



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





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Yet, our nation's public policies and workplace practices too often are based on outdated assumptions about who works, who stays home, and the supports necessary to make sure families are economically secure.

All of this leaves women and their families behind. In 2014, the median income of women working full-time, year round was **\$39,621 compared to \$50,383 for men.** The median income of African American women and Latinas was even lower—**\$33,533 and \$30,293** respectively. Even when women work full-time, too many women make too little to support their families. 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.

Now is the time for advocates and legislators to advance a broad vision that knocks down barriers, remedies discrimination, ensures accountability, and provides key supports that enable women and their families to be economically secure. This vision 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 vision that reflects the reality of women's lives is especially important right now at the state level. While social programs and civil and constitutional rights have been under sustained attack in some states, there are important opportunities for building a movement at the state level to fill in gaps left by federal laws and policies—and press forward leaning policies that will make families more economically secure.

## ***Moving Women & Families Forward: A State***

***Roadmap to Economic Justice*** (*State Roadmap to Economic Justice*) puts forward a broad-based economic agenda that recognizes the interconnectedness of factors that affect the economic security of women and their families and outlines a policy agenda that will improve their lives. Women continue to be paid less than men; do not have access to comprehensive health care services, including reproductive health care; struggle to access affordable, high-quality child care and early education; are subject to unpredictable and inflexible work schedules; lack basic benefits such as paid sick leave and family leave; experience workplace discrimination, harassment, and unfair treatment; face barriers in accessing education; are subjected to violence; and are prevented from taking collective action. Women of color and low-wage workers, in particular, may face multiple barriers to economic security that compound one another. Economic justice requires that women have the economic, social, and political power to make decisions about their health, families, and work with dignity and self-determination.

Coalitions in the states are already coming together to build an interconnected vision. Advocates and legislators are stepping forward to advance broad agendas that promote women's health, equality, and economic opportunity. The *State Roadmap to Economic Justice* builds on this work by providing an integrated state legislative women's economic agenda.

The *State Roadmap to Economic Justice* **takes on seven main areas** where states can lead the way to create a more just society for women and families.

- ✓ **Increasing Wages and Income Supports** by raising the state minimum wage and enacting or expanding state tax credits for working families.
- ✓ **Expanding Access to Health Care and Coverage** by expanding health insurance coverage through Medicaid and ensuring that women have insurance coverage of abortion and access to birth control.
- ✓ **Meeting the Needs of Working Families** by curbing abusive scheduling practices and giving workers some say in their schedules, appropriating significant new state funds for child care and prekindergarten, requiring employers to provide paid sick leave, and creating programs that provide paid family and medical leave.
- ✓ **Eliminating Discrimination in the Workplace** by ensuring equal pay for equal work; 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 campus sexual assault, and creating fair discipline policies.
- ✓ **Promoting Security for Vulnerable Women and Families** by providing protections for undocumented immigrants and survivors of domestic violence and sexual assault.
- ✓ **Strengthening Collective Action** by protecting and bolstering collective bargaining rights.

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

Of course, the *State Roadmap to Economic Justice* is not fully comprehensive. Many other issues are important to the economic security of women and their families, and the most urgent needs will vary by state. But the goal of the *State Roadmap to Economic Justice* is to aid advocates and policy makers in moving forward a broad vision that takes us further down the path to economic justice for women and their families.

## WOMEN'S ECONOMIC JUSTICE IN YOUR STATE

The National Women's Law Center (NWLC) can help you develop and promote a women's economic agenda that works for your state. NWLC can:

- Provide research on state laws;
- Provide state level data analysis;
- Assist in crafting legislation;
- Help connect you with other advocates, legislators, and experts; and/or
- Create supporting resources including:
  - Sample graphics and tweets;
  - Talking points; and
  - Fact sheets.



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

## The Problem

The minimum wage is falling short for millions of Americans—especially for women, who represent [nearly two-thirds of minimum wage workers](#), and [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](#). [Twenty-nine states and the District of Columbia](#) currently have minimum wages above the federal level, but in every state, the minimum wage leaves a full-time worker with two children near or below the [poverty level](#). Women’s concentration in minimum wage and other low-wage jobs—women are [about half or more](#) of minimum wage workers in every state—is one reason for a large wage gap. Women working full time, year round typically make just [79 cents for every dollar](#) paid to their male counterparts.

Women are also [two-thirds of tipped workers](#), such as restaurant servers. In most states, employers can count a portion of tips toward wages (known as a “tip credit”) and pay their tipped employees a minimum cash wage that is lower than the regular minimum wage. The federal minimum cash wage for tipped workers has been frozen for 25 years at \$2.13 per hour—just \$4,260 a year for full-time work, providing little reliable income when fluctuating tips make it difficult to cover regular expenses like rent and groceries. Tipped workers receive more stable base pay in states that do not allow a tip credit, but most states have established tipped minimum wages below \$5 per hour (including [18 states](#) that follow the federal standard). Nationwide, the poverty rate for tipped workers is about [twice as high](#) as the rate for the workforce as a whole.

## The Solution

Raising the minimum wage, indexing the wage to rise annually with inflation, and ensuring that one fair minimum wage applies to tipped and non-tipped workers alike can improve women’s economic security and help narrow the wage gap. Today, states with higher minimum wages tend to have [smaller wage gaps](#)—and states that require employers to pay their tipped workers the regular minimum wage before tips typically have [lower poverty rates](#) among tipped workers.

By boosting pay for minimum wage workers, states can also improve their overall economies, with widespread benefits for working families. A higher minimum wage means workers have [more resources](#) to spend in their communities—increasing demand for goods and services. It also benefits employers by [reducing turnover and increasing productivity](#).

## Basic Elements of the Solution

- ✓ Raise the state minimum wage.
- ✓ Raise the 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 or the cost of living.

