



**moving**  
women **&** families forward:  
a federal roadmap to economic justice







**moving**  
**women & families forward:**  
**a federal roadmap to economic justice**

# Table of Contents

<b>Introduction</b>	1
<b>Increase Wages and Income Supports</b>	3
Boost Paychecks and Help Narrow the Wage Gap: Raise the Federal Minimum Wage	4
Help Working Women Make Ends Meet: Improve the Earned Income Tax Credit	6
Help Women Be More Financially Secure As They Age: Improve Social Security Benefits and Pension Protections	7
Reduce Poverty: Invest in Key Programs for Women and Their Families	9
<b>Expand Access to Health Care and Coverage</b>	12
Help Women Get Access to Health Care: Address Insurance Coverage for Uninsured and Underinsured Women	13
Help Women Make a Real Decision When Facing an Unintended Pregnancy: Provide Insurance Coverage of Abortion	16
Protect Women’s Health and Decision Making: Stop State Restrictions that Make it Difficult or Impossible for Women to Obtain an Abortion	18
Improve Women’s Access to Necessary Care: Remove Barriers to Birth Control	20
<b>Meet the Needs of Working Families</b>	23
Give Workers the Tools They Need to Succeed: Promote Fair Work Schedules	24
Help Parents Earn While Children Learn: Invest in Early Care and Education	27
Promote Healthy Families and Productive Workers: Ensure Paid Time Off	30
<b>Eliminate Discrimination in the Workplace</b>	33
Combat Pay Discrimination: Strengthen Equal Pay Laws	34
Ensure Healthy Pregnancies and Job Security: Treat Pregnant Workers Fairly	36
Protect Employees’ Private Decisions: Prohibit Employers from Discriminating Based On Employees’ Reproductive Health Decisions	38
Give Everyone a Chance to Work Hard and Succeed: Prohibit Discrimination on the Basis of Sexual Orientation or Gender Identity	40
Protect Women Employees: Improve Workers’ Ability to Hold Employers Accountable for Sexual Harassment	42
Remove Barriers to Work: Support Fair Chance Policies in Employment	44
<b>Improve Pathways to Opportunity</b>	46
Make College Affordable: Improve Federal Financial Aid and Supports for Low-Income Students Pursuing Higher Education	47
Ensure All Students Can Learn in a Safe Environment: Address Sexual Assault in Schools	50
Help Girls Stay in School: Reduce the Disproportionate Suspensions and Expulsions of Girls of Color	53
<b>Promote Security for Vulnerable Women and Families</b>	56
Empower Survivors of Violence: Prohibit Discrimination and Provide Services for Survivors	57
Help Immigrants Succeed: Update Federal Laws to Protect Women Immigrants	60
<b>Strengthen Collective Action</b>	63
Support Women Workers’ Right to Organize: Strengthen Collective Bargaining	64
<b>Appendix</b>	66

# Introduction

## **Women are half the workforce and families**

depend on their income more than ever before. They are breadwinners or co-breadwinners in nearly two-thirds of American families and continue to bear a disproportionate share of caregiving responsibilities. Women of color are especially likely to be supporting families. For example, more than 55 percent of single mother breadwinners are women of color. 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. And all of this leaves too many doors to economic independence and opportunity closed to women and their families.

The economic consequences for women and their families are steep. For example, in 2014, the median income of women working full-time, year round was **\$39,621 compared to \$50,383 for men**. The difference was even greater for women of color — the median income of African American women and Latinas was even lower—**\$33,533** and **\$30,293** respectively. Furthermore, the **poverty rate for women in 2014** was 14.7 percent, compared to 10.9 percent for men. The poverty rates for Latinas, African American women, and Native American women were even higher—22.8 percent for Latinas, 25.0 percent for African American women, and 25.0 percent for Native American women.

Too many women—and especially women facing multiple barriers to opportunity—continue to lack 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; are denied basic workplace benefits such as paid sick days and family and medical leave; continue to experience workplace discrimination, harassment, and unfair treatment; face barriers in accessing education; experience gender-based violence; and face barriers in engaging in collective action in the workplace.

Now is the time to advance a broad federal blueprint that knocks down barriers, remedies discrimination, ensures accountability, and provides key supports that enable women and their families to be economically secure. This blueprint must recognize that women and their families do not live compartmentalized lives. Access to health care, especially reproductive health care, is connected to educational and career opportunities. Affordable, high-quality child care helps women continue their education and participate in the workforce. Women and their families need protections against discrimination and exploitative labor practices in order to enter and remain in the workforce and earn a living wage.

Advancing a broad, integrated blueprint at the federal level that reflects the reality of women's lives is especially important in this moment. Social programs and civil and constitutional rights have been under sustained attack across the nation, and we must not merely defend those rights but also advance forward-leaning policies that will make families more economically secure.

***Moving Women & Families Forward: A Federal Roadmap to Economic Justice*** puts forward a broad-based federal-level economic agenda that recognizes the interconnectedness of factors that affect the economic security of women and their families and outlines a response that will improve their lives. While not touching upon every issue and policy of importance to women and families, it highlights key federal policies that Congress can enact to make a difference.

Specifically, *the Federal Roadmap to Economic Justice* **provides seven main areas** where Congress can lead the way to create a more just society for women and families.

- ✓ **Increasing Wages and Income Supports** by investing in key safety net programs, raising the minimum wage, enacting or expanding tax credits for working families, and improving older women's social security benefits and pension protections.



- ✓ **Expanding Access to Health Care and Coverage** by expanding health insurance coverage and ensuring that women have access to both abortion and birth control.
- ✓ **Meeting the Needs of Working Families** by curbing abusive scheduling practices and giving workers some say in their schedules, appropriating significant new 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; guaranteeing that employers treat pregnant workers fairly, prohibiting discrimination against employees because of reproductive health decisions, prohibiting discrimination on the basis of sexual orientation or gender identity, protecting family caregivers from employment discrimination, and prohibiting unfair questions on employment applications.
- ✓ **Improving Pathways to Opportunity** by alleviating the burden of student loan debt, addressing sexual assault in schools, and creating fair discipline policies.

- ✓ **Promoting Security for the Most Vulnerable Women and Families** by providing protections for immigrant women and preventing and responding effectively to domestic violence and sexual assault.
- ✓ **Strengthening Collective Action** by protecting and bolstering collective bargaining rights.

For each of the key policies recommended, *The Federal Roadmap to Economic Justice* provides the basic tools that advocates and Members of Congress will need to press for that specific policy changes. For each issue, there is a summary of the problem, a list of bills – or potential bills – that would address the problem, the research base to support the policy, information about public support for the policy, and talking points to make the case for the policy with policy makers, the media, and the public.

Coalitions of advocates across the nation are already coming together to build an interconnected vision. *The Federal Roadmap to Economic Justice* builds on this work by providing an integrated legislative women’s economic agenda. Passage of this legislation would promote women’s health, equality, and economic opportunity.

You can download *Moving Women & Families Forward: A Federal Roadmap to Economic Justice* and its two companion reports at [www.nwlc.org/roadmap](http://www.nwlc.org/roadmap). *Our Moment: An Economic Agenda for Women and Families* is an in-depth analysis of the challenges and policies that impact women’s economic security and *Moving Women & Families Forward: A State Roadmap to Economic Justice* is a state-level version of an integrated, broad-based vision of an economic agenda that would benefit women and families.

INCREASE  
WAGES AND  
INCOME  
SUPPORTS

# Boost paychecks and help narrow the wage gap: raise the federal minimum wage

## The Problem

The minimum wage is inadequate for millions of Americans—especially for women, who represent [nearly two-thirds of minimum wage workers](#), and in particular for [women of color](#), who are nearly a quarter of all minimum wage workers. 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](#).

Women’s concentration in minimum wage and other low-wage jobs is also one driver of the gender wage gap. [Women working full-time, year-round typically make just 79 cents for every dollar paid to their male counterparts](#). Wage gaps are even larger for women of color: African American women working full-time, year round typically make only 60 cents, and Hispanic women only 55 cents, for every dollar paid to their white, non-Hispanic male counterparts. On average, [states with a minimum wage at the federal level of \\$7.25 per hour have larger wage gaps](#) than states with minimum wages at or above \$8 per hour.

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 25 years at \$2.13 per hour—just \$4,260 a year for full-time work. Although employers are required to ensure that their employees receive the regular minimum wage when tips fall short, [employers often fail to do so](#). Nationwide, [the poverty rate for tipped workers is about twice as high as the rate for the workforce as a whole](#), but 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](#), than states with a tipped minimum wage of \$2.13 per hour.

## The Solution

Congress must raise the minimum wage, index the wage to rise annually with inflation, and ensure that one fair minimum wage applies to tipped and non-tipped workers alike to improve women’s economic security and help narrow the wage gap.

## Basic Elements of the Solution

Congress must:

- ✓ Raise the federal minimum wage from \$7.25 to at least \$12.00 per hour by 2020—following the lead of states like [Oregon](#), which will raise its minimum wage to between \$12.50 and \$14.75 by 2022 (depending on location), and [California](#) and [New York](#), which will raise their state minimum wages to \$15 per hour by 2022 (or later for upstate New York).
- ✓ Gradually raise the federal minimum cash wage for tipped workers until it matches the regular minimum wage, so that all workers are paid at least this regular minimum wage before tips.
- ✓ Index the minimum wage to rise annually based on increases in median wages.

Leaders in Congress have introduced legislation that would substantially increase wages for workers across the country. The *Raise the Wage Act* (S. 1150/H.R. 2150) would raise the federal minimum wage to \$12.00 per hour by 2020, gradually raise the tipped minimum cash wage until it is equal to the regular minimum wage, and index the minimum wage to rise annually to keep pace with median wage increases.



The *Raise the Wage Act* would boost pay for an estimated 35 million workers by 2020, including nearly 20 million women—representing 30 percent of all working women in the U.S., including 37 percent of working women of color. The *Pay Workers a Living Wage Act* (S. 1832/H.R. 3164) contains provisions similar to the *Raise the Wage Act* on the tipped minimum wage and wage indexing, but would raise the regular minimum wage to \$15.00 per hour by 2020.

### Support for the Solution

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 raising the minimum wage to \$15.00 per hour by 2020; 82 percent support indexing the minimum wage to keep pace with inflation; and 71 percent support requiring employers to pay their tipped workers the regular minimum wage, separate from tips.

Recent polling also shows that 60 percent of small business owners support raising the minimum wage to \$12.00 per hour by 2020.

The results of several 2014 ballot measures also demonstrate robust public support for minimum wage increases: for example, about two-thirds of voters approved initiatives to raise the minimum wage in Arkansas and Alaska, and more than three-quarters of voters supported the \$15 minimum wage initiative in San Francisco.

### Talking Points on the Problem and the Solution

- Millions of women across the country are working hard at minimum wage jobs that leave a mom with two children below the poverty line, even if she works full time.
- Two out of three tipped workers 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, so they can depend on a paycheck when unpredictable tips come up short and make it impossible to cover regular expenses.
- Raising the minimum wage for all workers will help women 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 see their pay go up when we raise the minimum wage nationwide.
- We all benefit when working families experience greater economic security. More money in working people's pockets means more money flowing to local businesses, boosting our economy.

See appendix on page 66 for data regarding the poverty rate and wage gap.

# Help working women make ends meet: improve the earned income tax credit

## The Problem

The federal [Earned Income Tax Credit \(EITC\)](#) supplements the earnings of low-wage workers, lifting the incomes of millions of families above the poverty line every year. It is a refundable credit, so even workers who do not owe taxes can receive it as a refund. The EITC provides families with children, on average, [around \\$3,000 at tax time](#) – which helps families meet their basic needs, pay for transportation and child care so they can get to work, and children in families that receive refunds from the EITC experience lasting health, education, and employment benefits. The EITC is making a difference – but it is not enough.

The EITC provides little help to low-wage workers without qualifying children (including childless workers, non-custodial parents, and parents whose children are beyond the age limit). The “childless worker” EITC does not provide a meaningful work supplement or poverty-reducing benefit. The average EITC benefit for an individual or couple without children in 2013 [was just \\$281](#). For 2016, the benefit is worth a [maximum of just over \\$500](#) and begins to phase out when incomes are still below poverty.

## The Solution

Congress must improve the EITC for childless workers, including by passing the *Working Families Tax Relief Act*. An update to the EITC could benefit millions of working women, including women in low-wage jobs, where women are a large majority of workers; young women who already experience a wage gap and are burdened by student debt; mothers who are economically disadvantaged by caregiving; and older women who can increase their income – and Social Security benefits – before retirement by continuing to work.

## Basic Elements of the Solution

The *Working Families Tax Relief Act of 2015* (S. 1012) would:

- ✓ Double the value of the credit.
- ✓ Lower the age at which workers are eligible to claim the credit from 25 to 21.
- ✓ Increase the amount of income that tax filers can earn and still remain eligible for the credit.

## 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. A bipartisan group of lawmakers favors proposals to expand the EITC for childless workers.

## Talking Points on the Problem and the Solution

- The EITC rewards and encourages work. Only people with income from work are eligible for the EITC.
- Improving the EITC for childless workers would provide an increased work incentive for young men, whose participation in the labor force has been declining. But it would also provide a substantial poverty-reducing benefit to women in low-wage jobs, where women are a large majority of workers.
- The EITC boosts the economy, by putting money in the pockets of working families that they spend to meet their basic needs.

# Help women be more financially secure as they age: improve social security benefits and pension protections

## The Problem

Women are at greater risk of economic insecurity as they age than men. Women's lower lifetime earnings and longer lifespans than men mean they have fewer resources to rely on as they age, and are more likely to spend years alone, without the support of a spouse, than men. The [poverty rate for women ages 65 and older](#) is more than 1.5 times the poverty rate of men ages 65 and older, and rates are especially high for women of color ages 65 and older and women ages 65 and older living alone.

It's therefore not surprising that women [rely more heavily on Social Security](#) than men do—and women's reliance increases with age, especially for many women of color. For example, [Social Security provides](#) 90 percent or more of family income for 37 percent of African American women beneficiaries ages 65 and older, and for 35 percent of Latina beneficiaries ages 65 and older. But Social Security benefits are modest, especially for women. [The average Social Security benefit for women ages 65 and older](#) is about \$13,900 a year, compared to about \$18,000 for men ages 65 and older.

Other sources of retirement income are limited for many women. Low-wage workers in particular are much less likely than other workers to participate in an employer-offered retirement plan. Among [women ages 21 to 64 earning less than \\$10,000 a year](#), only 9.6 percent participate in an employer-offered plan, and [among women ages 21 to 64 earning between \\$10,000 and \\$20,000 a year](#), only 20.3 percent participate. Many women work part-time, but employer-offered retirement plans are not required to include part-time workers in the plan. [Just 27.4 percent](#) of part-time, year-round women workers participate in employer-offered retirement plans. In

addition, the rules under 401(k)-type retirement plans do not fully protect spouses' interests in retirement savings.

