypes about how such responsibilities affect work performance

BASIC ELEMENTS OF THE SOLUTION

- ✔ Employers should not fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's family responsibilities.
- ✔ Employers should not segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her

status as an employee because of such individual's family responsibilities.

- ✔ Employers should not request or require information from an employee or person seeking employment relating to the individual's child-bearing age or plans, pregnancy, function of the individual's reproductive system, use of birth control methods, or the individual's familial responsibilities.

SUPPORT FOR THE SOLUTION

According to the Center for WorkLife Law, the number of employees claiming they were treated unequally due to caregiver status has risen by nearly 400% in recent years.

In a 2014 study, 36% of all parents responded that they did not receive a promotion, a raise, or a new job due to parenting responsibilities.

TALKING POINTS ON THE PROBLEM AND THE SOLUTION

- Workers should be judged based on their performance at work, not their responsibilities at home.
- While the majority of American workers have to balance work with family responsibilities, today's workplaces are still designed around the breadwinner-homemaker workforce of the past.
- Caregiver discrimination disproportionately affects women, especially women of color, who are more likely to be employed while raising young children or caring for other individuals, and more likely to be the single source of income for their families.
- As families grow ever more dependent on women's income, more and more employees combine work in the paid labor force with unpaid work as caregivers. This trend underscores the need to develop public and private solutions to ensure that workers with child care and elder care responsibilities receive equal employment opportunity and are protected from discrimination in the workplace.

creating pathways to opportunity

improve state-based student loans and financial aid for low-income students pursuing higher education

THE PROBLEM

For women, it takes a bachelor's degree to avoid overrepresentation in low-wage jobs. This fact highlights the importance of expanding women's access to college and to job training programs that lead to higher-paying jobs that are nontraditional for women. But the rising cost of college education coupled with the recession has meant that postsecondary education is out of reach for many students unless they rely on student loans, which can mean taking on massive amounts of debt and devoting high percentages of their earnings to loan repayment. This imposes a particular burden on women, who are paid less than men, even with a college degree. Among full-time workers repaying their loans one year after college graduation, almost half of women were paying more than eight percent of their earnings towards student loan debt compared to about 40 percent of men.

Student parents face particular barriers to accessing and completing postsecondary education programs. Parents of dependent children made up 4.8 million college students in 2012, representing more than one in four (26 percent) of all college students, up from 23 percent in 2008. Women – who constitute 71 percent of all student parents – are disproportionately likely to be balancing college and parenthood, many without the support of a spouse or partner. Being a student parent is associated with higher levels of unmet financial need and higher levels of debt upon graduation.

Federal grants that help low-income students attend college, such as Pell grants, fall far short of the need, and federal student loans often come with high interest rates. Also, Pell Grant funding is not entirely mandatory, so it is subject to annual appropriations disputes. And currently Pell Grants are limited to one per year, both for full- and part-time students, which is out of touch with reality for nontraditional students – many of whom are women and students with children – who typically want to take classes during summer sessions so they can complete their degrees quickly and take smaller class loads year-round because of their work schedules and/or parenting responsibilities. Additionally, the way Pell Grants are calculated does not acknowledge the unique expenses incurred by students who are parenting or that many working parents need to reduce their work commitment in order to succeed in school.

Undocumented students face additional barriers to accessing higher education because in many states they are not eligible for in-state tuition rates or for state-based financial aid.

THE SOLUTION

States should improve access to higher education for low-income women, including those who are undocumented and those who are parenting, by making it easier for both full and part-time students to afford post-secondary programs, including job training programs that lead to high-wage jobs in nontraditional fields.

BASIC ELEMENTS OF THE SOLUTION

- ✔ Adopt state-based student loan programs for full and part-time post-secondary students that offer interest-free student loans not only while in school but also during repayment, with total loan forgiveness for students who meet certain criteria.
- ✔ Pass laws allowing undocumented students in full and part-time post-secondary programs to pay in-state tuition rates and to access state-based financial aid.

Various states have taken action to help students access higher education. For example, at least 18 states provide in-state tuition rates to undocumented students. At least five of those states (California, Minnesota, New Mexico, Texas and Washington) also allow undocumented students to receive state financial aid. Three states (Arizona, Georgia, and Indiana) prohibit undocumented students from receiving in-state tuition rates.