While the minimum wage increase that may be attainable will vary by state, recently enacted measures increasingly recognize the need for robust increases that can meaningfully improve economic security. Legislation raising the minimum wage was enacted in [ten states](#) and the District of Columbia in 2014, and voters in Alaska, Arkansas, Nebraska, and

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

This momentum is poised to accelerate in 2016, with a number of pending [legislative and ballot proposals](#) aiming high. For example, after raising the [minimum wage for fast food workers and state employees](#) in New York to \$15 per hour by 2021, Governor Cuomo is leading a legislative push for a \$15 minimum wage statewide—although the proposal may not include an increase in the state's \$7.50 tipped minimum cash wage. Ballot initiatives in California and the District of Columbia will put the question of a \$15 minimum wage to voters in November. The initiative in D.C. includes a measure to gradually raise the minimum wage for tipped workers so that it matches the regular minimum wage by 2025. In California, there is no separate, lower minimum wage for tipped workers.

### Support for the Solution

- Public opinion polling consistently shows very strong support for minimum wage increases that transcends party affiliation. The results of the minimum wage measures on the ballot in 2014 reflect this strong support: for example, about [two-thirds of voters](#) approved the initiatives in Arkansas and Alaska, and [more than three-quarters of voters](#) supported the \$15 minimum wage initiative in San Francisco.

- A national [survey](#) conducted in 2015 shows that fully three-quarters of Americans favor raising the federal minimum wage from \$7.25 to \$12.50 per hour by 2020. The same survey shows 63 percent support raising the minimum wage to \$15 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 per hour by 2020.

### Talking Points on the Problem and the Solution

- No one who works full time should have to raise her family in poverty. But too many women in our state are working hard at minimum-wage jobs that leave a mom with two children below the poverty line or perilously close to it.
- Most tipped workers in our state are women, and these workers are especially likely to live in poverty. Tipped workers should be entitled to the same minimum wage as all workers, 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 in our state support themselves and their families. It also can help close the persistent wage gap between women and men, because nationwide, women are the majority of workers who see their pay go up when we raise the minimum wage.
- 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 state's economy.

See appendix on page 59 for state data regarding the poverty rate and wage gap.

# Help working families make ends meet: improve state earned income and child and dependent care tax credits

## The Problem

It's tough to support a family in today's economy. Wages have stagnated for most workers, while the cost of raising children continues to increase. It's especially tough for women, who face a wage gap that has not budged in nearly a decade and make up the vast majority of single parents. Nearly **one-third of the women who work in low-wage jobs** are mothers of children under 18. Among mothers working in low-wage jobs, over half (57 percent) are women of color and nearly half (47 percent) are single parents. **Four out of ten single-mother families** live in poverty.

Low- and moderate-income working families get help making ends meet from the **federal Earned Income Tax Credit (EITC)**. The EITC, which is only available to people with income from work, boosts the wages of hard-working parents. The amount of the EITC depends on income, number of children, and marital status; for tax year 2016, the maximum federal EITC can be worth just over \$6,200. The federal EITC is refundable, so qualifying families receive the full credit, regardless of the amount of their federal income tax liability. In 2014, the EITC lifted the incomes of more than **5.6 million people** above the poverty line, including almost 1.6 million adult women and nearly 3.1 million children. The EITC especially helped people of color, lifting the incomes of nearly 1.2 million African Americans and more than 2.3 million Latinos above the poverty line. The federal EITC is making a difference—but it's not enough.

Child care costs are a major expense for working families; **in a majority of states**, the cost of child care for an infant exceeds the cost of public college tuition. The child care assistance program and the federal tax code offer help to some families, but both are falling short. **Fewer than one in six children** eligible

for federal child care assistance receives it. And the **assistance provided by the federal Child and Dependent Care Tax Credit (CDCTC)** is modest. The amount of the CDCTC depends on income, expenditures, and number of children; for tax year 2016, the federal CDCTC is theoretically worth up to a maximum \$2,100 for families making \$15,000 or less. For families making above \$43,000, the credit is worth a maximum of \$1,200. However, because it is not refundable, low-income families with little or no federal income tax liability get little or no benefit from the CDCTC.

The federal tax code could do more for working families. But state tax policies don't just fall short—in virtually every state, tax policies overall make the lives of struggling families harder. **In nearly every state**, low- and middle-income families pay a larger share of their income in state and local taxes than higher-income families do, because most states and localities rely heavily on regressive sales, excise, and property taxes to raise revenue. Nationwide, households in the bottom 20 percent of the income distribution (those making less than \$19,000 per year) pay an average of 10.9 percent of their income in state and local taxes—about twice the rate paid by the top one percent (5.4 percent of income). Families in the middle of the income distribution fare little better than the poor, paying an average of 9.4 percent of their income in state and local taxes.

## The Solution

### Earned Income Tax Credit (EITC)

Instead of pushing families into—or deeper into—poverty, state tax policies could improve their economic security and their children's wellbeing by providing a robust and refundable state Earned

Income Tax Credit (EITC). Half of the states and the District of Columbia offer [state EITCs](#) that are based on the federal EITC. State EITCs are easy to implement for states and families—one line on a state tax return and a simple calculation to take a percentage of their federal EITC. But the amount of assistance they provide varies dramatically. For example, in California the EITC is equal to 85 percent of the federal EITC for tax year 2015 and in several states it is worth 30 percent or more. However, in seven states the state EITC is worth less than 10 percent of the federal credit. And four states allow only a nonrefundable EITC, which limits its value for low-income families who may owe little state income tax, but still may pay significant state sales and property taxes.

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

## Basic Elements of the Solution

- ✓ Offer an EITC that is a generous percentage of the federal EITC. States without an income tax can still offer an EITC.
- ✓ Ensure state EITCs are fully refundable. States with refundable EITCs include Kansas, Oklahoma, New York, Vermont, Iowa, and New Mexico.

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

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

## Support for the Solution

The 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.

The CDCTC has long enjoyed bipartisan support as an effective measure that helps families cover the growing costs of employment-related child and dependent care. Presidents Ford, George W. Bush, and Barack Obama all signed expansions of the CDCTC into law.

## 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.
- The EITC lifts millions of children out of poverty and increases their chances for success in school and in life.