The Saver's Tax Credit provides low- and moderate-income individuals with a tax credit of between 20 and 50 percent of their contribution, up to \$2,000 (\$4,000 if married), to a retirement plan or Individual Retirement Account, with the percentage varying by income. Because the credit is not refundable, however, it provides little or no help to many individuals who have low or no tax liability but are otherwise eligible for its benefits.

## The Solution

Congress must improve Social Security benefits as the most effective way to increase women's retirement security, because coverage under Social Security is nearly universal and benefits are secure, life-long, and inflation-adjusted. Congress must also improve women's access to employer-offered retirement savings plans and make the Saver's Credit refundable and increase the amount of the refund it provides.

## Basic Elements of the Solution

The *Social Security Enhancement and Protection Act of 2015* (H.R. 1756) would:

- ✓ Reform the Special Minimum Benefit for Social Security to improve benefits for workers with low lifetime earnings, including by giving credit for lost or reduced earnings due to caregiving.
- ✓ Increase Social Security benefits for those who have been receiving benefits for at least 20 years.
- ✓ Address the long-term solvency of the Social Security Trust Fund by subjecting all earnings to the



payroll tax, including the earnings of high-income individuals that are now exempt from the tax.

The *Retirement and Income Security Enhancement (RAISE) Act of 2015* (S. 2293) would:

- ✓ Reform the Social Security benefit for surviving spouses to provide more adequate and equitable benefits for the survivors of low- and moderate-income couples.
- ✓ Allow divorced spouses to receive Social Security benefits based on a former spouse's earnings when the marriage lasted less than ten years, rather than the ten-year duration of marriage now required to obtain a divorced spouse's benefit.
- ✓ Address long-term solvency of the Social Security Trust Fund by subjecting all earnings to the payroll tax, including the earnings of high-income individuals that are now exempt from the tax.

The *Strengthening Social Security Act* (introduced in the 113th Congress as S.567/ H.R. 3118) would:

- ✓ Use the Consumer Price Index for the Elderly, which takes account of older individuals' higher health care costs, to determine the annual cost of living adjustment for Social Security.
- ✓ Adjust the Social Security benefit formula to raise benefits overall.

The *Women's Pension Protection Act of 2015* (S. 2110/H.R. 4235) would:

- ✓ Require married employees to obtain the consent of their spouse before taking retirement savings out of their account when changing jobs or at retirement.
- ✓ Require married employees who roll savings from a 401(k)-type account into an IRA to name their spouse as the beneficiary of that IRA, unless the spouse consents in writing to another beneficiary being named.

- ✓ Allow long-term, part-time workers to participate in retirement savings plans at work.

The *Savings for American Families' Future Act* (introduced in the 113th Congress as H.R. 5024) would:

- ✓ Make the Saver's Credit refundable.
- ✓ Increase the refund it provides if the individual claiming the credit consents to its deposit in a retirement account.

## Support for the Solution

There are [high levels of public concern about preparation for retirement](#), across different ages and demographic characteristics. Yet some public opinion polling suggests that [women are more worried than men](#) – and with good reason.

## Talking Points on the Problem and the Solution

- Women have fewer resources in their later years because of lower pay, caregiving obligations, and greater likelihood of part-time work – yet they live longer than men. As a result, they are at greater risk of poverty later in life.
- Women rely more than men on the lifetime, inflation-adjusted benefits provided by Social Security.
- Increasing women's opportunities to save for retirement in a variety of ways can increase their financial security as they age.

# Reduce poverty: invest in key programs for women and their families

## The Problem

Women and children face a higher risk of poverty than men. **More than one in seven women live in poverty**—and poverty rates are close to one in four for African American women, Native American women, and Latinas. More than one in five children are poor, and over half of poor children live in families headed by a woman only. Nearly half of families with children headed by African American women, foreign-born women, and Latinas—and more than half of families with children headed by Native American women—live in poverty. Lesbian, gay and bisexual individuals also face a disproportionate risk of poverty, compared to heterosexual **individuals**.

Federal income support programs like the Supplemental Nutrition Assistance Program (SNAP) and housing subsidies, as well as tax credits like the Earned Income Tax Credit, **lift the incomes of millions above the poverty line each year**—especially women and children. Targeted programs like the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the Title X family planning program, and Temporary Assistance for Needy Families (TANF) also provide critical support to **help millions of low-income women care for themselves and their families**. Yet funding for many of these programs is inadequate to meet current need—and since fiscal year (FY) 2010, **federal funding has decreased** for close to 140 programs that serve low-income and vulnerable people.

## The Solution

The federal budget and federal spending must include greater investment in programs that serve the nation's most vulnerable people, and the federal tax system must better reflect ability to pay and provide the revenues needed to fund critical

anti-poverty measures as well as other programs that are especially important to women and their families. Budget plans advanced by Congressional leadership in recent years do not achieve this goal; for example, the FY 2017 budget resolution approved by the House Budget Committee in March 2016 would both **cut programs that serve low- and moderate-income individuals and families by 42 percent** by the end of the next decade and lower tax rates for high-income individuals and many corporations. In contrast, the FY 2017 budget plan advanced by President Obama would reduce poverty, improve tax fairness and raise needed revenues.

## Basic Elements of the Solution

To reduce poverty and otherwise help the nation's poor increase their income security, Congress must protect and strengthen key programs including, at a minimum, by:

- ✓ **Increasing funding for the TANF block grant and improving the program's effectiveness.** Since TANF's inception in 1996, it has been a key source of funding for cash assistance, work supports and other services for low-income families, the vast majority of whom are headed by women only. But the funding for the program's core block grant has been frozen since 1996—and its **value has eroded by nearly one-third over the past 20 years due to inflation**. Congress must, at a minimum, enact the President's FY 2017 budget proposal to **help make TANF a more effective anti-poverty program** by adding \$8 billion to the core block grant over five years; reforming program rules to ensure that more TANF dollars are dedicated to providing cash assistance and helping recipients obtain jobs and child care; funding subsidized jobs programs and two-generation initiatives that can improve

outcomes for both parents and children; and establishing a new Economic Response Fund (\$2 billion over five years) to provide targeted assistance during periods of high unemployment.

- ✓ *Increasing funding for critical family planning services provided by the Title X program.* This program, which serves low-income women, has been **cut by nearly 18 percent** since FY 2010. Congress must, at a minimum, begin to restore funding for Title X by enacting the President's proposal to **increase the program's funding by \$14 million**.
- ✓ *Funding initiatives to improve mobility for low-income families and ending family homelessness.* Several programs help low-income individuals and families obtain affordable housing and prevent homelessness. Congress must, at a minimum, enact the President's proposal to 1) fully fund the Housing Choice Voucher program, which provides rental assistance to approximately 2.2 million low-income households, **43 percent of which are households with children** headed by women only; 2) provide \$15 million for a demonstration project testing strategies to help families with housing vouchers move to higher-opportunity neighborhoods; 3) provide \$11 billion for a **10-year initiative to provide housing vouchers and rapid rehousing grants**, with the goal of ending homelessness among families with children, and provide a down payment on funding for 10,000 new housing vouchers for homeless families with children in FY 2017.
- ✓ *Increasing investments to reduce hunger.* Federal nutrition assistance programs help millions of low-income families put food on the table. The largest program, SNAP, **serves more than 22 million households each month**, and the majority of SNAP households with children are headed by a **woman only**. WIC provides additional assistance to low-income pregnant women and mothers with young children, while child nutrition programs like the federal school meals programs help ensure that children in low-income families can access a healthy breakfast and lunch. At a minimum, Congress must fund SNAP, WIC, and the child nutrition programs at the levels proposed by the

President (**\$81.7 billion, \$6.4 billion, and \$23.4 billion, respectively**). In addition, Congress must act to strengthen nutrition programs by, for example, adopting the President's proposal to provide **\$12 billion over 10 years to expand the Summer Electronic Benefit Transfer for Children** pilot program nationwide, which would provide additional food benefits to low-income families with school-aged children during the summer. This initiative would serve an estimated one million children in the first year and expand gradually over time.

To raise the revenues needed for these investments and for other programs critical to women and their families, a number of which are described elsewhere in this document, the nation's federal tax system must be reformed, at a minimum, by:

- ✓ *Reforming capital gains taxation.* To move closer to an income tax system that treats income from investments the same way it treats income from earnings, Congress must, at a minimum, pass the President's FY 2017 budget proposal to **increase the top tax rate on capital gains and dividends for high-income households** from 23.8 percent to 28 percent and close a loophole that lets the very wealthy avoid capital gains taxes altogether on inherited, appreciated assets. Together, these two reforms would raise \$235.2 billion over 10 years.
- ✓ *Imposing a new minimum tax on very high-income taxpayers to ensure they do not pay a lower income tax rate than middle-class families.* To move closer to an income tax system that better reflects ability to pay, Congress must, at a minimum, enact the President's FY 2017 budget proposal ("the Buffet Rule") to **ensure that taxpayers with incomes above \$1 million pay a minimum tax of up 30 percent on their ordinary income**, less a credit for charitable contributions. This would raise \$37.5 billion over 10 years.
- ✓ *Restoring a fair estate tax.* To move closer to a tax system in which the very wealthy pay their fair share, Congress must, at a minimum, enact the President's budget proposal to **restore the estate tax to its 2009 levels**, with an exemption of \$3.5 million per person (\$7 million for couples) and



a maximum tax rate of 45 percent on amounts above the exemption. This change and other proposed estate, gift, and generation-skipping tax reforms would raise \$201.8 billion over 10 years.

- ✓ *Imposing new taxes on foreign earnings.* To better ensure that U.S.-based companies pay their fair share of taxes, Congress must, at a minimum, enact the President's 2017 budget proposal to **impose an immediate 14 percent tax on previously untaxed corporate profits now stockpiled offshore**, which would raise \$299.4 billion over 10 years, and impose a 19 percent minimum tax on future foreign earnings of U.S. companies, regardless of whether the earnings are repatriated to the United States, which would raise \$350.4 billion over 10 years.
- ✓ *Imposing a fee on very large, highly leveraged financial institutions.* To better ensure that corporations pay their fair share of taxes and to discourage risky, highly leveraged financial schemes, Congress must, at a minimum, enact the President's 2017 budget proposal to **assess a small fee against the liabilities of firms with assets above \$50 billion**. This would discourage excessive borrowing, reduce risks to the larger economy, and raise \$111.4 billion over 10 years.

## Support for the Solution

National polling confirms broad public support for making investments to reduce poverty and improve income security for families—and for raising revenue from the wealthy and corporations to fund those investments. For example, one national poll conducted in 2014 found that **79 percent of**

Americans want Congress to invest more in services that boost the health, education and well-being of children and young people, and another found that seven in ten Americans support the President and Congress setting a national goal to cut poverty in the United States in half within 10 years.

When asked what would do more to reduce poverty, respondents in another 2014 poll favored—by 54 percent to 35 percent—“**raising taxes on wealthy people and corporations to expand programs for the poor**” over “lowering taxes on wealthy people and corporations to encourage investment and economic growth.” And large majorities have expressed support for specific tax reforms, such as “increasing taxes on the profits that American corporations make overseas, to ensure they pay as much on foreign profits as they do on profits made in the United States” (**73 percent support**) and passing the Buffett Rule (**71 percent support**).

## Talking Points on the Problem and the Solution

- In a country as rich as ours, it is indefensible that millions of women and families are living in poverty.
- Federal income support programs are proven to reduce poverty—but we need greater investments in these programs to help more women and families make ends meet and have a chance at a better life.
- We need a fair tax system that taxes the wealthy and corporations based on their ability to pay and raises the revenue we need to fund programs that support vulnerable people.

EXPAND  
ACCESS TO  
HEALTH CARE  
AND COVERAGE

# Help women get access to health care: address insurance coverage for uninsured and underinsured women

## The Problem

Women have benefited tremendously from the Patient Protection and Affordable Care Act of 2010 (ACA). In the first full year of implementation, 4.6 million more non-elderly adult women (ages 18-64) had health insurance than the year before, so that about **87 percent of non-elderly adult women** had health insurance. Improved access to health insurance will result in women and their families being healthier and more economically secure.

Yet, serious gaps in coverage remain, and many women remain uninsured – without access to insurance at all – or under-insured – meaning that they are not covered for the services they need.

There are **12.9 million non-elderly women** who are still uninsured – 13 percent of all non-elderly women. The situation is even worse for African American women (15 percent uninsured), Latinas (24 percent), and Native American women (24 percent). Congress can take action to help remedy two situations that leave women uninsured. First, are the families who do not qualify for subsidized coverage in the ACA health insurance marketplaces because they have an offer of employer-based coverage that is considered affordable under the law. Under current interpretation of federal law, as long as the cost to an employee for employee-only coverage meets the ACA's coverage affordability test, all family members are ineligible for premium assistance, even if the cost to an employee for family coverage is far more. **One study** estimates that 3.9 million dependents are caught in this “family glitch.” Some may end paying more of their income for family coverage through an employer, and others may end up uninsured. Women are more likely than men to hold employer-sponsored coverage through a family member, and in fact 2 million women currently fall into this family glitch.

Approximately **1.5 million of the non-elderly uninsured women** in 19 states remain uninsured because their state has chosen not to participate in the Medicaid expansion. Fifty-five percent of those are people of color. Under the ACA, states are authorized to 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. But a decision by the Supreme Court made the Medicaid expansion optional, and some states have chosen not to expand Medicaid eligibility. In those states, individuals who have incomes below 100 percent of the federal poverty level and who do not qualify for traditional Medicaid will fall into a coverage gap – they will not be eligible for traditional Medicaid or tax credits. Those left uninsured in states that do not expand Medicaid will not be able to take advantage of the important, comprehensive benefits offered by Medicaid or the ACA. Low-income women who fall into this coverage gap by a state's decision not to expand Medicaid coverage face serious consequences. Low-income uninsured women are more likely to go without care because of cost, are 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 to access the care they need to get and stay healthy, which will help them to be economically secure.

Some women also remain under-insured, without coverage that fully meets their needs. First, some employers are not covering maternity for dependent children. Excluding maternity benefits for dependents can discourage a young woman who is pregnant from



obtaining important prenatal screenings, ultrasounds, and regular check-ups throughout her pregnancy, threatening her health and the health of her newborn. This exclusion also leaves young women and their families at financial risk for the significant costs associated with maternity care, including labor and delivery.

Also, women who qualify for Medicaid through “traditional” eligibility avenues, such as being a low-income parent, a low-income pregnant woman, or a low-income person with a disability, are not necessarily covered for all of the ACA-required preventive services without cost-sharing. Coverage for traditional Medicaid groups may vary by state, and when states cover preventive services, coverage may fall short of the ACA standard. This means that while millions of women with private insurance can receive critically important care, such as cancer screenings, immunizations, prenatal visits, and birth control without worrying about out-of-pocket costs, low-income women in the Medicaid program do not necessarily have this protection. This coverage is particularly important for this population – as [nearly one-third of women on Medicaid](#) have forgone care due to costs.