Texas offers in-state tuition and state aid to undocumented students. Furthermore, under its "B-On-Time" need-based loan program, students pay zero interest on student loans, not only while they are in school but also in repayment. And those who graduate from school on time with a grade point average of 3.0 or higher get their loans forgiven completely. Unfortunately, because this option is only offered to full-time students, many low-income students and student parents who need to work while attending school cannot benefit.

SUPPORT FOR THE SOLUTION

In a November 2014 poll, 82% of respondents said they support providing access to lower cost student loans.

TALKING POINTS ON THE PROBLEM AND THE SOLUTION

- States must address the student debt crisis to ensure higher education is more accessible for women. Federal grants that help low-income students attend college, such as Pell grants, fall far short of the need, and federal student loans often come with high interest rates. States that prioritize education and workforce training can offer low-income students with state need-based aid, interest-free loans, and loan forgiveness programs.
- In states that have no law or policy about the eligibility of undocumented students for in-state tuition rates, each college may handle it differently.
- Better state-based student loan and financial aid programs that can be accessed by both part-time and full-time students – including those who are undocumented – will help to ensure that more low-income women can access the education and training they need to get jobs that pay them enough to support their families.

NEARLY HALF OF STUDENT PARENTS WORK FULL-TIME WHILE ENROLLED, on top of their caregiving responsibilities, which are heavier for enrolled mothers than for fathers. And many women encounter obstacles to staying in school while pregnant, including illegal discrimination based on pregnancy in violation of Title IX, when they are not allowed to make up work they miss due to pregnancy-related absences, are told to drop out of programs because they are pregnant, or are forced to change their plans because their schools refuse to treat pregnancy-related medical restrictions the way they do other medical conditions. Adequate supports are necessary to ensure pregnant and parenting students' success in higher education.

address campus sexual assault so all students can feel safe and complete their education

THE PROBLEM

One in five women is sexually assaulted while in college. According to a study by the Department of Justice, only five percent of sexual assault survivors report their victimization to the police. The emotional and physical effects of sexual harassment and violence can be devastating, disrupting a student's educational trajectory, leading some to drop out of school altogether. Unfortunately, in too many instances, college and school officials have failed to protect students from sexual harassment and violence and to promptly and effectively address it when it occurs.

Under Title IX of the Education Amendments of 1972, the federal civil rights law that prohibits sex discrimination in education, schools must take steps to prevent sexual harassment – including sexual violence – and must stop it and remedy its effects when it does happen, so the survivor can continue to benefit from the educational opportunities the school provides. Despite extensive Department of Education guidance to schools on their Title IX obligations and increased enforcement efforts, many schools still are not adequately responding to sexual violence complaints.

THE SOLUTION

States should require schools to take steps to make their campuses safer and ensure that student survivors are not denied their rights to equal educational opportunities, including steps to increase the reporting of sexual assault and to improve transparency on the prevalence of sexual violence and the effectiveness of schools' prevention and response efforts.

BASIC ELEMENTS OF THE SOLUTION

- ✔ To encourage and facilitate the reporting of sexual assaults, states should require post-secondary institutions to hire a sexual assault coordinator and survivor advocate, separate from the school's Title IX Coordinator and independent from the school administrators who handle disciplinary matters.
  - The advocate's role should be to provide support to survivors and help them navigate the processes of accessing services, reporting the incident, and investigation/adjudication (if applicable).
  - The advocate should be bound to keep reports of assault confidential unless otherwise requested by the survivor.
  - It should be made clear that a survivor's desire to keep her experience confidential will not prevent or affect her ability to access support services without revealing her identity or the particulars of the incident to anyone except those who will provide services to her – who are themselves bound by confidentiality.
- ✔ At a minimum, schools must ensure that students have the information they need to make informed decisions about to whom to report.
- ✔ To improve transparency and better enable school officials and communities to address the particular challenges on their own campuses, states should require post-secondary schools to administer annual, campus-wide anonymous surveys to collect data from students, faculty, and others on the incidence and prevalence in the school community of sexual violence, dating violence, domestic violence, and stalking, as well as the success of various prevention, training, and response efforts.