- State EITCs improve the fairness of state tax systems, which take a larger bite out of the budgets of lower-income than higher-income families.
- State EITCs boost the economy, by putting money in the pockets of working families that they spend to meet their basic needs.
- State CDCTCs can help ease the strain that child care expenses place on the budgets of working families. For families with a child ages three through five, child care represents the second greatest household expense, after housing.
- State CDCTCs improve the fairness of state tax systems by recognizing that families with employment-related child care expenses have less available income than families without such expenses.
- The cost of child care is a barrier to women's participation in the workforce; by offsetting part of the cost, state CDCTCs help women and men support themselves and their families.

See appendix on page 59 for state data regarding poverty rates for women and single-mother families by state.



# Close the gap: provide low-income women with health insurance

## The Problem

Approximately 1.5 million uninsured low-income women across the country fall into a health insurance coverage gap. Fifty-five percent of those who fall into the coverage gap are people of color. This gap is the direct result of 19 states' failure to use federal money available to them under the Patient Protection and Affordable Care Act (ACA) to expand health insurance coverage through Medicaid.

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

This means they will remain uninsured and unable to take advantage of the important, comprehensive benefits offered by Medicaid or the ACA. Low-income women who fall in this coverage gap by the 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.

## The Solution

States that have not yet expanded coverage through Medicaid must do so immediately. Depending on state law, states can expand Medicaid eligibility through legislative or administrative action.

## Basic Elements of the Solution

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

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

## Support for the Solution

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).

## Talking Points on the Problem and the Solution

- 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.
- If our state accepted federal money to expand Medicaid coverage, uninsured people in our state

## IF YOUR STATE HAS ALREADY EXPANDED MEDICAID

If your state has accepted federal money to expand Medicaid coverage, think about other ways to improve health insurance coverage for women and their families. For example you could work to:

- Help ensure access to health coverage and health services for undocumented individuals. States could:
  - Pass a law to provide state-funded health coverage or health services to undocumented residents. Four states already cover undocumented children with state-funded health insurance (without federal matching funds), and a fifth state, California, will begin covering undocumented children as of May 2016. State-funded primary care programs can also provide critical health services to undocumented residents.
  - Allow undocumented residents to purchase coverage in the state Marketplace. If you have a state-run Marketplace, you could explore whether a State Innovation Waiver would allow your state to open the Marketplace to undocumented residents.
- Pass a law that clarifies the scope of required coverage for breastfeeding supports and supplies, including lactation consultants and electric breast pumps, that private insurance plans must cover without cost-sharing. Even though these services must be covered, some women have had trouble accessing breastfeeding supports and supplies because their health plan has established inappropriate restrictions on these benefits.
- Improve Medicaid coverage for women's preventive services, including all methods of birth control and breastfeeding supports and supplies. Depending on your state, women with traditional Medicaid may not have coverage for these services.
- Pass a law protecting patient privacy in Explanations of Benefits (EOBs), to ensure confidentiality for individuals who are insured as dependents. This is particularly important for individuals seeking services related to intimate partner violence, reproductive health care, or behavioral health services. For example, a minor may go without birth control for fear that her parent will learn she sought these services because it would be listed on an EOB.

could have affordable health insurance. The health care law includes money for each state to cover more people through Medicaid. The federal government will pay 95 percent of the costs in 2017 and at least 90 percent of costs after that.

- By accepting the federal money—and covering more people—states ensure that hard-working families will have the health coverage they need to get the care they need, when they need it, and without facing huge medical bills. To remain economically secure, hard-working families need access to health coverage.
- The purpose of the health care law is to provide access to affordable health insurance for all Americans. Many people are already receiving tax credits to help them buy health insurance.

But if our state continues to turn down the federal money to expand Medicaid, people whose incomes are too low to receive tax credits will still fall into a “coverage gap.” In other words, they will not get any help towards the cost of health insurance.

- Our state is already spending money to treat uninsured people in emergency rooms. Making sure more of our residents have health insurance and can get the care they need before they get sicker will reduce spending on emergency room care. This is a smarter use of health care dollars.

See appendix on page 59 for state data regarding the share of uninsured women.

# 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, states have subjected women in both private and public insurance plans to limitations and exclusions that prevent them from making a real decision when faced with an unintended pregnancy.

Currently, 25 states prohibit women from purchasing a comprehensive health plan that **includes coverage of abortion** in the new health insurance marketplaces set up in states. In ten of those states, no private insurance plan—whether in the marketplace or not—is allowed to cover abortion as part of its comprehensive health plan. Since most insurance plans cover abortion absent a prohibition on doing so, these laws take benefits away from women.

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

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

Low-income women denied abortion coverage may have to postpone paying for other basic needs like

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

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

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

## The Solution

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

### Basic Elements of the Solution

- ✓ Repeal any existing ban on private or public insurance coverage of abortion.

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

Currently, [25 states and the District of Columbia](#) allow private insurance plans to decide for themselves whether to cover abortion. For the past four years, Washington State has introduced—and the House has passed—a [bill to require insurance plans to cover abortion if they cover maternity care](#). In addition, [17 states](#), including Arizona, Montana, New Mexico, and West Virginia, use their own state funds to pay for medically necessary abortions for qualified women in the Medicaid program.

### Support for the Solution

In a national [survey](#) conducted between December 2015 and January 2016, 72 percent of respondents 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.

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

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

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

### Talking Points on the Problem and the Solution

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

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

## The Problem

Obtaining and consistently using birth control can be challenging for many women. The Affordable Care Act’s (ACA) [birth control benefit](#) eliminated a major obstacle for women—cost barriers to the full range of birth control methods—but even women eligible for this benefit may face difficulties getting their birth control.

One of the barriers women face is not being able to get to a health care provider or finding a provider who offers her chosen birth control method. [Thirteen percent of women report](#) challenges getting an appointment at a clinic or getting to a clinic. Often a woman who needs a birth control prescription will have to wait several weeks before she can get an appointment with her health care provider. If she has already run out of her birth control before she can see her provider, she could have a gap in birth control and increased risk of unintended pregnancy.