## The Solution

Congress must act to close the gaps in federal law that allow millions of women and their families to remain uninsured or to go without the full coverage they need. This includes passage of the bills below.

### Basic Elements of the Solution

The *Family Coverage Act* (introduced in the 113th Congress as S. 2434/H.R. 4865) would:

- ✔ Fix the “family glitch” by amending the Internal Revenue Code to change the affordability requirements for premium tax credits. The affordability test for dependent family members would be determined by the employee’s premium share for family coverage, which would enable dependent family members to secure premium tax credits if this premium liability exceeds the ACA’s affordability test.

The *Incentivizing Medicaid Expansion Act* (H.R. 4588) would:

- ✔ Extend the period of time during which the federal government will pay the entire cost of the Medicaid expansion for states that have not yet taken it up.

The *Healthy Maternity and Obstetric Medicine Act* (The *Healthy MOM Act*) (S. 2220) would, among other things:

- ✔ Require all employer-sponsored insurance that covers dependent children to cover dependent children for maternity.

The *21st Century Women’s Health Act* (S. 674/H.R. 3652) would, among other things:

- ✔ Require state Medicaid programs to cover, without cost-sharing, the same preventive services that Marketplace plans, other individual policies, Medicaid expansion, and new employer-based health insurance must include within their benefit packages.

## Support for the Solution

In a [February 2016](#) poll, when asked to choose among four broad approaches for changing the health care system currently being discussed, the largest share said lawmakers should build on the Affordable Care Act to improve affordability and access to care.

According to an [April 2015](#) nationally representative poll, 72 percent of people saw Medicaid expansion as an important priority. A set of spring 2014 state-specific polls in states where Medicaid expansion has not moved forward similarly found that a majority of likely voters viewed Medicaid expansion favorably, including in Kansas (55 percent favorable), Georgia (54 percent favorable), and Florida (58 percent favorable).

According to a [March 2014](#) nationally representative poll, 77 percent of respondents had a favorable view of eliminating out-of-pocket costs for preventive services.

## Talking Points on the Problem and Solution

- The Affordable Care Act made great strides for women, but there are still women who remain uninsured or don't have coverage for the health care they need.
- Health insurance provides women with greater access to health services and reduces cost burdens, helps women avoid medical debt, and keeps women healthy. This allows women to be economically secure and pursue their educational and professional goals.
- Fixing the so-called "family glitch" would enable millions of women to be able to purchase affordable health insurance on the Marketplace.
- States opting out of the Medicaid expansion are refusing millions of federal dollars to insure their residents. As a result, 1.5 million women remain uninsured, with negative effects for their health and economic security.
- The *Incentivizing Medicaid Expansion Act* would extend the period during which states can have the federal government pay all of the costs of expanding Medicaid to the uninsured.

- All pregnant women must have access to maternity coverage – it is critical for their health, the health of any children they have, and their economic security.
- Requiring traditional Medicaid to cover all ACA-required preventive services without cost-sharing – as the *21st Century Women's Health Act* would do – would improve coverage of preventive services for the approximately 40 million women covered through traditional Medicaid and ensure that they do not go without preventive care because of cost.

See appendix on page 66 for data regarding the share of uninsured women.

**IMMIGRANT WOMEN FACE SIGNIFICANT BARRIERS TO HEALTH CARE.** These problems and solutions are addressed in the "Help Immigrants Succeed: Update Federal Laws to Protect Women Immigrants."

# Help women make a real decision when facing an unintended pregnancy: provide insurance coverage of abortion

## The Problem

Insurance coverage for reproductive health care, including abortion, is a critical health and economic issue for women. Yet, women who rely on the federal government for health coverage or health care services face severe restrictions and prohibitions when seeking abortion care. States have also subjected women in both private and public insurance plans to limitations and exclusions. These restrictions severely limit women from being able to make the best decision for themselves and their families when faced with an unintended pregnancy.

Currently, federal restrictions withhold comprehensive coverage of abortion and deny abortion care to women who depend on the government for their health care. This includes those enrolled in [Medicaid](#), Medicare, and the Children's Health Insurance Program; Native American women; federal employees and dependents; Peace Corps volunteers; military women, military dependents, and veterans; and women in federal prisons and detention facilities, including those detained for immigration purposes. Congress also restricts [the District of Columbia from using its own funds](#) to provide abortion coverage to low-income women.

In addition to restrictions on federal programs, restrictions on abortion coverage exist at the state level. The federal health care law allows states to prohibit private insurance coverage of abortion in the new health insurance marketplaces. Currently, women in 25 states are prohibited from purchasing a marketplace health plan that [includes coverage of abortion](#). Ten of these states go even further, prohibiting all private insurance plans from covering abortion as part of a comprehensive health plan. In 21 states, [public employees](#) face abortion coverage

restrictions. [Only 17 states](#) use their own state funds to provide coverage of all or most medically necessary abortions for women enrolled in the Medicaid program.

Withholding coverage of abortion creates profound hardships for women and their families. On average, women already have lower incomes than men and therefore have greater difficulty paying insurance premiums than men. They are also more likely than men to have higher out-of-pocket health care expenses and use more health care services than men. Withholding insurance coverage of abortion only increases the barriers women face, and is especially harmful for those who already face significant barriers to receiving high-quality health care, including low-income women, immigrant women, young women, and women of color.

Women denied coverage of abortion may be forced to carry an unwanted pregnancy to term since having coverage can mean the difference between getting the health care they need and being denied that care. Studies show that when policymakers place restrictions on Medicaid coverage of abortion, it forces [one in four poor women](#) to carry an unwanted pregnancy to term. Being denied an abortion can harm women's future well-being and economic security. [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 because of a lack of coverage can push more women and their families closer to poverty and others deeper into the poverty they endure.



## The Solution

Congress must pass the *Equal Access to Abortion Coverage in Health Insurance (EACH Woman) Act* (H.R. 2972) to end restrictions on abortion coverage.

### Basic Elements of the Solution

The *EACH Woman Act* would:

- ✓ Ensure that if a woman gets her health care or insurance through the federal government, she will be covered for all pregnancy-related care, including abortion.
- ✓ Prohibit federal, state, and local legislators from interfering with the decisions of private insurance companies to cover abortion.

### Support for the Solution

In a national survey conducted between [December 2015 and January 2016](#), 72 percent of registered voters surveyed believed if a woman decides to have an abortion it should be affordable, and 62 percent supported proposals that ensure women have access to abortion coverage.

A [July 2015](#) survey showed that majorities of voters support a bill that would require Medicaid to cover all pregnancy-related 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

- Safe abortion services should be available and affordable to all without regard to the ability to pay, source of insurance, or where someone lives. When it comes to the most important decisions in life, such as whether to become a parent, it is vital that a woman is able to consider all the options available to her.
- When it comes to a decision about whether or not to end a pregnancy, it's important that a woman has health insurance coverage so that she can afford to make a real decision.
- Whether she has private or government-funded health insurance, every woman should have coverage for the full range of pregnancy-related care, including abortion.
- Withholding insurance coverage of abortion endangers women's health and interferes with a woman's ability to make her own health care decisions, and can harm a woman's future wellbeing and economic stability.
- 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.
- The *EACH Woman Act* creates a more even playing field, so that a lack of health insurance coverage will not stand in the way of a woman making the best decision for her and her family.

# Protect women's health and decision making: stop state restrictions that make it difficult or impossible for women to obtain an abortion

## The Problem

For over 40 years, the Supreme Court has made it clear that women have a constitutionally protected right to decide whether to obtain an abortion. In 1992, the Court held that states cannot pass laws that impose an undue burden on that right. Yet, state lawmakers are trying to make an end run around these protections by advancing laws designed to shut down clinics and make it impossible for women to get the essential reproductive health care they need. States passed [288 restrictions on abortion](#) between 2010 and 2015. [These restrictions](#) include outright bans on abortion, medically unnecessary and burdensome restrictions on abortion providers that are meant to shut them down, and laws forcing a woman to wait a specified amount of time and undergo counseling meant to dissuade her from obtaining an abortion.

These barriers impose direct and substantial costs on women – costs that are difficult for any woman to overcome. Some women will never be able to overcome these barriers, and may face long-term consequences with respect to their financial wellbeing, job security, workforce participation, and educational attainment. [A study](#) comparing women who terminated a pregnancy to those who wanted but were unable to obtain an abortion found that one year later, women denied an abortion were less likely to be employed in a full-time job and more likely to be living below the federal poverty line. [Access to abortion](#) allows women to take on the costs of having children when they are best able.

## The Solution

Congress must pass the *Women's Health Protection Act* (S. 217/H.R. 448) to give the federal government the authority to ensure that the constitutional right to abortion of every woman in the United States is secure.

## Basic Elements of the Solution

The *Women's Health Protection Act* would:

- ✓ Prohibit laws that single out abortion providers for restrictions that are not applied to other medical providers, that create requirements for getting an abortion that are medically unnecessary, that do not promote women's health or safety, and that limit access to abortion services.
- ✓ Give the Attorney General the authority to enforce these prohibitions by giving the federal government a right of action in federal civil court against any government entity implementing or enforcing such a restriction.
- ✓ Create a private right of action for individuals, medical providers, medical facilities, and other entities hurt by one of these restrictions.

## Support for the Solution

In a [December 2015](#) poll, nearly 60 percent of respondents (58 percent) said that they think abortion should be legal in most or all cases.

In a [December 2015 – January 2016](#) national survey,

- Large majorities of voters said they want a woman who has decided to have an abortion to have the

experience be safe, legal, affordable, and available in her community. They also want the experience to be informed by medically accurate information, respectful of her decision, without pressure, supportive, and without shame. Voters *do not* want access to be difficult in terms of travel and logistics or expensive.

- When informed about state abortion restrictions, close to two-thirds (63 percent) of voters say the laws restricting abortion are going in the wrong direction. Seventy percent of African American voters and 67 percent of Latino voters believe these restrictions are going in the wrong direction.

### **Talking Points on the Problem and the Solution**

- The Constitution guarantees that all women have a right to abortion. States are trying to upend that protection by passing laws meant to shut down clinics and make it difficult – if not impossible – for women to exercise their constitutional right. The *Women's Health Protection Act* prohibits dangerous laws that shut down clinics and threaten women's health.

- A woman must be able to exercise her constitutional right to abortion, no matter where she lives. The *Women's Health Protection Act* would enforce and protect access to safe and legal abortion for all women in this country.
- We need a federal law that puts a woman's health, safety, and rights first, regardless of her zip code. The *Women's Health Protection Act* does exactly that.
- A woman should be able to make her own medical decisions, in consultation with those she trusts.
- Access to abortion has a direct impact on a woman's economic security. The costs and barriers imposed by state restrictions on abortion make it difficult – if not impossible – for women to access abortion, and can lead to long-term consequences for women's financial wellbeing, job security, workforce participation, and educational attainment.

# Improve women’s access to necessary care: remove barriers to birth control

## The Problem

Seamless access to birth control and comprehensive counseling is a critical health and economic issue for women. Contraception helps reduce unintended pregnancy, which can have negative consequences for both women and their children. When a woman is able to plan if and when to become a parent, she can better secure her future. Yet, barriers continue to impede a woman’s ability to get the birth control method that is right for her and her circumstances.

One problem that impedes access to birth control for women, and where federal legislation could go a long way to remedy the problem, is when women are denied birth control at the pharmacy. Reports of pharmacists refusing to fill birth control prescriptions or sell over-the-counter emergency contraception to women have surfaced in at [least 25 states](#) across the nation. These refusals to provide birth control are based on the pharmacist’s personal beliefs, not on legitimate medical or professional concerns. Some of the same pharmacists that refuse to dispense birth control because of personal beliefs have also refused to transfer a woman’s prescription or refer her to another pharmacy. These refusals can have devastating consequences for women’s health, can lead to unintended pregnancy, and can have a negative impact on a woman’s wellbeing and economic security.

In addition, women who serve our nation through the military or as the dependents of service members continue to face gaps in birth control coverage and counseling. Because they receive their health care through the federal government, they could be particularly helped by federal legislation.

Under TRICARE, the military’s health care program, only active-duty service members have coverage

of all prescriptions, including birth control, without cost-sharing, no matter where or how they obtain their birth control. This brings these service members’ coverage in line with the Affordable Care Act, which currently provides 55 million women across the country with [no-cost coverage for birth control](#) and related education and counseling. But other women who rely on TRICARE for health insurance, including non-active-duty servicewomen and military family dependents, are faced with out of pocket costs when they fill their prescriptions for birth control outside of a military treatment facility. Given that [studies have shown](#) that out-of-pocket costs for preventive care like birth control can decrease access to such care and particularly influence an individual’s use of contraception, these costs could mean gaps in contraceptive care and an increased risk of unintended pregnancy.

Additionally, service members still have unmet needs when it comes to birth control information. [Studies indicate](#) that more needs to be done to improve service members’ access to family planning education, including consideration of training and deployment schedules and working conditions. The need for comprehensive family planning information is critical for service members because an unintended pregnancy can disrupt a service member’s career, her deployment, and her troop’s cohesiveness. In fact, the Defense Advisory Committee on Women in the Services [has recommended](#) that all the Armed Forces should build upon existing family planning education efforts to implement initiatives that inform service members of the importance of family planning, including that it can increase military readiness and quality of life for all members of the military.

Service members also need access to emergency contraception when they face sexual assault. The



Department of Defense has promulgated regulations to ensure that survivors of sexual assault are informed of the availability of emergency contraception, but the regulations do not guarantee that a survivor is given emergency contraception upon request. Without access to emergency contraception, a survivor of sexual assault may face an unintended pregnancy due to rape which can cause further trauma.

## The Solution

Congress must pass legislation, including the bills listed below, that will ensure access to birth control for women. Congress must require pharmacies to provide birth control to customers without discrimination, delay, harassment, or obstruction. In addition, Congress must guarantee that all those who rely on the military for health care have comprehensive contraceptive coverage without cost-sharing, service members have access to comprehensive family planning education, and survivors of sexual assault in the military are provided emergency contraception upon a survivor's request.

## Basic Elements of the Solution

The *Access to Birth Control Act* (introduced in the 113th Congress as H.R. 728) would:

- ✔ Require pharmacies to ensure that in-stock contraceptives are provided to customers without delay.
- ✔ Require pharmacies to immediately inform a customer if the contraceptive is not in stock and allow the customer to choose whether the pharmacy will refer the customer or transfer the prescription to a pharmacy that has the contraceptive in stock, or expedite the ordering of the contraceptive and notify the customer when it is in stock.
- ✔ Require pharmacies to ensure their employees do not intimidate, threaten or harass customers seeking birth control; interfere with or obstruct delivery of birth control; intentionally misrepresent or deceive customers about birth control; breach or threaten to breach medical confidentiality; or refuse to return a lawful prescription for birth control upon customer request.