- The results of these surveys should be publicly reported. The surveys would aid schools – and students considering attending those schools – in determining the extent to which incidents occur and are reported, survivor access to available resources, and whether the school's response efforts meet the needs of survivors.

SUPPORT FOR THE SOLUTION

In a January 2014 poll, 90% of respondents said the issue of sexual assault on university and college campuses is either very important or extremely important (extremely important 48%; very important 32%) while only 14% of respondents felt that colleges and universities currently do a good job handling cases of students reporting sexual assault.

TALKING POINTS ON THE PROBLEM AND THE SOLUTION

- The vast majority of sexual assaults go unreported. When survivors of sexual assault take the courageous step of coming forward, they are often re-traumatized by their schools' response.
- Instead of incentivizing reporting, schools regularly dismiss survivors' claims and outright discourage them from reporting, present survivors with a confusing patchwork of reporting options and do not inform survivors of the repercussions of each option, make promises about confidentiality that they do not keep, and abdicate their obligation to investigate and resolve complaints.

EVERY TWO YEARS, THE U.S. MILITARY SERVICE ACADEMIES CONDUCT AN ANONYMOUS, voluntary survey of all cadets and midshipmen (enrolled students) covering a range of issues related to sexual harassment and sexual assault. For example, respondents are surveyed on whether they have experienced unwanted sexual contact and/or harassment, their level of understanding of academy procedures for reporting sexual assault, whether they participated in prevention programs and how effective they think they were, whether they reported an incident and why or why not, their reporting experiences, and the like. Having this kind of information helps the academies focus on improving the quality of their prevention programming as well as address other areas in which improvements are needed.

strengthening collective action

why right-to-work legislation is wrong for women and families: supporting women workers' right to organize

THE PROBLEM

Unionization is particularly important for women because the benefits of union membership are especially pronounced for women workers. Women who are union members earn 33 percent more than their non-union counterparts. **The gender wage gap for union members is 40 percent smaller than for non-union workers.** In the private sector, union workers are far more likely than non-union workers to have access to paid sick days, paid family leave, vacation, retirement, and comprehensive health insurance that covers all of their needs. Union representation is particularly important for low-wage workers who otherwise have very little bargaining power with their employers – and women are two-thirds of low-wage workers.

Despite the clear benefits of union membership, today only 10.5 percent of employed women are union members. And workers' rights to organize are under attack. Nearly half of the states have enacted right to-work laws that hinder workers' efforts to organize and bargain collectively. These laws make it illegal for unions to negotiate a contract that allows them to collect fair share dues from all of the employees who benefit from the union contract. Twenty states introduced so-called right-to-work bills in the last legislative session, and many states are expected to do so again in 2015. In addition, a recent 5-4 decision by the Supreme Court limited the rights of home care workers to organize. And the recent resurgence in worker organizing in the form of low-wage worker and immigrant worker organizations – many of which are led by women – has also come under attack.

Giving women a chance to make their voices heard in America's workplaces is key to their economic success. Unions and worker organizations are especially important to women – who reap substantial benefits from collective bargaining.

THE SOLUTION

State laws should not undermine workers' ability to come together to fight for better wages and working conditions.

BASIC ELEMENTS OF THE SOLUTION

- ✔ Vigorously defend against efforts to pass so-called right to work legislation.

SUPPORT FOR THE SOLUTION

A 2014 Gallup poll shows that a majority of American support unions.

A 2012 survey by Pew Research Center found that 64 percent of Americans agreed unions are necessary to protect working people.

TALKING POINTS ON THE PROBLEM AND THE SOLUTION

- Right-to-work laws reduce workers' wages. In states with right-to-work laws, wages are $1500 lower for union and non–union workers, on average, than in other states, after accounting for the cost of living.
- All workers who benefit from a union contract should pay union dues. Right-to-work laws are tantamount to letting people decide whether or not to pay taxes for the roads, bridges, and schools that benefit them and their families.

- Collective bargaining gives women a seat at the table where important decisions about their working conditions all too often are now made without them. Right-to-work laws undermine workers' ability to have that seat at the table.
- When women workers participate in workplace decision-making through collective bargaining, it dramatically improves their ability to care for themselves and their families.
- Unions and worker organizations are under attack. Now is the time for legislators to show that they support workers' ability to come together to fight for better wages and working conditions.

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