A woman who wants a long-acting reversible contraceptive (LARC) method, such as an intrauterine device (IUD) or implant, may have difficulty finding a provider who can insert one when she needs it. Often [health clinics do not provide LARCs onsite](#) because their providers are not yet trained to insert them or it is too expensive for the clinic to stock them. The woman would have to make an appointment with another clinic to get her chosen birth control, leading to delays that could result in increased risk for unintended pregnancy.

Additionally, although the ACA guarantees insurance coverage for contraceptive counseling and education, some women may not be receiving this benefit. And some health care providers may not be well-versed in the full range of birth control methods available and how to counsel women most appropriately and in a non-coercive way about the methods and their benefits and risks.

Insurance companies are creating barriers for women by putting limits on how much birth control a woman can get at one time. Insurance companies can require a woman to go to the pharmacy as many as *13 times* a year to get her birth control. Unsurprisingly, 18 percent of women in one study reported running out of birth control and having problems resupplying at some point. [Getting time off from work or school or difficulty accessing a pharmacy](#), either because of lack of transportation or limited pharmacy hours, make it difficult for many women to access birth control. These types of barriers are especially pronounced for low-income women who rely on public transportation, whose work hours may not be predictable, or who may have difficulty getting to a pharmacy.

Not only do these barriers keep women from obtaining birth control in the first place, but they make it harder for women to use their preferred method of birth control consistently. This in turn increases a woman’s risk of unintended pregnancy. Among women with unintended pregnancies, [43 percent](#) were using birth control at the time they became pregnant but were using it incorrectly or inconsistently. Removing barriers to birth control so that women can plan, space, and prevent pregnancies is critically important for women’s economic security. Access to birth control is linked to women’s greater educational and professional opportunities and increased lifetime [earnings](#).

## The Solution

State should pass laws that facilitate access and eliminate barriers to the specific birth control method a woman and her health care provider determine is appropriate for her.

## Basic Elements of the Solution

- ✓ Provide additional funding to family planning providers to improve women's access to long-acting reversible contraceptives. This funding should provide financial assistance to providers so that they can afford to keep LARCs stocked in clinics and also include provider training on non-coercive counseling strategies.
- ✓ Require coverage and dispensing of no less than one full year of birth control by both private and public insurance.
- ✓ Enable women to obtain a birth control prescription from a pharmacist by expanding pharmacist's scope of practice to include prescribing birth control.

In 2015, Oregon and the District of Columbia passed laws requiring dispensing of a full year of birth control at one time. In 2015, California, Oregon, Washington, and the District of Columbia passed laws allowing women to get a prescription for some forms of birth control from certain pharmacists.

So far in 2016, bills have been proposed in Alaska, California, Colorado, Hawaii, Illinois, Iowa, Kansas, Maryland, Minnesota, Missouri, New Jersey, New York, Oregon, Virginia, Tennessee, Washington state, and Wisconsin to eliminate barriers to birth control.

## Support for the Solution

Large majorities of Americans support access to birth control and its use by those seeking to avoid pregnancy.

- 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.

Initiatives that eliminate barriers to birth control have been extremely successful.

- The [Colorado Family Planning Initiative](#) increased access to LARCs, and from 2009-2014, the birth rate for women 15-19 years old decreased by nearly half and the rate of repeat teen births dropped 58 percent. The state estimates that the Medicaid program avoided spending approximately \$79 million in birth-related costs from 2010-2012.
- When women were able to obtain [a full year of birth control at one time](#), their odds of pregnancy decreased by 30 percent and odds of abortion decreased by 46 percent.
- A study in St. Louis found that [75 percent of women chose LARCs](#) when presented with information about all birth control methods and access without cost. These LARC methods were 20 times more effective than other birth control and resulted in substantial reductions in teen pregnancies, births, and abortions.

## Talking Points on the Problem and Solution

- 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.
- A woman's chances of unintended pregnancy increase considerably when barriers prevent her from using birth control consistently and correctly.
- Arbitrary barriers, such as limits on how many packs of birth control a woman can pick up at one time, shouldn't keep women from accessing birth control. Access to a full year's supply of birth control can help women avoid gaps in using it and improve its effectiveness.
- It can be difficult for women to pick up their birth control or see their health care provider when they need it. Women may not be able to get time off from work, have a ride to a pharmacy or clinic, or be able to get to a pharmacy or clinic when it is open. Women need more ways to get their birth control

when they need it, through more providers and by requiring fewer visits.

- Women need access to all birth control methods so that they can use the specific birth control that is right for them.
- More women choose the most effective methods of birth control, like implants and intrauterine devices (IUDs), when they are given appropriate education and counseling and their health care providers have adequate training.
- Initiatives that remove barriers to birth control have proven incredibly successful and fiscally responsible.



# 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. 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, compared to 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

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

## Basic Elements of the Solution

- ✓ States should ensure that all employees have the right to make scheduling requests and prohibit employers from retaliating against employees who make such requests. Employers should be required to consider and respond to all employees' requests. For employees who need a scheduling change to fulfill caregiving responsibilities, to work a second job (for part-time workers), to pursue education and

workforce training, or for the employee's own serious health condition, employers should be required to grant requests unless there is a bona fide business reason not to do so, such as a detrimental effect on the employer's ability to meet organizational need or customer demand.

- ✓ States should require employers to guarantee hourly employees a set minimum amount of pay when they are sent home without being permitted to work their scheduled shift (reporting time pay), when they are required to work a shift with nonconsecutive hours that includes a break of an hour or more (split-shift pay), or when the employee must contact his or her employer or wait to be contacted by the employer less than 24 hours in advance of the start of a potential shift to determine whether the employee must report to work.
- ✓ States should ensure that employees receive adequate notice of work hours by requiring employers to disclose at the time of hire the minimum number of hours an employee will be scheduled to work, give the employee two weeks' notice of any change in minimum hours, and provide an employee's work schedule two or three weeks in advance. States should also require employers to provide extra pay when changes are made close in time to the employee's scheduled shift.
- ✓ If an employer has additional hours of work to provide, the employer should be required to offer additional hours to existing qualified part-time employees, before hiring new employees.
- ✓ Employers should be prohibited from discriminating against any employee with respect to rate of pay, pro-rated access to employer-provided paid and unpaid time off, or access to promotion opportunities because of an employee's part-time status.