The *Access to Contraception for Women Servicemembers and Dependents Act* (S. 358/H.R. 742) would, among other things:

- ✔ Bring TRICARE, the military's health care program, in line with other employer-based health insurance by covering all FDA-approved methods of contraception without cost-sharing for all those who rely on TRICARE.
- ✔ Enhance existing military family planning education programs by requiring the Department of Defense to establish a uniform standard curriculum that can be used in family planning education programs across the Services. This curriculum would emphasize the importance of family planning to military readiness and provide current, medically-accurate information to service members in a clear, user-friendly manner.
- ✔ Ensure that military survivors of sexual assault are provided with emergency contraception upon request.

## Support for the Solutions

A nationally representative study in [October 2015](#) found that most adults (78 percent) believe that more people would use birth control if they had easier access to it. This same survey found that 94 percent of adults agree that for those who want to avoid getting pregnant or causing a pregnancy, using birth control is taking personal responsibility.

A [June 2012](#) poll found that nearly three in four voters agree that we should do everything we can to make sure that people who want to use prescription birth control have affordable access to it.

A poll conducted in [May 2007](#) by Lake Research Partners found that 82 percent of adults and registered voters believed that "pharmacies should be required to dispense birth control to patients without discrimination or delay."

## Talking Points on the Problem and Solutions

- Birth control is such a core part of women's lives that [99 percent of sexually active women](#) have used birth control at some point.

- Access to birth control increases women's ability to plan and space their pregnancies and is linked to greater educational and professional opportunities and increased lifetime earnings.
- Barriers that prevent a woman from using birth control consistently or correctly increase the chance of unintended pregnancy.
- Pharmacies must do their job and fill prescriptions for birth control. No woman should be denied birth control because of someone else's personal beliefs.
- No woman should be sent home without her medication or be humiliated by a pharmacist who disapproves of her decisions. Federal legislation is critical to ensure that every woman will be able to leave her pharmacy with her medication in hand and her dignity intact.
- Our military families deserve the same birth control coverage that other families get so that they can plan for their careers and families.
- Family planning is important for military readiness.
- Service members who are survivors of sexual assault need timely and unburdened access to emergency contraception.

MEET  
THE NEEDS  
OF WORKING  
FAMILIES

# Give 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 more than 23 million [workers in low-wage jobs](#) (paying \$10.50 per hour or less), scheduling challenges can be especially acute. Women are disproportionately affected by this problem because women hold two-thirds of low-wage jobs and [still shoulder the bulk of 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 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. Women of color—who are [overrepresented in low-wage jobs and among part-time workers](#)—may also face greater scheduling challenges; for example, in one [survey of workers](#) ages 26-32, workers of color in hourly jobs were more likely to report that they received their schedules one week or less in advance, and that they lacked control over the timing of their work hours, than their white counterparts.

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, [which can have negative consequences for their children](#). 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

Congress must pass the *Schedules That Work Act* (S. 1772/H.R. 3071), which would curb abusive scheduling practices and give workers more say in their schedules.

## Basic Elements of the Solution

The *Schedules That Work Act* would:

- ✔ Provide a right to request for all workers. Employees would have the right to make scheduling requests without retaliation. Employers would have an obligation to consider and respond to all employees' requests.
- ✔ Provide a right to receive a scheduling change for high-priority requests in some circumstances. When employees request a scheduling change to fulfill caregiving responsibilities, to work a second job (for part-time workers), to pursue education and workforce training, or to address

the employee's own serious health condition, the employer would be required to 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 needs or customer demand.

- ✓ Ensure additional baseline protections for hourly workers in restaurant, retail, and building cleaning jobs, where abusive scheduling practices are especially well-documented. These protections include:
  - Requiring reporting-time pay. When an employee is sent home from work early without being permitted to work his or her scheduled shift, the *Schedules That Work Act* would require the employee to be paid for a minimum of four hours of work or the hours in the scheduled shift, whichever is less. In addition, if an employee is required to call in less than 24 hours before the start of a potential shift to learn whether he or she is scheduled to work, the bill would require the employee be paid a premium equivalent to one hour of pay.
  - Requiring split-shift pay. If an employee is required to work a shift with nonconsecutive hours with a break of more than one hour between work periods, the bill would require the employer to pay a premium for that shift equivalent to one hour of pay.
  - Requiring advance notice of schedules. When an employee is hired, the *Schedules That Work Act* would require an employer to disclose the expected minimum number of hours an employee will be scheduled to work. If that minimum number changes, the bill would require the employer to give two weeks' notice of the new minimum hours before the change goes into effect. In addition, the bill would require an employer to provide an employee with his or her work schedule at least two weeks in advance. If an employer makes changes to this work schedule with notice of only 24 hours or less, the bill would require the employee to be paid a premium equivalent to one hour of pay.

## Support for the Solution

A [December 2015](#) poll found 61 percent of registered voters and a full two-thirds of women registered voters stated that they would be more likely to support a candidate who supported requiring employers to provide stable, predictable schedules for hourly employees.

A [June 2015](#) poll showed 72 percent of Americans support requiring chain stores and fast-food outlets to give workers at least two weeks' notice of any changes in their work schedule.

A [2014](#) poll of workers showed that more than 60 percent rated "more flexibility to work at different hours" and "more certainty and advance notice" in their schedules to be somewhat or very important steps their employers might take to help them better manage their responsibilities at work with their obligations to their families and communities. Among workers who worked outside standard 9 am to 5 pm hours, even larger majorities identified these steps as important.

States and localities have also [shown their support](#) for these provisions. Two states protect the right to request; eight states and the District of Columbia require reporting-time pay; and one state and the District of Columbia require split-shift pay.

## Talking Points on the Problem and the Solution

- Too often, unstable and unpredictable work schedules undermine working people's best efforts to meet their obligations at work and address the most critical responsibilities in the rest of their lives—including raising their families, holding down a second part-time job to make ends meet, going to school, or addressing their own medical needs.
- Unfair scheduling practices hit women the hardest, because women hold two-thirds of low-wage jobs, where these practices are especially common. Women also still shoulder the bulk of family caregiving responsibilities, which can pose sharp conflicts with unpredictable or inflexible work schedules.



- Unpredictable and unstable scheduling practices make it extremely difficult for working parents to arrange the stable child care that they need to go to work and their children need for their healthy development.
- The *Schedules That Work Act* helps ensure that workers receive the fair work schedules that make it possible to stay in degree or certificate programs that provide opportunities for advancement. And education is critically important for working women—since women must often be more educated than men to receive the same pay men do.
- Working women need to have a voice in their schedules so that they can plan for and attend to their health care needs, including accessing reproductive health services and, for survivors of domestic violence and sexual assault, help escaping and recovering from abuse.
- When working parents 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. The *Schedules That Work Act* provides employees with more flexible, predictable, and stable schedules—and that’s not only good for workers and their children, it also results in greater employee morale, engagement, and productivity.

See appendix on page 66 for data regarding the share of the low-wage workforce women of color comprise.

# 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 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. Many parents cannot find affordable high-quality child care and preschool programs for their children in their communities. These issues are especially pressing for women, who shoulder the majority of caregiving responsibilities while at the same time [serving as primary breadwinners](#) in 41 percent of families with children, and co-breadwinners in another 22 percent of these families.

While the families of approximately [1.4 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. [Fewer than 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, fewer children are being served today than in earlier years. There were [407,500 fewer children](#) receiving child care assistance in 2014 than at the peak of federal funding in 2001.

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 2015, [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 makes it difficult for teachers (the vast majority of whom are women) to support their own families. Low rates can also discourage some providers from serving families receiving child care assistance, which can limit these families' options.

The Child and Dependent Care Tax Credit [provides some assistance with child care costs](#), but its maximum value is only \$1,050 for families with one child and \$2,100 for families with two or more children, and it does not help families without tax liability because it is not refundable.

Additional resources are needed not only to close these serious gaps but also for states to effectively implement the [CCDBG 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 otherwise 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, and [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

Congress must significantly expand its investment in child care and prekindergarten so that families have access to high-quality early learning opportunities in healthy, safe environments that help children succeed in school and that enable parents to work, including by passing the bills below. Congress must also ensure that these policies are 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

The *Child Care Access to Resources for Early-Learning Act* or the *Child CARE Act* (S. 2539/H.R. 4524) would:

- ✓ Invest \$25 billion in mandatory child care funding over five years to provide high-quality care for all children age three and under in families living under 200 percent of the federal poverty level.

The *Strong Start for America's Children Act* (S. 1380/H.R. 2411) would:

- ✓ Ensure a high-quality prekindergarten experience to all four-year-old children in families with incomes below 200 percent of the federal poverty level and provide support for high-quality early childhood education and care programs for infants and toddlers.

The *Early Childhood Nutrition Improvement Act* (H.R. 3886) would:

- ✓ Improve the Child and Adult Care Food Program to allow a healthy meal or snack for children in care eight or more hours a day.
- ✓ Streamline program operations by reducing for-profit child care center eligibility determination from monthly to biannually as well as reduce parent, provider, and sponsor paperwork.

The *Child and Dependent Care Tax Credit Enhancement Act* (S. 820) and the *Helping Working Families Afford Child Care Act* (S. 661/ H.R. 1780) would:

- ✓ More than double the maximum credit amounts.
- ✓ Make the credit refundable.
- ✓ Index the expense limits for inflation.

Federal legislation must also:

- ✓ Significantly expand funding for the Child Care and Development Block Grant (CCDBG) including to accommodate the costs generated by the 2014 reauthorization and achieve legislation's goals of improving the quality of care and families' access to child care assistance, to increase the number of children receiving child care assistance, and to increase reimbursement rates for child care providers.
- ✓ Increase funding for Head Start to enable grantees to provide a full school day (six hours a day and 180 days a year) of early care and education programming to three- and four-year-old children.
- ✓ Increase funding for Early Head Start to allow the program to serve at least 25 percent of all eligible infants and toddlers.
- ✓ Provide for sufficient investments in all early care and education programs to support good-quality jobs for early childhood teachers, with family-sustaining wages, professional development, the opportunity for career advancement, and other fundamental employee benefits.

## Support for the Solution

National and state polls show strong support for investing in prekindergarten and child care. In a recent national [poll](#), 76 percent of voters supported increasing federal investments to help states provide more access to high-quality early childhood programs for low- and moderate-income families. In the poll, 91 percent agreed that positive early childhood education experiences lay the foundation for all the years of education that follow.

There is bipartisan support for child care and early learning among policy makers. The 2014 reauthorization of the CCDBG passed the U.S. House of Representatives unanimously and the U.S. Senate [by a vote of 96 - 2](#). 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 [over \\$4,800 to over \\$17,000 a year](#), depending on where a family lives. Nearly half of children under age three—[5.3 million infants and toddlers](#)—live in low-income families, who cannot afford these high costs without help.

# Promote healthy families and productive workers: ensure paid time off

## The Problem

Nearly all workers need to take time away from work at some point during their careers either to take care of their own minor illness or longer-term health condition, or to care for a family member with a health condition or a new baby. But many workers do not have access to paid time off. Without access to paid sick days or paid family and medical leave, workers are too often forced to choose between caring for their health – or the health of their loved ones – and keeping their job.

Approximately 40 percent of workers are not permitted to earn paid sick days. Latino workers are much less likely to have access to paid sick days than white, black, or Asian workers—more than half of Latino workers (51 percent) do not have access to paid sick days. And these percentages do not account for the millions more who have not worked for their employers long enough to qualify for the paid sick days their companies provide.

For individuals who need more than a few days off, the situation is even worse. Only 12 percent of workers have paid family leave through their employers and fewer than 40 percent have paid medical leave through an employer-provided short-term disability program. Workers of color are especially likely to have an unmet need for leave.

Although 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, nearly 40 percent of the workforce is not eligible for this leave. Of those who qualify for FMLA, nearly half are unable to use it for financial reasons. As a result, workers who take time off to care for family or themselves often face

workplace discipline, a significant loss of income, or job loss.

Low-wage workers are even less likely to have paid time off. Less than a third (31 percent) of the lowest 25 percent of wage earners (earning less than \$11.64 per hour) have access to paid sick days and only 5 percent have access to paid family leave. Women—especially women of color—are over-represented among low-wage workers, which means that the lack of paid time off hits women especially hard. Given that women 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 time off compounds the financial hardships that many women already face. In fact, nearly one in five low-wage working moms has lost a job due to sickness or caring for a sick child.

Lack of paid time off also puts the health of our communities at risk. Workers unable to earn paid sick days often go to work sick, risking others' health. And workers without paid sick days are nearly twice as likely as those with paid sick days to say they have sent a child to school or child care sick. Workers without paid sick days are also more likely to say they have gone to the emergency room to get care for themselves because they cannot take time off for medical care. And without paid time off, too many victims of domestic violence and sexual assault cannot take the time they need to seek help or recover from abuse.

Not only civilians, but also service members face obstacles to taking time off to care for a new baby. While the Defense Department recently announced that female service members would be eligible for 12 weeks of paid parental leave upon giving birth, under statute a service member is entitled to only



10 days of leave when his or her spouse gives birth, while unmarried parents have no right to parental leave at all when their partners give birth. In addition, adoptive parents are eligible for only 21 days of leave. Moreover, service members enjoy no clear entitlement to take paid time off to care for a family member with a serious medical condition.

## The Solution

Congress must pass the *Healthy Families Act* (S. 497/H.R. 932), which would establish a minimum earned paid sick and safe days standard, the *FAMILY Act* (S.786/H.R. 1439), which would establish a paid family and medical leave insurance program, and the *Military Parental Leave Modernization Act* (H.R. 4796), which would provide 12 weeks of paid parental leave to all new parents who are members of the Armed Forces, and should expand this bill to include an entitlement to paid time off to care for family members with serious medical conditions. These changes would help millions of workers take care of themselves and their families, and would benefit women particularly, given their overrepresentation in low-wage jobs which are least likely to provide this benefit.

## Basic Elements of the Solution

The *Healthy Families Act* would:

- ✔ Allow workers to earn up to seven job-protected paid days each year to use when they are sick, for preventive care, to care for a sick family member, or to attend school meetings related to a child's health condition or disability.
- ✔ Ensure that workers who are survivors of domestic violence, stalking, or sexual assault can use these earned paid days to take the time they need to get help or recover.
- ✔ Establish that workers can earn sick and safe time based on a simple accrual system. Workers would earn a minimum of one hour of paid sick time for every 30 hours worked, up to 56 hours per year.
- ✔ Allow employers to continue existing sick leave policies, as long as they meet the minimum standard set forth in the law.

The *Family and Medical Insurance Leave Act* (or the *FAMILY Act*) would:

- ✔ Require that workers are provided with up to 12 weeks of paid leave to address their own serious illness, including pregnancy and childbirth recovery; care for a child, parent, spouse, or domestic partner with a serious illness; or care for a newborn or newly-adopted child.
- ✔ Ensure that workers would earn 66 percent of their monthly wages, up to a capped amount.
- ✔ Require that leave is funded by joint employee and employer payroll contributions to a Family and Medical Leave Insurance Trust Fund within the Social Security Administration.
- ✔ Make all workers eligible, regardless of the size of their company, because the funds are not tied to specific employers, but paid from the Family and Medical Leave Insurance Trust Fund.

The *Military Parental Leave Modernization Act* would:

- ✔ Provide 12 weeks of paid parental leave to all service members regardless of sex or marital status upon the birth or adoption of a child.

In addition, Congress must provide 12 weeks of paid family leave to all service members to care for family members with serious medical conditions.

## Support for the Solution

Americans resoundingly support paid time off policies. According to [polling](#) by the Make it Work campaign and Lake Research Partners, 88 percent of Americans favor a law guaranteeing all workers earn paid sick days to care for themselves or family members. More than 4 in 5 voters (82 percent) agree that being able to take paid time off to care for yourself or sick family members should be something all employees earn and nearly three-quarters believe that the government has a responsibility to treat employees fairly, including allowing them to earn paid time off to care for family members.

Americans also support ensuring that women do not lose their jobs because of pregnancy or maternity leave. A [September 2015](#) poll found that 83 percent of

likely voters believed “requiring employers to provide employees with paid sick days and family leave to care for themselves or a loved one when needed and to ensure that women do not lose their jobs when they have a baby” would be effective at creating a better economy.

These policies are particularly important to female voters. A [December 2015](#) poll of unmarried women registered voters found that 72 percent indicated that they were more likely to support a candidate who supported allowing workers to earn paid sick days and more likely to support a candidate who supported requiring employers to provide employees with paid family and medical leave.

A growing number of states and localities are also supporting paid time off. [Three states, the District of Columbia, and many cities and localities](#) have adopted earned paid sick days standards. Nearly all of these localities and states allow employees to use their earned paid sick days to take the time they or a family member needs to get help or recover from domestic violence, stalking, or sexual assault.

[Three states](#), representing 15 percent of the U.S. population, have created insurance programs that provide paid family and medical leave to workers.

### 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 health condition, the health condition of a family member, or to care for a new child. The *Healthy Families Act* and the *FAMILY Act* ensure that workers can actually afford to take time off when they need it to care for themselves or their families.
- When workplace policies don’t reflect families’ realities, it is difficult for parents to meet both their 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.

- Many workers simply cannot afford to stay home when they are sick. Others face discipline at work when they do. The *Healthy Families Act* helps families achieve economic security by allowing them to take care of their health without losing their paycheck.
- 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.
- Workers who are victims of domestic violence, sexual assault, or stalking need to be able to take time off to get the help they need to escape the violence.
- Workers permitted to earn paid sick days are more productive and less likely to leave their jobs. Businesses that provide paid sick days can save money by reducing turnover.
- Paid sick days and paid family and medical leave are already in place in several states and localities. Workers should have the same right to take care of their health and their families no matter where they live.
- There is simply no excuse for America to continue to lag behind every other industrialized country by failing to provide paid time off 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.

See appendix on page 66 for data regarding the share of workers with access to paid sick days.

ELIMINATE  
DISCRIMINATION  
IN THE  
WORKPLACE

# Combat pay discrimination: strengthen equal pay laws

## The Problem

More than 50 years after Congress banned sex discrimination in wages in the Equal Pay Act of 1963, men are still paid more than women. In 2014, a woman working full-time, year round was typically paid just **79 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 – African American women and Latinas working full-time, year round, were typically paid just 60 cents and 55 cents, respectively, for every dollar paid to their non-Hispanic white male counterparts.

The **wage gap** persists in all 50 states and in nearly every occupation, whether the occupation is female-dominated, is male-dominated, or is more gender-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. In other words, even when women make the same career choices as men and work the same hours, they typically are paid less.

Pay discrimination persists in part because of **stereotypes** that continue to infect workplace decision-making. 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 percent of families with children and are co-breadwinners in another 22 percent of families with children. Paying women less not only undermines economic security for women, it harms the families depending on their paychecks.

Wage discrimination is difficult to detect – in part because **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.

A federal standard is necessary. California, Connecticut, Delaware, Illinois, New Hampshire, New York, North Dakota, Minnesota, Oregon, Rhode Island, and Vermont are among the states that have **recently taken steps** to close loopholes in their equal pay laws or otherwise strengthen enforcement of those laws, yet many states have failed to act. In addition, **only 13 states ban retaliation** against workers who talk about their wages.

## The Solution

Congress must pass the *Paycheck Fairness Act* (S. 862/H.R. 1619) to strengthen existing protections against pay discrimination.

## Basic Elements of the Solution

The *Paycheck Fairness Act* would:

- ✓ Provide explicit protections for employees who share pay information, by prohibiting employers from preventing workers from discussing such information and prohibiting employers from engaging in any retaliation against an employee who does share such information.
- ✓ 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 show that the differential is job-related and required by business necessity and that this reason accounts for the entire pay differential.

- ✓ Ensure that employees who work for the same employer in the same county or similar political subdivision can be compared to determine whether the employer is providing equal pay for equal work.
- ✓ Allow employees with successful pay discrimination claims to recover compensatory and punitive damages.
- ✓ Permit employees to come together to challenge patterns of pay discrimination through class actions.
- ✓ Require the collection of 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.
- ✓ Provide training and technical assistance for employers to support compliance.

## Support for the Solution

Equal pay enjoys overwhelming support. A January 2015 [poll](#) of likely voters found 93 percent supported ensuring women and men receive equal pay for equal work, with 86 percent strongly favoring. In a December 2015 [poll](#), 73 percent of voters—including 81 percent of women—were more likely to support a candidate who supported making sure women are paid the same as men for doing the same work.

Similarly, according to a [July 2013](#) poll, 90 percent 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 percent of respondents expressed specific support for the *Paycheck Fairness Act*. In addition, 57 percent of voters said they were more likely to vote for a candidate who supports the *Paycheck Fairness Act*.

In an August 2015 [poll](#) of women aged 18-64 in the U.S., 58 percent identified equal pay as the most important issue face women in the workplace.

## Talking Points on the Solution

- Having an economy that works for everyone starts by ensuring that women are paid the same as men for equal work.

- Women can't afford to be shortchanged any longer, and neither can the millions of families who rely on women's income.
- Ending pay discrimination will help close the wage gap and strengthen America's working families. Bringing women's pay in line with men's would bring in \$10,762 more in median annual earnings to support the families relying on a woman's income.
- You can't fight pay discrimination if you have no idea whether you are making less than the man across the hall. Employees need robust legal protections so they can talk about how much they make without fear of retaliation from their employer.
- The *Paycheck Fairness Act* prevents an employer from paying a male employee more than a female employee who is doing the same job for the employer on the other side of town—because a few miles' distance is no justification for pay discrimination.
- When a woman is paid less than a man for doing the same work, she is getting a second-class salary. Today the law adds insult to injury by giving her a second-class remedy for discrimination by limiting the damages she can receive. The *Paycheck Fairness Act* changes that.
- It shouldn't pay to discriminate. Weak remedies for pay discrimination mean that employers can come out ahead by gambling that they won't get caught, but the *Paycheck Fairness Act* will incentivize employers to stop pay discrimination before it happens.
- Working women can't end pay discrimination on their own—and they shouldn't have to. The *Paycheck Fairness Act* ensures that women can come together to challenge an employer's company-wide pay discrimination in court and that enforcement agencies are given the tools they need to identify and target pay discrimination.

See appendix on page 66 for data regarding poverty rates and the pay gap between men and women.



# Ensure healthy pregnancies and job security: treat pregnant workers fairly

## The Problem

More than 30 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. [Women of color](#) are overrepresented in some physically-demanding and low-wage jobs that can pose particular obstacles to pregnant women. 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 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.

In 2015, the [Supreme Court held in \*Young v. UPS\*](#) that when an employer accommodates workers who are similar to pregnant workers in their ability to work, it cannot refuse to accommodate pregnant workers who need it simply because it “is more expensive or less convenient” to accommodate pregnant women too. The Court also held that an employer that fails to accommodate pregnant workers violates the PDA when its accommodation policies impose a “significant burden” on pregnant workers that outweighs any justification the employer offers for those policies. This was an important victory for pregnant workers, but the multi-step balancing test the Court set out will still leave too many employers and employees confused about when exactly the PDA requires pregnancy accommodations.

## The Solution

Congress must enact the *Pregnant Workers Fairness Act* (S. 1512/H.R. 2654) which would strengthen and affirm the Supreme Court's decision in *Young*, by providing employers and pregnant workers with a clear, predictable rule: employers must provide reasonable accommodations for limitations arising out of pregnancy, childbirth, or related medical conditions, unless this would pose an undue hardship.

## Basic Elements of the Solution

The *Pregnant Workers Fairness Act* would:

- ✓ Require employers to make reasonable accommodations for employees who have limitations stemming from pregnancy, childbirth, or related medical conditions, unless the accommodation would impose an undue hardship on the employer.
- ✓ Prohibit employers from discriminating against employees because they need this sort of reasonable accommodation. In other words, an employer would not be allowed to fire a pregnant employee to avoid making any job modifications, or to retaliate against an employee who had asked for an accommodation.
- ✓ Prohibit employers from forcing a pregnant employee to take paid or unpaid 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 off the job and onto leave against her will.

## Support for the Solution

A [July 2013](#) poll found that 91 percent of voters supported policies protecting pregnant workers and new mothers so they cannot 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.

[Sixteen states](#) have laws that require at least some employers to provide reasonable accommodations to pregnant workers. Many of these provisions have passed within the past three years, with bipartisan and frequently unanimous support.

## 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 the law will be misinterpreted. The *Pregnant Workers Fairness Act* makes 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 based on employees' 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 work because of a decision about whether to prevent pregnancy or start a family.

Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of sex or pregnancy and thus provides protections against reproductive health discrimination. For example, **recent guidance** from the agency that interprets Title VII states that this law "necessarily includes a prohibition on discrimination related to a woman's use of contraceptives." Yet narrow or erroneous decisions by courts and officials have created loopholes in existing law that leave women without a legal remedy.

For example, a federal court in Michigan in 2001 held that firing an employee for taking time off work in order to undergo fertility treatment was not pregnancy discrimination under federal law because infertility is not part of "pregnancy, childbirth, or related medical conditions."

## The Solution

Congress must clarify that an employer cannot take adverse employment action against an individual based on his/her reproductive health care decisions.

## Basic Elements of the Solution

Federal legislation must:

- ✓ 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.
- ✓ Protect employees who take action under the act from retaliation from their employers.
- ✓ Ensure that this legislation is exempt from the Religious Freedom Restoration Act (RFRA), so that employers cannot try to use RFRA to challenge these protections.
- ✓ Provide remedies.

## Support for the Solution

According to an October 2013 poll, 67 percent 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 percent strongly favor; 12 percent somewhat favor).

In a December 2012 nationwide poll, 91 percent 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.

In 2014, the District of Columbia passed the Reproductive Health Non-Discrimination Act, which prohibits employers from discriminating against employees for their reproductive health decisions. In April 2015, the U.S. House of Representatives [refused to block D.C.'s law](#), and it is now in effect. A number of states introduced bills in 2014, 2015, and 2016 that would add explicit protections against reproductive health discrimination to state law.

- Real religious freedom gives everyone the right to make personal decisions based on their 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. We need to make it absolutely clear that our nation's laws will protect the right of workers to make reproductive health care decisions without fear of getting fired.

### Talking Points on the Problem and the Solution

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

Congressional action is necessary to ensure that employers cannot impose their religious beliefs on their employees by taking away health insurance coverage of birth control or other services required by federal law. Unfortunately, the Supreme Court held in *Burwell v. Hobby Lobby Stores, Inc.* that, under the federal Religious Freedom Restoration Act (RFRA), some for-profit employers can refuse — based on their religious beliefs — to comply with the federal law that requires insurance plans to provide coverage of birth control without cost-sharing. Not only did this decision put employees' access to birth control at risk, but also could be read to allow employers to challenge other coverage requirements. The *Protect Women's Health from Corporate Interference Act* (S. 2578/H.R. 5051) was introduced in the 113th Congress, and would have barred employers from refusing to comply with federally required health care coverage for their employees, including birth control.

After the *Hobby Lobby* decision, the federal government extended to these for-profit companies an accommodation created for non-profit employers with religious objections to birth control. The accommodation allows the employer to opt out of providing the coverage, but guarantees women access to birth control coverage directly from their insurance company. Non-profit employers are challenging the accommodation as a violation of their religious beliefs, in a case currently pending before the Supreme Court.

# Give everyone a chance to work hard and succeed: prohibit discrimination on the basis of sexual orientation and gender identity

## The Problem

While federal law prohibits sex discrimination, including discrimination on the basis of gender stereotyping in employment, housing, and education, it does not explicitly 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) and fewer than half the states have laws on the books expressly prohibiting 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 typically 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). Working women in same-sex couples have a **median personal income** of \$38,000, compared to \$47,000 for working men in same-sex couples and \$48,000 for working men in different-sex couples. Further, LGB women are far **more likely** than LGB men to **be raising children**— 48 percent compared to 20 percent—and LGB parents are more likely than heterosexual parents to be people of color and live close to **poverty**. In addition, **47 percent of transgender people** report they were 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

Congress must pass the *Equality Act* (S. 1858/ H.R. 3185) to update federal law to prohibit discrimination on the basis of sexual orientation and gender identity in employment, housing, education, and so-called “public accommodations”—for example, in stores, restaurants, theaters, stadiums, and public transportation. The *Equality Act* would also close critical, longstanding gaps in legal protections against sex discrimination. Although federal law bans sex discrimination in employment and in health and education programs that receive federal funds, there are areas where critical protections against sex discrimination do not yet exist. The Equality Act would add “sex” to the prohibitions against discrimination in public accommodations and in all programs and activities receiving federal funding.

## Basic Elements of the Solution

The *Equality Act* would:

- ✓ Prohibit public and private employers from discriminating against an employee based on his



or her sexual orientation or gender identity.

- ✓ Prohibit housing discrimination on the basis of sexual orientation or gender identity.
- ✓ Prohibit federally funded programs, including schools and other recipients of federal dollars, from discriminating on the basis of sexual orientation, gender identity, and sex.
- ✓ Prohibit places of public accommodation from refusing services to or otherwise discriminating against individuals on the basis of sexual orientation, gender identity, and sex.

## Support for the Solution

A [July 2015](#) poll found that 69 percent of Americans favor laws that prohibit discrimination in workplaces, housing, and public accommodation on the basis of sexual orientation or gender identity.

An [April 2015](#) nationwide poll of small business owners found that 66 percent of respondents agree that business owners should not be allowed to refuse to serve LGBT individuals, just as we no longer allow them to refuse to serve people based on race or ethnicity.

## Talking Points on the Problem and the Solution

- Workers should be judged on the job they do – nothing more and nothing less – and that includes gay, lesbian, and transgender people. No one should be unfairly fired from her job for reasons that have nothing to do with her job performance – the *Equality Act* would provide an explicit ban against discrimination based on sexual orientation and gender identity in employment.