Eight states, the District of Columbia, and Puerto Rico currently have reporting-time pay laws. The District of Columbia, New York, and California have [split-shift pay laws](#). [Vermont](#) has a right to request law that applies to all employees. [San Francisco](#) has a right to request law that applies to caregivers only and in

2014 passed the [Retail Workers Bill of Rights](#), which provides many of these protections to employees of chain restaurant and retail stores. In addition, [10 states](#) and the [District of Columbia](#) introduced fair scheduling bills in 2015, and more are expected to do so in the coming year.

## 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.

## 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 while addressing 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.
- When workers have no idea when or how many hours they will work from week to week, planning and budgeting is nearly impossible.
- 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.
- Fair work schedules make it possible for workers 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 who are victims of domestic violence or sexual assault need to have a voice in their schedules so that they can plan for and seek help escaping and recovering from abuse.
- When 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. Providing employees with more flexible, predictable, and stable schedules is not only good for workers and their children, it also results in greater employee morale, engagement, and productivity.

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

## The Problem

Early learning programs are one of the best investments the country can make to support both our current and future economy. These programs ensure that children get the strong start they need to succeed and that parents can work to support their families and/or 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 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, the number of children served is actually declining. There were 407,500 fewer children receiving child care assistance in 2014 than at the peak 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.

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 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

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

## Basic Elements of the Solution

- ✓ Provide help in paying for child care to additional low-income families.
- ✓ Ensure parents who work non-traditional and unpredictable hours have child care options that meet their needs.
- ✓ Increase reimbursement rates to child care providers that serve families receiving child care assistance, and offer additional incentives and supports to encourage providers to improve their quality.
- ✓ Fully implement the requirements and provisions of the CCDBG reauthorization designed to ensure the health and safety of child care, improve the quality of care, and make it easier for families to access child care assistance.
- ✓ Invest in increasing the supply of affordable, high-quality child care for infants and toddlers and for children in underserved areas, including low-income communities and rural areas.
- ✓ Make high-quality full-school-day prekindergarten programs available to all four-year-olds whose families want them to participate.
- ✓ Once prekindergarten is universally available to four-year-olds, expand prekindergarten opportunities for three-year-olds, beginning with low-income children.

- ✓ Allow state funding for prekindergarten programs to be available to schools, child care providers, Head Start programs, and other community-based providers that meet high-quality standards.

## Support for the Solution

National and state polls show strong support for investing in prekindergarten and child care. In a recent national [poll](#), 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 reauthorization of the CCDBG passed the U.S. House of Representatives unanimously and the U.S. Senate by a vote of 88 to 1. Across the country, governors of both parties have supported investments in prekindergarten programs as well as child care.

## Talking Points on the Problem and the Solution

- Child care assistance enables more parents to work and earn a steady income, which can allow them to offer their children more stability, opportunities, and resources.
- High-quality preschool has substantial positive effects on children's early learning, particularly for low-income children.
- Families on waiting lists for child care assistance are often forced to use a patchwork of unstable arrangements, causing disruption for children, more stress for parents, and a risk of job loss. Families that stretch to pay for reliable child care often struggle to pay for other necessities.
- The average cost of full-time center care for an infant ranges from [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—yet few workers 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, and this percentage does 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. Although the federal Family and Medical Leave Act (FMLA) provides up to 12 weeks of unpaid, job-protected leave to address one's own serious health condition, or to care for a new baby or a family member with a 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 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 have 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.

The United States is one of only a handful of nations across the globe, and the only Organization for Economic Co-operation and Development (OECD) nation, that provides no government guarantee of paid leave for new mothers, as well as the only highly competitive country that provides no government guarantee of paid medical leave for serious illnesses.

## The Solution

State laws should ensure that employees can take the time off they need to care for themselves and their families by requiring employers to allow employees to earn paid sick and safe days. States should also enact laws creating insurance programs that provide paid family and medical leave to workers. A minimum

earned paid sick and safe days standard, and a paid family and medical leave insurance program, 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

- ✓ Require employers to allow workers to earn up to seven job-protected paid days each year to use when they are sick, for preventive care, or to care for a sick family member.
- ✓ Ensure that workers who are victims of domestic violence, stalking, or sexual assault can use these earned paid days to take the time they need to get help or recover.
- ✓ Ensure that workers can earn sick and safe time based on a simple accrual system. **For example**, a worker could earn a minimum of one hour of paid sick time for every 30 hours worked, up to 56 hours per year.
- ✓ Allow employers to continue existing sick leave policies, so long as they meet the minimum standard set forth in the law.
- ✓ Require employers to provide eligible employees with up to 12 weeks of paid leave to address their own serious illness; care for a child, parent, or spouse with a serious illness (including a domestic partner); or care for a newborn, newly-adopted child, or newly placed foster child.
- ✓ Ensure leave is funded by joint employee and employer payroll contributions to a state-operated paid family and medical leave insurance fund.
- ✓ Make clear that all workers are eligible, regardless of the size of their company, because the funds are not tied to specific employers but paid from the state-operated paid leave insurance fund.

In 2006, **San Francisco** became the first locality in the nation to guarantee access to earned paid sick days. Since then, many other localities have adopted earned paid sick days standards, including **Seattle** and **Tacoma**, Washington; **Portland** and **Eugene**, Oregon; **New York**, New York; **Jersey City** and **ten other cities in New Jersey**; **San Diego**, **Oakland**, and **Emeryville**, California; **Philadelphia** and **Pittsburgh**, Pennsylvania; and **Washington, D.C.** In 2011, **Connecticut** became the first state to pass a paid sick days law. **California** and **Massachusetts** passed sick day laws in 2014, and **Oregon** passed a sick day law in 2015. **Nearly all of these localities and states** allow employees to use their earned paid days to take the time they or a family member needs to get help or recover from domestic violence, stalking, or sexual assault.