- 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. The *Equality Act* explicitly extends housing discrimination protections to sexual orientation and gender identity discrimination.
- No one should face discrimination at school based on her sexual orientation or gender identity. The *Equality Act* would provide an explicit ban against discrimination based on sexual orientation and gender identity in schools and other programs that receive federal funding.
- Everyone – including lesbian women, gay men, bisexuals, and transgender people – deserves the opportunity to provide for their families and build a better life. It is an American value that individuals should be treated with fairness, compassion, and respect.
- The *Equality Act* strengthens legal protections for women as a whole, closing longstanding gaps in federal antidiscrimination law. The bill aims to ensure that stereotypes about sex and gender—who men and women are and the roles they can play in society—do not deny anyone equal opportunity in major aspects of their lives.
- To this day, the laws prohibiting discrimination by businesses serving the public, and in all types of programs receiving federal funds, do not include prohibitions against sex discrimination. The *Equality Act* would provide protection and a remedy against pervasive sexual harassment of women on subways and buses, against car mechanics, car dealers and contractors charging women more simply because they are women, and against entities that refuse women access to essential reproductive health care, like abortion or birth control.

The *Equality Act* would not apply to the military, where added protections for LGBT individuals are also needed. While the “Don’t Ask, Don’t Tell” policy was officially repealed in 2011, allowing gay, lesbian, and bisexual individuals to serve openly in the military, Department of Defense policy still prohibits transgender individuals from serving openly. In July 2015, the Department of Defense announced that it intended to remove that ban within six months, and while transgender individuals are no longer automatically discharged, as of April 2016 no official new policy has been announced.

# Protect women employees: improve workers' ability 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. Sexual harassment is a [widespread and continuing problem](#) that is frequently unaddressed, including for both women working in some of the lowest paid fields and those in many high-wage, traditionally male fields. Women are the [vast majority of workers in low-wage jobs](#), and [nearly half of low-wage workers](#) are women of color. Yet there is no safety in numbers; women in low-wage jobs are particularly vulnerable to exploitation and harassment.

For example, [women working in the restaurant industry report](#) high rates of harassment from management, co-workers, and customers but because they are dependent on tips they feel they cannot report it. Women working in the agricultural industry experience a [high incidence of sexual harassment](#), ranging from unwanted touching and remarks to sexual assault and rape in the fields, but are afraid to speak up due to threats to their personal safety, risks to jobs and housing, and deportation.

Women in better-paying jobs in traditionally male fields, where they are a distinct minority, also face extremely [high rates of sexual harassment](#). In these industries, the harassment women may face intensifies the already high risks of physical injury, leaving some women afraid for their lives and reluctant to report sexual harassment for fear of exacerbating it. In fact, [70 percent of women](#) who have experienced sexual harassment on the job say they never reported it. These women are suffering in silence out of fear of having a vindictive supervisor or co-worker subject them to worse, difficult or unsafe working conditions, or losing a job entirely.

Although Title VII of the Civil Rights Act of 1964 bans sex discrimination, including sexual harassment, these protections were undercut by the Supreme Court's 2013 decision in *Vance v. Ball State University*. The decision in *Vance* made it significantly more difficult for women to prove their harassment claims in court when they are harassed by lower-level supervisors. Yet these lower-level supervisors who lack the authority to hire or fire can significantly affect an employee's work environment with their decisions regarding scheduling, hours, breaks, and job duties and opportunities, using the authority an employer has given them to make the workplace intolerable or unsafe. If the Supreme Court's decision in *Vance* is not reversed by Congress, workers who have suffered harassment from a lower-level supervisor run the risk of having their cases thrown out by the courts. Moreover, employers will have few incentives to prevent and remedy this harassment.

## The Solution

Congress must pass the *Fair Employment Protection Act* (introduced in the 113th Congress as S. 2133/H.R. 4227) to restore strong protections from harassment by amending Title VII and other federal non-discrimination laws.

## Basic Elements of the Solution

The *Fair Employment Protection Act* would:

- ✓ Restore strong protections from harassment on the basis of sex, race, age, disability, or other protected characteristics by making clear that employers can be vicariously liable for a hostile work environment created by individuals with the authority to undertake or recommend tangible employment actions or with the authority to direct the harassed employee's daily work activities.

- ✓ Affirm that an employer is liable for harassment by coworkers if the employer’s negligence led to the hostile work environment.
- ✓ Affirm that an employer is liable for supervisor harassment that results in a tangible employment action.
- ✓ Affirm that employers are still able to avoid liability for harassment that does not result in a tangible employment action by proving that the employer used reasonable care to prevent and correct harassing behavior and the harassed employee unreasonably failed to take advantage of the opportunities the employer provided to prevent or address the harassment.

### Support for the Solution

According to a [November 2011](#) poll, 64 percent of Americans see sexual harassment as a problem in

this country. This number includes a majority of both men (59 percent) and women (69 percent), a supermajority of individuals who identify as Democrats (75 percent) and a majority of individuals who identify as Republicans (53 percent).

### 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.
- 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 workers.

Title VII protections do not apply to the military, but the large number of sexual assaults and incidents of sexual harassment in the military show the critical need for the military to improve efforts to prevent and respond to sexual assault and sexual harassment. Unfortunately, many service members do not have confidence in the current military justice system. The Department of Defense’s 2014 report on sexual assault in the military showed that only 1 in 4 service members who were survivors of sexual assault reported the crime and that 62 percent of service women who did report sexual assault experienced retaliation. *The Military Justice Improvement Act* (introduced in the 113th Congress as S. 1752) would improve the military justice system by, among other reforms, moving the decision-making on whether and how to prosecute serious offenses, like sexual assault, out of the chain of command and giving these decisions to trained, experienced military prosecutors. Passage of this bill is essential to creating an independent, objective, and nonbiased system of military justice that holds perpetrators accountable for their actions and gives survivors of sexual assault the confidence to come forward and report.

# Remove barriers to work: support fair chance policies in employment

## The Problem

Federal law and most state laws allow employers to screen out job applicants using criminal background checks, credit checks, and questions on applications inquiring about applicant's current employment status. These sorts of employment screens do not provide accurate indicators of an applicant's future job performance and should not be relied on as the first step of a hiring process.

Almost one in three Americans has a criminal record, and women make up a growing percentage of this population. The number of female inmates has skyrocketed in recent decades, increasing nearly 650 percent between 1980 and 2010 and growing at a rate nearly 1.5 times that of men. Women of color are disproportionately represented in prison populations—African American women are nearly three times more likely than white women to be incarcerated, while Hispanic women are 1.6 times more likely. Additionally, due to their higher rates of poverty, as well as discrimination on the part of law enforcement, LGBT individuals—particularly LGBT youth and transgender people—have disproportionate contact with the criminal justice system.

Criminal background checks are an increasingly common barrier to employment. Eighty-seven percent of employers conduct criminal background checks as part of the hiring process. Businesses that manage criminal history databases provide these employers with cheap, online access to applicants' records, but these reports often contain errors, or include records that should be sealed or expunged. When criminal background checks are conducted at the beginning of a hiring process, it is harder for formerly incarcerated individuals to re-enter society. For applicants with a criminal record, the likelihood of an interview callback for an entry-level position drops by an average of 50 percent, though that

number increases to 60 percent for black applicants (compared to 30 percent for white applicants).

When an employer waits to do any background check until after making a conditional offer, these effects are diminished. For example, a 2008 study showed that for applicants with criminal records, personal contact with the potential employer reduced the negative effect of a criminal record by about 15 percent. Personal contact has an even greater benefit for African American applicants, but African American applicants are less likely to get the opportunity to personally interact with the potential employer.

Additionally, an estimated 40 to 60 percent of employers use credit checks to screen job applicants. In one survey, one in four unemployed respondents reported that a potential employer had requested to check their credit as part of the hiring process. The same survey showed the detrimental effects of these credit checks, with one in ten respondents reporting that they had been told they were not hired because of information in a credit check. However, poor credit is not a reflection of an individual's job performance, but rather is most commonly a result of unemployment, medical debt, and lack of health insurance. African American and Latino households are more likely to have poor credit than white households (partly due to a legacy of discriminatory lending, housing, and employment practices), and thus may be disproportionately screened out of jobs because of credit checks. Moreover, a 2013 study conducted by the Federal Trade Commission found that 21 percent of Americans had an error on a credit report from at least one of the three main credit reporting companies. This may particularly impact vulnerable groups of women including women of color, who are disproportionately targeted for toxic subprime loans, and survivors of domestic violence, whose credit may be misused by their abuser.

Finally, **some employers** require individuals to be currently employed to apply to certain jobs or use software to screen out applicants who are currently unemployed. This screening process is unrelated to the applicant's qualifications and instead discriminates against the unemployed, making it difficult for them to regain employment. This discrimination presents challenges across the workforce. It hurts young workers trying to build their careers, who have the highest unemployment rates, as well as older workers trying to save for a secure retirement, who have the longest durations of unemployment. It also has a disproportionate impact on workers of color and workers with disabilities, who have higher rates of unemployment, and workers who have been out of the workforce for periods of time to engage in unpaid caregiving.

## The Solution

Congress must pass legislation, including the bills listed below, that will give employees a fair chance, by ensuring that credit checks and early background checks do not become barriers to jobs. In addition, employers should be not able to consider an applicant's current employment status when considering them for a job.

## Basic Elements of the Solution

The *Fair Chance Act* (S. 2021/H.R. 3470) would:

- ✔ Require federal agencies and federal contractors to evaluate job applicants' qualifications and give a candidate a conditional offer before conducting a criminal background check. This would allow applicants to be considered on the basis of their qualifications in the early stages of the hiring process, free of the stigma that comes with their criminal record.

The *Equal Employment for All Act* (S. 1981/H.R. 3524) would:

- ✔ Prohibit employers from requiring job applicants to disclose their credit history. The bill would also prohibit an employer from disqualifying an applicant because of a poor credit score.

The *Fair Employment Opportunity Act* (introduced in the 113th Congress as S. 1972/H.R. 3972) would:

- ✔ Ban employers from discriminating against the

unemployed and prohibit employers from posting job announcements stating that applicants must be currently employed to be considered.

## Support for the Solution

A 2011 poll showed 80 percent of those surveyed found a policy of excluding the unemployed from consideration for a job opening to be very unfair, and an additional 10 percent found it somewhat unfair. Nearly two-thirds supported legislation making it illegal to refuse to consider a qualified job applicant because he or she is unemployed.

Nineteen states prohibit employers from including **criminal history questions** on job applications. Additionally, a federal **executive order** currently requires federal employers to delay the criminal background check until later in the hiring process. Some large private employers, like **Target**, have followed suit and removed criminal history questions from their job applications.

## Talking Points on the Problem and the Solution

- The *Fair Chance Act* would not remove the criminal background check from the hiring process, it would just change when that inquiry is made. Moving it to the conditional-offer stage allows an employer to more fairly evaluate an applicant's qualifications in the early stages of the hiring process without the stigma of a criminal conviction.
- Using criminal background checks as an employment screen early in the hiring process disproportionately affects communities of color and LGBT individuals, and boosts recidivism rates, poverty, homelessness, and hunger.
- Credit scores are not accurate predictors of an applicant's job performance or turnover rate, and many credit reports have errors. The *Equal Employment for All Act* ensures that individuals will not lose job opportunities based on inaccurate information or because they have experienced a financial setback in the past.
- Discriminating against someone in hiring because she needs a job is deeply unfair and pushes people into long-term unemployment.



IMPROVE  
PATHWAYS TO  
OPPORTUNITY

# Make college affordable: improve federal financial aid and supports for low-income students pursuing higher education

## The Problem

Women must earn a [bachelor's degree to avoid being stuck in low-wage jobs](#). Expanding women's access to college and job-training programs opens opportunities in higher-paying, nontraditional jobs. However, [college costs have risen](#) as wages have remained stagnant and low, making postsecondary education unaffordable for many students unless they rely on student loans, which can involve 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 among college graduates—and are more likely to have student debt because they [on average borrow more than men](#). For instance, among full-time workers repaying their loans one year after college graduation, [almost half of women, compared to about 40 percent of men, were paying more than eight percent](#) of their earnings towards student loan debt.

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 26 percent of all college students, up from 23 percent in 2008. Women constitute 71 percent of all student parents and 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; graduates struggle to pay off both federal loans and private loans, which often have much higher interest rates. Additionally, Pell grants are subject

to annual appropriations disputes because their funding is not entirely mandatory. The threat of cutting Pell funding particularly affects [women, who make up more than 6 in 10 Pell Grant recipients](#) at undergraduate institutions. Pell Grants are also limited to one per school year, both for full- and part-time students. This restriction disadvantages nontraditional students—many of whom are women and students with children—because they 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 working—forcing students with caretaking responsibilities to tradeoff between reducing their work commitments and succeeding in school.

## The Solution

Congress must pass legislation that improves access to higher education for low-income women 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. The reauthorization of the Higher Education Act of 1965 provides an opportunity to make these important updates.

## Basic Elements of the Solution

The *Pell Grant Protection Act* (S. 1060/H.R. 1956) would:

- ✔ Convert the Pell Grant program entirely to mandatory funding so that Pell grants are not subject to annual appropriations disputes.

The *Pell Grant Cost of Tuition Adjustment Act* (S. 1061/H.R. 1957) would:

- ✓ Increase the maximum Pell Grant award to the average cost of in-state tuition and index future authorization amounts to rise with inflation.

The *Year-Round Pell Grant Restoration Act* (S. 1062/H.R. 1958) would:

- ✓ Restore summer Pell Grant eligibility for both full- and part-time students so nontraditional students and student parents—many of whom balance family responsibilities with professional and educational careers—can afford to take classes during summer and better balance their work schedules and parenting responsibilities.

The *Working Student Act of 2015* (S. 2065/H.R. 4433) would:

- ✓ Modify the Income Protection Allowance (IPA) to protect a certain amount of income for the costs associated with parenting and increase the IPA in proportion to the different financial needs of dependent students, independent students, and independent students with children.

The Higher Education Act must also be updated to:

- ✓ Streamline repayment plans to create a single income-based repayment option, allow consumers to discharge private student loans in bankruptcy, and preserve the Public Service Loan Forgiveness Program, which forgives the debt of graduates who work in the lower-paying nonprofit or public fields in which women are overrepresented.
- ✓ Authorize a new federal financial aid program that partners with states to cover the cost of at least two years of tuition for responsible students in state colleges and universities or certificate programs proven effective at preparing graduates to work in high-growth, non-traditional fields by including either of these bills:
  - *America's College Promise Act of 2015* (S. 1716/H.R. 2962) would create such a program by covering 75 percent of tuition costs for states that agree to cover the remaining 25 percent, so students can attend community colleges, public universities, historically black

colleges/universities, and minority serving institutions within the state for up to two years of tuition-free.

- *The College for All Act* (S. 1373/H.R. 4385) would create a similar federal-state program to cover four years of tuition at public universities within the state only.

- ✓ Expand the Child Care Access Means Parents in School (CCAMPIS) program, so that every Pell Grant-eligible student parent can access on-campus child care resources and tie CCAMPIS allocations to both the amount of Pell funding a school receives as well as its enrollment of student parents.
- ✓ Expand need-based financial aid and work-study programs to make college debt-free for students from low- or middle-income families.
- ✓ Allow students to use the prior year's federal tax returns in the Free Application for Federal Student Aid (FAFSA), so students are better able to predict their eligibility for federal financial assistance.

## Support for the Solution

In a [November 2014](#) poll, 82 percent of respondents said they support providing access to lower-cost student loans.

According to an [August 2015](#) poll, 61 percent of Americans support government spending for tuition-free college, including [71 percent of public university presidents](#).

In a [December 2015](#) poll, 61 percent of respondents said student debt would be a major influencer when they head to the polls. The same poll showed that millennial voters support income-based repayment options by a 66 to 31 percent margin.

## Talking Points on the Problem and the Solution

- Student debt imposes a greater burden on women, who tend to borrow more than men do and are paid lower salaries upon graduation. An investment in federal grant programs and income-based loan

repayment options is an investment in women's economic security.

- Better student loan and financial aid programs that can be accessed by both part-time and full-time students 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.

More than 60 percent 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 pregnancy discrimination in violation of Title IX of the Education Amendments of 1972. Pregnant students report not being allowed to make up work they miss due to pregnancy-related absences, being told to drop out of programs because they are pregnant, and being forced to change their plans because their schools refuse to treat pregnancy-related medical restrictions the way they do restrictions due to other temporary medical conditions, as legally required. Adequate supports are necessary to ensure pregnant and parenting students' success in higher education.

# Ensure all students can learn in a safe environment: address sexual assault in schools

## The Problem

One in five women is sexually assaulted while in college. That number rises to one in four for transgender, queer, and gender non-conforming students. And sexual assault is unfortunately not confined to colleges and universities. A 2013 survey found that one in ten of female high school students, including 9.1 percent of white girls, 11.5 percent of black girls, and 12.2 percent of Latina girls, were physically forced to have sex against their will. A 2014 study found that 21 percent of middle school students had experienced unwanted touching on school grounds.

The emotional and physical effects of sexual harassment and violence can be devastating, disrupting a student's educational trajectory and leading some to drop out of school altogether. Unfortunately, in too many instances, school officials fail to protect students from sexual harassment and violence and to address it promptly and effectively. Sexual assault also remains an underreported crime. According to a study by the Department of Justice, only 20 percent of college-age sexual assault survivors report their assaults to the police.

Under Title IX of the Education Amendments of 1972, which prohibits sex discrimination in federally funded education programs, schools must take steps to prevent and address sexual harassment and violence and remedy its effects so that 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

Congress must enact laws that prompt schools to promote survivor-supported policies to ensure that students are not denied their rights to equal educational opportunities. These steps should aim to increase the reporting of sexual assault and improve transparency on the prevalence of sexual violence and the effectiveness of schools' prevention and response efforts.

### Basic Elements of the Solution

The *Teach Safe Relationships Act* (S. 355/H.R. 3141) would:

- ✓ Creates a competitive grant program dedicated to providing comprehensive, age-appropriate, and culturally competent sex or health education in K-12 schools that teaches students about safe, healthy relationship behavior, teen dating violence, domestic abuse, and sexual violence/harassment; and
- ✓ Require schools using ESEA funds for sex or HIV-prevention education to also teach about safe relationship behavior.

The *Survivor Outreach and Support (SOS) Campus Act* (S. 706/H.R. 1490) would:

- ✓ Requires 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 to encourage and facilitate the reporting of sexual assaults. Under the Act the advocate is required to:

- ✔ Provide support to survivors and help them navigate the processes of accessing services, reporting the incident, and participating in any investigation/adjudication (if applicable);
- ✔ Be bound to keep reports of assault confidential unless otherwise requested by the survivor; and
- ✔ Ensure that a survivor's desire to keep his or her experience confidential does not prevent or affect the ability to access support services without revealing identity of the survivor or the particulars of the incident to anyone except those who will provide services to the survivor—who are themselves bound by confidentiality.

The *Hold Accountable and Lend Transparency (HALT) Campus Sexual Violence Act* (H.R. 2680) would:

- ✔ Require post-secondary schools to administer periodic, 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 to improve transparency and better enable school officials and communities to address the particular challenges on their own campuses.
- ✔ Require the results of campus climate surveys to be publicly reported to 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.
- ✔ Increase penalties for violations of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) (a consumer protection law that requires colleges and universities to publicly report campus crime statistics, including incidences of sexual assault, on an annual basis so that current and prospective students can evaluate the safety of an institution of higher education), as well as increase funding to the Department of Education to enforce Title IX and the Clery Act.

Federal education laws must also:

- ✔ At a minimum, require schools to publish information to ensure that students can make informed decisions about to whom to report sexual assaults.
- ✔ Require schools to adopt uniform sexual assault and discipline policies that prohibit schools from creating more lenient procedures for certain students—like athletes or members of fraternities—and that promote standards requiring consent to be affirmative, unambiguous and voluntary.
- ✔ Encourage universities to enter into memoranda of understanding (MOUs) with local law enforcement to facilitate collaboration between police and schools, while ensuring that survivors maintain control over whether to file criminal charges. MOUs can also be used to ensure that law enforcement personnel are trained in current trauma-informed techniques.

## Support for the Solution

In a [January 2014](#) poll, 80 percent of respondents said the issue of sexual assault on university and college campuses is either very important or extremely important (extremely important 48 percent; very important 32 percent). Only 14 percent of respondents felt that colleges and universities currently do a good job handling cases of 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 too often re-traumatized by their schools' or law enforcement's response. Congress should ensure that those who interact with survivors are trained in trauma-informed techniques.
- Instead of incentivizing reporting, schools often dismiss survivors' claims, discourage them from reporting, present survivors with a confusing patchwork of reporting options, 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.

- One in ten high school girls are forced to have sex against their will. Starting the conversation about sexual violence in college is too late. Schools should teach safe relationship behavior in middle and high school health and sex education classes so students learn to challenge dangerous attitudes and behaviors at a young age.
- Schools need to know whether students feel safe on campus. That's why institutions should regularly conduct and publish the results of climate surveys. Such surveys could help schools create policies that address the unique needs of their campus

and ensure an inclusive learning environment for all. Climate surveys should also be feasible to administer as demonstrated by the U.S. military service academies practice of administering anonymous, voluntary surveys every two years.

See appendix on page 66 for data regarding sexual assault rates of high school girls.

# Help girls stay in school: reduce the disproportionate suspensions and expulsions of girls of color

## The Problem

In a 2008 survey, 59 percent of Asian American girls, 53 percent of African American girls, and 50 percent of Latina girls [expressed a desire to be leaders](#), compared to 34 percent of white girls and 39 percent of boys overall. In fact, that same survey found that three in four African American girls already saw themselves as leaders—more than any other group of girls or boys. But too often, stereotypes about girls of color in school undermine their potential for success.

In addition, zero-tolerance disciplinary policies, and accompanying features such as increased presence of law enforcement in schools, have drastically increased the number of students suspended, expelled, and arrested or referred to the juvenile justice system. While African American boys are the most likely to be disciplined in school, girls of color—especially African American girls—are disproportionately suspended and expelled, including at young ages. In the 2011-12 school year, [African American girls in pre-K-12 were suspended from school at six times the rate of white girls](#) and higher than the rate for any other group of girls, as well as white, Latino, and Asian American boys. Native American girls are suspended at 3.5 times the rate of white girls and more than the rate for white boys. And Latinas are suspended twice as much as white girls. Students with disabilities also tend to be disproportionately disciplined compared to students without disabilities.

Schools suspend girls of color more often than they suspend white girls for minor offenses like dress code violations, or subjective offenses like “defiance” or “disobedience.” For example, an [Ohio study](#) showed that for behavior labeled as “disobedient or disruptive,” 16.3 percent of African American girls received out-of-school suspensions compared to 1.5 percent of

white girls—even though African American girls are only a small fraction of Ohio’s student population. For the same offenses, African American girls more often received out-of-school suspensions while white girls received in-school suspensions.

Because of such severe and frequent discipline, African American girls spend more time out of the classroom than all other groups of girls, which contributes to poorer academic performance, increased dropout rates, and disproportionate representation in the juvenile justice system. In the 2009-10 school year, although African American girls represented [less than 17 percent](#) of all female students, they constituted 31 percent of girls referred to law enforcement and approximately 43 percent of girls who experienced a school-related arrest.

Gender and race stereotypes underlie disparate discipline rates of girls of color, while the impact of trauma is too often overlooked. Stereotypes of Black and Latina women as “hyper-sexualized” and aggressive may contribute to the implicit bias underlying some educators’ views of these girls, who are more likely than white girls to be penalized for behaviors that challenge expectations of what is appropriate “feminine” behavior. For example, Black girls who complain about sexual harassment may be labeled as aggressors. Black girls who are assertive and speak up in class may be labeled as “loud” or showing “attitude.” Behavior that is labeled as “defiant” may in fact be a predictable response to unaddressed trauma or mental health issues. Punishing girls for such behavior instead of providing them with services and support fails to change the behavior or improve their engagement in school and instead may re-traumatize them.

## The Solution

Congress must pass laws, including the legislation below, that encourage schools to replace harsh, inflexible, zero-tolerance policies with alternative discipline practices that do not push girls out of school; require training for teachers, principals and administrators to recognize and address implicit gender and racial biases; and provide supports to help address students' academic, social, emotional and mental health needs.

## Basic Elements of the Solution

The *Supportive School Climate Act of 2015* (S. 811/H.R. 1435) would:

- ✔ Allow formula funds issued under the Elementary and Secondary Education Act (ESEA) to be used to implement positive behavior and intervention support (PBIS) strategies; and
- ✔ Require all school districts to include in their School Improvement Plans how they will support positive behavior interventions and supports, in part by establishing parental notification requirements for discipline that remove students from instruction and best practices for a school conduct and discipline code that protects students and staff from harm and reduces the use of exclusionary discipline.

The Elementary and Secondary Education Act of 1965 must be updated to:

- ✔ Make schools with zero-tolerance school discipline policies ineligible for competitive grants issued by the Department of Education, including grants issued under Title IV of the Elementary and Secondary Education Act.
- ✔ Encourage applicants submitting proposals for Title IV and other competitive grant programs to both focus on eliminating suspensions or expulsions for certain offenses or grade levels and implementing the use of alternative discipline policies, such as restorative justice or positive behavior intervention and support.

- ✔ Improve provisions that require districts to report school discipline data on state report cards, disaggregated and cross-tabulated by race, gender, and disability status. In addition to current reporting requirements, federal law should require districts to report comprehensive annual discipline data that includes the specific reasons for disciplinary action, length of time and nature of disciplinary intervention used, and the number of instruction days lost.

- ✔ Provide targeted resources to state and local educational agencies to both conduct universal screening for students' academic, social and emotional, mental health and other needs, and ensure that proper culturally responsive supports are in place, such as counseling, to assist students who may have been exposed to trauma or violence.

- Resources should include training for teachers, staff and administrators to recognize signs of trauma that may be underlying perceived “defiant” or “disrespectful” behavior; understand the effects of trauma on children; and learn ways to appropriately address trauma and not re-victimize students.

- Resources should be directed toward providing girls—particularly those with a history of trauma—with culturally appropriate social and emotional learning programs that teach them skills to cope and respond to conflict.

- ✔ Cap the amount that Title IV grant recipients can use to employ School Resource Officers (SROs), who have been shown to foster a climate of distrust and increase youth involvement with the juvenile justice system, particularly for students of color.

## Support for the Solution

A 2013 poll showed that by a margin of almost two-to-one (59 percent to 33 percent), respondents support increasing mental health services over hiring more security guards, which could reduce disproportionate rates of school discipline.

## Talking Points on the Problem and the Solution

- Girls of color—particularly African American girls—are disproportionately suspended and expelled for subjective or minor offenses, such as defiance, disobedience or insubordination. Because gender and race stereotypes underlie disparate discipline rates of girls of color and the impact of trauma is often overlooked, teachers, principals, and school administrators should receive regular training to recognize implicit biases and signs of trauma.
- Zero-tolerance policies and police in schools don't increase school safety. In fact, they've led to more students being suspended, expelled, and arrested or referred to the juvenile justice system. Instead of harsh discipline that unfairly criminalizes the actions of girls and boys of color, schools should adopt

alternative forms of discipline that reinforce positive behavior and make all children feel welcome and valued in school.

- Parents and community members need accurate information to make sure their kids aren't being unfairly pushed out of school. Requiring schools to publicly report accurate and comprehensive data on school discipline is essential to allow parents and community members to work with school leaders to disrupt the school-to-prison pipeline and ensure that all children feel welcome and valued in their schools.

See appendix on page 66 for data regarding leadership aspirations of girls and out-of-school suspension rates.

PROMOTE  
SECURITY FOR  
VULNERABLE  
WOMEN AND  
FAMILIES

# Empower survivors of violence: prohibit discrimination and provide services for survivors

## The Problem

Violence against women is pervasive in the United States. Too often, victims and survivors face threats to their jobs, housing, and health care in addition to their physical well-being as a result of discrimination, inadequate legal protections, and lack of supports. No woman should face violence, but Congress should ensure that when women do, they get the support they need and that discrimination against survivors does not also undermine their economic stability. In addition to responding to survivors' needs, Congress should also provide funding for programs that focus on preventing violence in the first instance. Ending and preventing violence against women requires a comprehensive strategy that changes social norms and attitudes about violence and women. Critical prevention strategies and programs can include public education campaigns to raise awareness, training to reduce risk factors, education on bystander intervention, and engaging men and boys as allies.

More than one in three women (35.6 percent) in the United States have experienced rape, physical violence, and/or stalking by an intimate partner in their lifetime. Nearly one in five women have been raped in their lifetime (including by non-intimate partners), and one in six women have experienced stalking victimization at some point during their lifetime in which they felt very fearful or believed they or someone close to them would be harmed or killed. Women of color experience significantly high rates of violence: Approximately 4 out of every 10 Black non-Hispanic women (43.7 percent) and American Indian or Alaska Native women (46.0 percent), more than one-third of Hispanic women (37.1 percent), one-fifth of Asian/Pacific Islander women (19.6 percent) and one in two multiracial non-Hispanic women (53.8 percent) in the United States have been a victim of rape, physical violence, or stalking by an intimate partner in their lifetime.