**California**, **New Jersey**, and **Rhode Island** have created insurance programs that provide paid family and medical leave to workers. These states represent **15 percent** of the United States population.

## 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 four in five 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 of voters believe that the government has a responsibility to treat employees fairly, including providing paid time 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 were more likely to support a candidate who supported requiring employers to provide employees with paid family and medical leave.

### Talking Points on the Problem and the Solution

- Nearly all workers need to take time away from work at some point because of their own health condition, the health condition of a family member, or to care for a new child. Paid sick days and paid family and medical leave would ensure that workers can actually afford to take time off when they need it to care for themselves or their families.
- Mothers are much more likely than fathers to shoulder child care responsibilities, even if both parents work. When workplace policies don't reflect families' realities it is difficult for parents to balance family and work responsibilities. Nearly [one in five low-wage working moms](#) have lost a job due to sickness or caring for a sick child.
- Many workers simply cannot afford to stay home when they are sick. Others face discipline at work when they do. Paid time off 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. 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 and get the care they need.
- 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.
- Paid time off is a commonsense solution to the pressing needs of today's workforce. It is crucial for employers, employees, families, and our nation.
- There is simply no excuse for America to continue to lag behind every other industrialized country by failing to provide paid 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.



# Combat pay discrimination: strengthen equal pay laws

## The Problem

More than fifty years after the passage of the Equal Pay Act, women are still paid less than men. 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—nationally 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, male dominated, or 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 earn 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.

More than 50 years after Congress banned sex discrimination in wages in the Equal Pay Act of 1963, pay discrimination persists. It is a problem that 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.

## The Solution

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

## Basic Elements of the Solution

- ✓ Provide explicit nondiscrimination protections for employees who share pay information and prohibit 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 provide a business justification.
- ✓ Prohibit employers from requiring job applicants to provide salary history prior to job offers, to ensure that lower pay in one job does not depress pay in future employment.

- ✓ Require equal pay for “substantially similar” or “comparable” work to ensure that jobs that are not identical but are similar in terms of skills, responsibility, and working conditions are compensated equally.
- ✓ Specify that the time period to pursue an equal pay claim starts over each time that an employee receives a paycheck that reflects a discriminatory decision about compensation.
- ✓ Allow employees with successful pay discrimination claims to recover compensatory and punitive damages.
- ✓ Require the state to collect data from private-sector employers about what their employees are paid. Ensure this data is broken down by gender and other protected categories, such as race and ethnicity.
- ✓ Require all companies that bid for and/or receive government contracts to engage in self-analysis and certify ongoing compliance with pay equity laws and principles.
- ✓ Ensure that all employers, including small employers, are covered by equal pay laws and other nondiscrimination requirements.

Although nearly all states ban discrimination in pay, many states have been working to strengthen these laws. 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. And [13 states](#) ban retaliation against workers who talk about their wages.

### 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](#), 80 percent of unmarried women were more likely to support a candidate for office 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—a federal bill intended to improve the federal laws relating to equal pay. 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 United States, 58 percent identified equal pay as the most important issue facing 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 when they work in similar jobs.
- But, more than 50 years after passage of the Equal Pay Act, the typical woman is still being paid only 79 cents for every dollar paid to the typical man.
- Ending gender discrimination in pay will help close the wage gap and strengthen America’s working families. Bringing women’s earnings in line with men’s would bring in an additional \$10,762 a year to support the many families that rely on a woman’s income.
- Equal pay for women would also help ensure that state programs designed to help low-income families serve as a safety net for those who have fallen on hard times—not as a taxpayer subsidy to employers that fail to pay their workers fairly.
- Eliminating the wage gap helps state budgets and reduces public costs. If women receive equal pay, this will move many families out of poverty and reduce the need for public spending on programs that provide support to families for basic needs.

See appendix on page 59 for state 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, too often employers have denied their requests. Instead of receiving simple accommodations that would allow them to continue working safely, many pregnant workers have been forced onto unpaid leave or out of a job entirely. Losing a job can be calamitous for these workers and their growing families. In families with children, **41 percent** of mothers are primary breadwinners. Women in low-wage jobs are particularly likely to seek and be denied pregnancy accommodations, given the physically demanding nature of many low-wage jobs and a culture of inflexibility in many low-wage workplaces. These women in low-wage occupations 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 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

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

## Basic Elements of the Solution

- ✓ Prohibit employers from discriminating on the basis of pregnancy, childbirth, or related medical conditions.
- ✓ Require employers to treat those affected by pregnancy, childbirth, or related medical conditions as well as they treat those similar in ability or inability to work and make reasonable accommodations to employees who have limitations arising from pregnancy, childbirth, or related medical conditions, unless the accommodation would impose an undue hardship on the employer.
- ✓ Prohibit employers from discriminating against an employee because she needs this sort of reasonable accommodation.
- ✓ Prohibit employers from requiring a pregnant employee to accept changes to her work when the pregnant worker does not have any medical need for the modification and does not want the modification.
- ✓ Prohibit employers from forcing a pregnant employee to take leave when another reasonable accommodation would allow the employee to continue to work. While the employee would remain free to choose to use any leave available to her, she would not be forced onto leave against her will.

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

## 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 a September 2014 [poll](#), 95 percent of participants believe that it is appropriate for employers to make reasonable accommodations for women who become pregnant and are unable to work; 93 percent believe that employers should provide a pregnant worker with lighter duties or a different schedule if her medical provider says it is necessary; and 89 percent say that the employer should treat a pregnant worker the same as any other employee with a temporary disability.

## Talking Points on the Problem and the Solution

- No woman should have to choose between her job and a healthy pregnancy.
- While most women can work through their pregnancies without any changes in their jobs, some pregnant women may have a medical need for their employer to make reasonable accommodations so that they can continue to work safely and support their families.
- The right to pregnancy accommodations is too important to take the chance the law will be misinterpreted. Pregnancy accommodation laws would make it *unmistakable* to employers, employees, and the courts that pregnant workers are entitled to reasonable accommodations when they need them.

- It benefits our economy when women are able to keep working and continue supporting their families. [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?
- Providing reasonable accommodations to pregnant workers with medical needs is vital to supporting American families and our economy, and is what the American people overwhelmingly want.