Economic stability and opportunity is critical to survivors being able to take important steps to separate from violence and maintain their safety while supporting their families. But survivors of domestic violence, sexual assault, and stalking often face job insecurity. Survivors who are stalked at work, or disclose the violence to coworkers or employers in an effort to obtain assistance are often fired, thereby losing access to important benefits such as health insurance or subsidized education. Many survivors do not have leave or sick days, whether paid or unpaid, and may be fired or disciplined if they miss work to seek assistance or to assist a family member who is a victim of violence. Some workers also cannot afford to take unpaid leave or skip shifts at work, forcing them to risk their safety in order to stay employed. As a result, survivors may stay with an abusive partner, and fail to access the assistance they need.

Because economic stability is critical to survivor safety, access to income supports like the Earned Income Tax Credit, the Child Tax Credit, and the Premium Tax Credit and benefits like unemployment insurance and Temporary Assistance for Needy Families (TANF) are particularly important for survivors of violence and their families. But survivors may not be eligible for unemployment insurance if they were fired or left their job due to violence. Survivors also may face unique barriers in accessing certain income supports. For instance, survivors who are in shelters or are trying to keep their location confidential may not want to or be able to provide an address when applying for TANF benefits or filing income taxes and seeking tax credits. In addition, survivors who are married may have complicated tax filing issues, if their spouse or former spouse incurred tax liabilities for which the survivor was not responsible for of which she was not aware. Survivors may need help from advocates, volunteer tax prep sites, and low-income taxpayer clinics before they are able to access these supports.



Violence against women is also a leading cause of homelessness among women and children. More than 12 percent of the sheltered homeless population consists of domestic violence survivors. Survivors who disclose violence to a landlord in order to report an attack or threatened attack or physical damage to the living space, or to seek assistance (for example, changing a lock, enforcing an order of protection, terminating a lease, seeking a transfer), often find themselves evicted or threatened with eviction. Survivors and families may flee a shared home with a perpetrator and seek out domestic violence or homeless shelters, which have a limited number of beds and time-limited stays. Many survivors have trouble finding new housing due to lack of affordable, safe housing, lack of resources or because they may have poor credit, rental and employment histories as a result of the violence. As a result, to avoid homelessness survivors and their children often stay in or return to violent situations or partners.

## The Solution

Congress must ensure survivors of violence will not be doubly victimized when they face discrimination at work or at home based on their status as survivors by passing bills like those listed below.

### Basic Elements of the Solution

The *Security and Financial Empowerment (SAFE) Act* (S. 2208/H.R. 3841) would:

- ✔ Provide survivors of domestic violence, sexual assault and stalking with protection from employment discrimination, require employers to provide survivors paid and unpaid leave to address violence, expand survivors' eligibility for unemployment insurance, and provide protection from insurance discrimination.

The *Healthy Families Act* (S.497/H.R. 939) would:

- ✔ Allow workers to accrue paid sick leave which can be used for reasons related to domestic violence, sexual assault, and stalking.

The *Family Violence Prevention and Services Act* must be updated to:

- ✔ Provide the primary source of critical funding emergency shelter and critical services for survivors, including the 24-hour National Domestic Violence Hotline.

Congress must also:

- ✔ Increase funding for housing options for survivors and their families, including Section 8 housing and vouchers, transitional housing, short-term housing assistance, rental assistance services, and related supportive services.

## Support for the Solution

In a 2009 national survey, more than 75 percent of Americans agreed that economic downturn further strains domestic violence survivors, and six out of ten Americans strongly agreed that lack of money and a steady income is a challenge for survivors when leaving the abuser, recognizing the importance of economic stability for these women.

## Talking Points on the Solution

- No one should have to choose between keeping a job or a home, and staying safe.
- If a survivor is fired from or loses a job due being a survivor of domestic violence, sexual assault or stalking, that individual is more likely to stay in a violent or abusive situation due to a lack of options or income.
- Survivors who are afraid of being fired are also less likely to tell their supervisor or co-workers about any potential threats or safety issues posed by a perpetrator at the workplace.
- Workers who are survivors of domestic violence, sexual assault, or stalking need to be able to take time off to get help. Workers who will be fired or disciplined for taking time off, or who can't afford to take unpaid leave, are less likely to seek critical assistance from the police, courts, medical and legal providers, and victim service providers. Their productivity can suffer as well, if they are forced to deal with harassment, threats, medical issues, and trauma without help. Conversely, allowing

employees who are survivors to address their needs results in greater workplace safety, productivity, and morale.

- Domestic violence too often leads to homelessness. Preventing landlords from evicting tenants simply because they are survivors of violence, allowing survivors to break a lease or transfer to safer housing, and allowing rapid lock changes will help keep families safe and sheltered.

See appendix on page 66 for data regarding the share of women who have been a victim of rape, physical violence, or stalking.

# Help immigrants succeed: update federal laws to protect women immigrants

## The Problem

Women make up over half of the 41.3 million immigrants to the United States. Although the term “immigrant women” includes foreign-born women who have become citizens of the United States, who reside in the United States on a visa, or who are undocumented immigrants, most of the issues addressed in this section are focused on the last two groups of women.

Immigrant women often face different challenges than their male counterparts, beginning with how they enter the United States. There are two primary ways of legally entering the United States—the family-based visa program and the employment-based visa program. Most immigrant women (about 70 percent) come to the United States through the family-based visa program, which awards visas to certain types of family members of U.S. citizens or legal permanent residents (LPRs). There are an unlimited number of visas available for immediate relatives of U.S. citizens—spouses, unmarried minor children, and parents. However, there are limits on the number of visas available each year for spouses, minor children, and unmarried adult children of LPRs, as well as those available for adult children, grandchildren, and siblings of U.S. citizens. Adult children, grandchildren, and siblings of LPRs are not eligible for family-based visas. These limits result in a large backlog of applicants and women can be separated from their families for years while waiting for their own green card or for their family members to receive a green card.

About 30 percent of immigrant women come to the United States through the employment-based visa system, which classifies individuals as either the primary visa holder or a dependent visa holder. Sixty-six percent of women who come to the U.S.

through this program come as a dependent visa holder. As a dependent of an employment-based visa holder, women cannot work outside the home. Being prevented from working outside the home means not only that families sacrifice the woman’s income in order to come to the United States but it also means that women are completely dependent on their spouses or parents for their income and their ability to stay in the country. This makes women who face abuse from a family member particularly vulnerable, as they may be afraid to report those crimes for fear that it will result in being expelled from the country.

Women immigrants who do work outside the home often face abuse in the employment setting that puts their economic security at risk. Exploitation and wage theft are particularly common in female-dominated fields where many undocumented immigrant women work. For example, undocumented immigrants make up approximately 36 percent of domestic workers, a field that reports high rates of racial and sexual harassment, abuse, and wage theft. Twenty-three percent of domestic workers report being paid less than minimum wage and 10 percent report being the victims of wage theft or not being paid at all. Yet, in one study, a full 85 percent of undocumented domestic workers who encountered problems with their working conditions did not complain because they feared their immigration status would be used against them. Similar results have been found for other groups of undocumented workers, such as farmworkers, who are particularly vulnerable to wage theft and sexual violence.

Immigrant women, particularly undocumented immigrant women, also encounter barriers when attempting to receive the health care they need. Thirty-one percent of immigrant women, including

2 million undocumented immigrant women, do not have health insurance. This lack of health insurance is caused, in part, because immigrants are more likely than native-born citizens to work in low-wage jobs that do **not offer employer-sponsored health insurance**. However, a number of federal laws limit or bar altogether many authorized and undocumented immigrants from being able to participate in federal health insurance programs including Medicaid and the Children's Health Insurance Program (CHIP), as well as the health insurance marketplaces created under the Affordable Care Act.

Finally, barriers to education exist for many undocumented immigrants. For example, the Deferred Action for Childhood Arrivals (DACA) program offers temporary relief from deportation and the right to apply for work authorization for certain undocumented immigrants who entered the United States as children, but individuals granted DACA status are ineligible for federal student loans that would enable them to go to college. Women and girls account for **47 percent of the 1.2 million young people** who were eligible for DACA when it began in 2012. However, without access to federal student loans, college is inaccessible for many of these young immigrants.

## The Solution

The federal government must enact immigration reform that includes solutions to address the particular barriers faced by immigrant women in the United States and ensures that they have a fair opportunity to succeed.

## Basic Elements of the Solution

Federal legislation must:

- ✓ Enhance the family immigration system. Most immigrant women have attained legal status in the United States through the family-based visa system. The number and type of family-based visas available must be expanded to keep families together.
- ✓ Ensure work authorization for spouses. Spouses of visa holders must be permitted to work outside the home so that women and their families can achieve financial security.
- ✓ Protect immigrant women who are survivors of domestic violence, sexual assault, or trafficking. For example, an abused spouse or child must be able to maintain her own immigration status and work authorization independent of an abusive spouse or parent.
- ✓ Strongly protect against employer exploitation of immigrants. Immigration reform must include enhanced protections and remedies for immigrant workers who challenge or report abuses they face on the job.
- ✓ Eliminate some of the main barriers to immigrants' access to health insurance and health care by passing the *Health Equity and Access under the Law for Immigrant Women and Families (HEAL) Act of 2015* (H.R. 1974), which would:
  - Allow otherwise eligible legal immigrants and DACA grantees to obtain health insurance coverage through Medicaid and CHIP.
  - Allow DACA grantees to buy health insurance through the Affordable Care Act marketplaces and apply for subsidies to help pay for some of the cost of health insurance.
- ✓ Ensure that all grantees of DACA have access to an education. For example, federal law must include the American Dream Grants program, which would enable states to offer in-state tuition rates to qualifying individuals who entered the U.S. before 16 years of age. In addition, Congress should ensure that these qualifying individuals are eligible for federal student loans, Pell Grants, and financial aid under Title IV of the Higher Education Act.

## Support for the Solution

In a **2015** poll, 58 percent of Americans surveyed agreed that immigrants strengthen the United States because of their hard work and talents.

In a **2012** poll, 57 percent of people surveyed supported the Obama administration's decision to stop deporting young undocumented immigrants who came to the United States as children (i.e., the DACA program policy).

## Talking Points on the Problem and the Solution

- All people deserve to be treated with dignity and respect in the workforce, regardless of their immigration status. It is critical that immigrant women are protected from the employer abuse and wage theft they too often face, simply because of their status.
- Removing barriers to health insurance for immigrant women is a matter of fairness. Women who come to this country need comprehensive, affordable health insurance that will protect their health and allow them to be economically secure.
- College education increases economic security for women. Removing the barriers that prevent undocumented students from accessing federal student loan and financial aid programs will set women on the path to securing the education and training they need for jobs that pay them enough to support themselves and their families.

See appendix on page 66 for data on women's share of the foreign born population.





# Support women workers' right to organize: strengthen collective bargaining

## 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 and the earnings bump is particularly large for Latina union members, who earn 44 percent more than Latina non-union workers. The gender wage gap for union members is 56 percent smaller than for non-union workers. Comparing African American women to white men, the gender wage gap is 20 percent smaller among union members than among non-union workers, and for Latinas compared to white men, the gap among union workers is 34 percent smaller. 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 10.6 percent of employed women are union members. And workers' rights to organize are under attack. Half the states have enacted so-called right-to-work laws, which hinder workers' efforts to organize and bargain collectively and result in lower wages for working people. 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. Seventeen states introduced right-to-work bills in the last legislative session, and many states are expected to do so again in 2016. In addition, a 2014 5-4 decision

by the Supreme Court limited the rights of home care workers to organize and the Court is currently considering a case that would limit the ability of public sector workers to organize. 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

Congress must pass the *WAGE Act* (S. 2042/H.R. 3514) to discourage employer retaliation against employees who exercise their right to organize for improvements in their workplaces and to assure prompt and fair remedies for those whose right to organize has been denied.

## Basic Elements of the Solution

The *WAGE Act* would:

- ✓ Protect the rights of workers who organize to fight for improvements in their workplaces.
- ✓ Impose financial penalties against employers who illegally retaliate against workers who organize.
- ✓ Provide compensatory damages for workers who are illegally fired or retaliated against for exercising their rights.
- ✓ Allow workers to bring a case against their employer directly in federal district court

## Support for the Solution

A 2015 Gallup poll shows that 58 percent of Americans 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

- The economy is out of balance. Everyday Americans are working their hardest, but still can't get ahead. Right to work laws are an attempt by corporate interests to make it even harder for working people to come together, speak up, and get ahead.
- Everyone who works should be able to make ends meet, have a say about their futures, and have the right to negotiate together for better wages and benefits that can sustain 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.
- When women workers have a voice in workplace decision-making, it dramatically improves their ability to care for themselves and their families.
- Unions and worker organizations are under attack. Now is the time for lawmakers to show that they support workers' ability to come together to fight for better wages and working conditions.

See appendix on page 66 for data regarding the gender wage gap for union and non-union members.

## APPENDIX

### Key data points by race and gender

	Women overall	African American women	Latinas	Asian American women	Native American women
<b>Increase Wages and Income Supports</b>					
Median annual earnings of full-time, year-round workers*	\$39,621	\$33,533	\$30,293	\$46,334	\$31,191
Poverty rates, women age 18 and older	14.7%	25.0%	22.8%	12.2%	25.0%
Poverty rates, women age 65 and older	12.1%	20.9%	19.6%	16.0%	18.6%
<b>Expand Access to Health Care and Coverage</b>					
Share of women who are uninsured, ages 18-64	13.0%	14.7%	24.1%	11.5%	23.6%
<b>Meet the Needs of Working Families</b>					
Share of the low-wage workforce each group comprises	65%	11%	15%	4%€	0.8%
Share of workers age 18 and older with access to paid sick days	60%	64%~	49%	67%~	-
<b>Eliminate Discrimination in the Workplace</b>					
Earnings Ratio†	79 cents	60 cents	55 cents	84 cents	59 cents
<b>Improve Pathways to Opportunity</b>					
Share of high school girls physically forced to have sex against their will	10.5%	11.5%	12.2%	-	-
Share of girls (ages 8-17) who want to be leaders	39%	53%	50%	59%	-
Share of girls (pre-K through 12th grade) receiving out-of-school suspension	-	12%	4%	1%	7%
<b>Promote Security for Vulnerable Women and Families</b>					
Share of women who have been a victim of rape, physical violence, or stalking by an intimate partner in their lifetime	35.6%	43.7%	37.1%	19.6%€	46.0%
Share of foreign born population 18 and older each group comprises	51.5%	5.2%	22.7%	13.8%	0.5%
<b>Strengthen Collective Action</b>					
How much smaller the gender wage gap is for union members, compared to non-union members‡	56%	20%	34%	-	-

\* Data for Native American women are from the 2014 American Community Survey

† Comparisons for women of color are to white, non-Hispanic men

‡ Comparisons for women of color are to white men

€ Figure includes Native Hawaiian and Pacific Islanders

~ Figure excludes Hispanics







NATIONAL  
WOMEN'S  
LAW CENTER  
EXPANDING THE POSSIBILITIES

11 DUPONT CIRCLE, NW, #800  
WASHINGTON, DC 20036  
P: (202) 588 5180  
WWW.NWLC.ORG