# 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 not only 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, this sort of discrimination threatens the economic security of women and their families.

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

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

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

## The Solution

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

### Basic Elements of the Solution

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

In 2014, the District of Columbia passed one of these laws and it went into effect in 2015. In 2015, six states—Maine, Missouri, New York, Ohio, Virginia, and Washington—introduced bills prohibiting employers from discriminating against their employees because of reproductive health decisions. In New York, the bill passed the Assembly.

## 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.

## Talking Points on the Solution

- People should be judged at work by their performance, not based on their reproductive health care decisions.
- Real religious freedom gives everyone the right to make personal decisions based on 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. This bill makes it clear that our state will protect the right of workers to make reproductive health care decisions without fear of getting fired.

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

## The Problem

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

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

## Basic Elements of the Solution

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

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

### Support for the Solution

A [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 turn people away based on race or ethnicity.

### Talking Points on the Problem and the Solution

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

# End the motherhood penalty: protect family caregivers from employment discrimination

## The Problem

Employees should be evaluated at work on their performance not on their responsibilities at home. But individuals who have primary responsibilities for family caregiving often face discrimination at work. For example, an employer may refuse to hire a job applicant after asking about her family caregiving responsibilities, demote a mother after she returns from maternity leave, or pass a working parent over for a promotion based on the stereotype that parents are less reliable. For working mothers, caregiver discrimination is often based upon **gender stereotypes** about what mothers do or should do and how that impacts their ability to succeed at work. Additionally, in states where employers are not prohibited from discriminating against an employee based on his or her sexual orientation or gender identity, **LGBT individuals** may face particular challenges if they need to provide care for an ailing spouse or partner.

While men and women both shoulder family caregiving responsibilities, women continue to provide the majority of care for **children** and **other family members**, even as women are also primary breadwinners in **four of ten families** with children. Caregiver discrimination is particularly pernicious when it harms the employment opportunities for a family's primary breadwinner—which means it particularly harms women of color, who are **more likely than white women to be raising children on their own**. African American women are also more likely than white women to be **the sole source of income for their families**. People of color on the whole are more likely to be **caring for other individuals** such as parents, spouses, or adult children with disabilities.

The Equal Employment Opportunity Commission (EEOC), the agency tasked with enforcing the federal anti-discrimination law, has issued **enforcement guidance** on unlawful sex discrimination against workers with caregiving responsibilities because it violates Title VII of the Civil Rights Act of 1964. The EEOC has also issued guidance on **employer best practices** for workers with caregiving responsibilities. Title VII, however, only prohibits discrimination against caregivers that is sex-based. If an employer treats male and female caregivers equally poorly, that poor treatment is not sex-based caregiver discrimination.

## The Solution

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

## Basic Elements of the Solution

- ✓ Prohibit employers from failing or refusing to hire, discharge, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's family responsibilities.
- ✓ Prohibit employers from segregating or classifying employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee because of such individual's family responsibilities.

- ✓ Prohibit employers from requesting or requiring information from an employee or person seeking employment relating to the individual's child-bearing age or plans, pregnancy, function of the individual's reproductive system, use of birth control methods, or the individual's familial responsibilities.

In addition to Title VII, [Executive Order 13152](#) prohibits discrimination against federal employees based on that employee's status as a parent, and [five states and over 65 localities](#) prohibit discrimination based on family responsibilities to some degree. While these provisions provide critical protections, many workers remain unprotected.

### Support for the Solution

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

In a 2014 [study](#), 36 percent of all parents responded that they did not receive a promotion, a raise, or a new job due to parenting responsibilities that necessitated a flexible schedule.

### Talking Points on the Problem and the Solution

- Employees should be judged based on their performance at work, not their responsibilities at home.
- While most American working people have to balance work with family responsibilities, today's workplaces are still designed around the breadwinner/homemaker workforce of the past.
- Families depend on women's income more than ever, which means [more and more employees](#) combine work in the paid labor force with unpaid work as caregivers. Fairness in the modern workplace means ensuring that employees with child care and elder care responsibilities receive equal employment opportunity and are protected from discrimination.

# 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, and 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. Barriers to employment for people with criminal convictions can have a variety of negative consequences, including an increased likelihood that an individual with a criminal record ends up back in prison. Lack of employment has proven to be the single largest determinant of recidivism.

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 who experience the highest rates of unemployment just as they try to build their careers, and older workers who experience the longest durations of unemployment while trying to save for a secure retirement.

## The Solution

All states should follow the lead of the [19 states and over 100 cities and counties](#) nationwide that have passed laws requiring employers to evaluate job applicants' qualifications before conducting a criminal background check. These "[Ban the Box](#)" laws typically eliminate the conviction history checkbox on a candidate's application, moving the criminal background check to the conditional-offer phase. This allows applicants to be considered on the basis of their qualifications, free of the stigma that comes with their criminal record. States should also ban employers from relying on credit checks during the hiring process and stop using credit checks in their own hiring processes for state government positions. Additionally, states should ban employers from discriminating against the unemployed and prohibit employers from posting job announcements stating that applicants must be currently employed to be considered.

## Basic Elements of the Solution

- ✓ Adopt "Ban the Box" laws to eliminate the conviction history checkbox on job applications, moving the criminal background check to the conditional-offer stage.
- ✓ Prohibit employers from using credit checks to screen job applicants.
- ✓ Prohibit employers from discriminating against job applicants on the basis of employment status.

The [federal government](#), 19 states, and over 100 cities and counties prohibit employers from including [criminal history questions](#) on job applications. Some large private employers, like [Target](#), have followed suit and removed criminal history questions from their job applications.

## 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.

## Talking Points on the Problem and the Solution

- Ban the Box laws don't remove the criminal background check from the hiring process, they 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 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 checks are not effective indicators of an applicant's job performance or turnover rates, and many credit reports have errors.
- Requiring job applicants to be currently employed to apply for jobs creates an unnecessary barrier to employment for currently unemployed individuals struggling to find work.



# Make college affordable: improve state-based student loans and financial aid for low-income students pursuing higher education

## The Problem

Women must earn a bachelor's degree to avoid being stuck in low-wage jobs. Thus, it is important to expand women's access to college and to job-training programs that lead to higher-paying, nontraditional jobs. But the rising cost of college education coupled with a low-wage economy means that post-secondary education is out of reach 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 and 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 8 percent of their earnings towards student loan debt.

Student parents face particular barriers to accessing and completing post-secondary 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 six in ten Pell Grant recipients at undergraduate institutions. Currently Pell grants are 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. Nontraditional students often want to take classes during summer sessions in order to 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

States should improve 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.

## Basic Elements of the Solution

- ✓ Adopt state-based student loan programs for full- and part-time post-secondary students that offer interest-free student loans not only while in school but also during repayment, income-based repayment options, and partial or complete loan forgiveness for students who meet certain criteria.

- ✓ Cut the cost of college by creating programs that cover the cost of at least two years of tuition for responsible students in state community colleges, public four-year universities, or certificate programs proven effective at preparing graduates to work in high-growth, nontraditional fields.
- ✓ Expand need-based financial aid and state work-study programs to make college debt-free for students from low- or middle-income families.

Many states have introduced or passed laws to make college more affordable or reduce the burden of student debt. At least 35 states have laws addressing some type of student loan forgiveness or repayment program for qualified borrowers. For example, New York recently passed a law that offers two years of student loan repayments for college graduates making less than \$50,000. Massachusetts offers residents attending college in-state up to \$4,000 in interest-free loans. Since 2014, three states—Minnesota, Tennessee, and Oregon—have passed laws creating tuition-free community college, and one state—Nevada—offers a need-based grant to make up the difference between federal grants and the expected family contribution so students can attend college debt-free.

### Support for the Solution

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

In a December 2015 [poll](#), 61 percent of respondents said student debt would be a major influencer when they head to the polls. More than eight in ten millennial voters supported increased state funding for higher education, including 67 percent of Republicans, 82 percent of Independents and 92 percent of Democrats. Millennial voters also support income-based repayment options by a 66 to 31 percent margin.

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

### Talking Points on the Problem and the Solution

- States must address the student debt crisis to ensure that higher education is more accessible for women. Federal grants that help low-income students attend college, such as Pell grants, fall far short of the need, and graduates struggle to pay off both federal loans and private student loans which often have much higher interest rates. States that prioritize education and workforce training can offer low-income students state need-based aid, interest-free loans, and loan forgiveness programs.
- Better state-based 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. Many women encounter obstacles to staying in school while pregnant, including pregnancy discrimination in violation of Title IX. 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 handle pregnancy-related medical restrictions the way they do restrictions due to other temporary medical conditions, as is 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 trans, queer, and gender non-conforming students**. Sexual assault is unfortunately not confined to colleges and universities. A 2013 survey found that **one in ten 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 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 victimization 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

States should ensure that they have Title IX Coordinators in place and take steps to help enforce the law at the higher education and secondary school levels. States should require schools to take steps to **protect students** and 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 to improve transparency on the prevalence of sexual violence and the effectiveness of schools' prevention and response efforts.

## Basic Elements of the Solution

- ✓ Support comprehensive, age-appropriate, and culturally competent sex or health education in K-12 schools that teaches students about safe, healthy relationship behavior and teen dating violence.
- ✓ Require post-secondary institutions to hire a sexual assault coordinator and survivor advocate. This person should be separate from the school's Title IX Coordinator and independent from the school administrators who handle disciplinary matters.
  - The advocate's role should be to provide support to survivors and help them navigate the processes of accessing services, reporting the incident, and participating in any investigation/adjudication (if applicable).
  - The advocate should be bound to keep reports of assault confidential unless otherwise requested by the survivor.

- Schools should make clear that a survivor’s desire to keep his or her experience confidential will not affect their ability to access support services. Should a survivor desire such confidentiality, schools should also ensure the identity of the survivor and the particulars of the incident will not be disclosed except to those providing support services to the survivor who are also bound by confidentiality.
- ✓ Require schools to provide students with the information necessary to make informed decisions about where to report.
- ✓ 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.
- ✓ Oppose policies that require adult survivors to report or institutions to refer reported sexual assaults to law enforcement. Such legislation overrides the wishes of survivors who want to avoid a criminal investigation and may result in fewer reports to school officials, causing more survivors to drop out and more perpetrators to go unpunished.
- Instead, states should 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.
- ✓ Require post-secondary schools to administer annual, campus-wide anonymous surveys to collect data from students, faculty, and others on the incidence and prevalence in the school community of sexual violence, dating violence, domestic violence, and stalking, as well as the success of various prevention, training, and response efforts. Require the results of these surveys to be publicly reported.

In recent years, states have passed laws to address the issue of sexual violence in K-12 schools and higher education. Eleven states have laws requiring elementary and secondary schools to teach students about healthy relationships and dating violence—Arizona, California, Colorado, Delaware, Florida, Illinois, Louisiana, Massachusetts, Ohio, Texas, and Virginia. In 2015 alone, nine states passed laws aimed at curbing sexual assault in state colleges and assessing whether students feel safe on campus. For example, California, New York, Texas, and Washington passed laws requiring public universities to adopt and publicize sexual assault policies and procedures, with some explicitly adopting affirmative consent or prohibiting different procedures based on the status of a student involved. Other states, such as Louisiana, require state institutions to regularly conduct and report the results of campus climate surveys. Additionally, California and Colorado require institutions to have memoranda of understanding with law enforcement or health centers to provide trauma-informed services to survivors and publicize these services to students.

## 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 often re-traumatized by the response of their school or law enforcement. States 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.

### **EVERY TWO YEARS THE U.S. MILITARY SERVICE ACADEMIES**

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

# Help girls stay in school: reduce 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 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. 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. Latinas are suspended twice as often 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 the 1.5 percent of white girls—even though Black girls are

only a small fraction of Ohio’s student population. For the same offenses, Black 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, which contributes to poorer academic performance, increased dropout rates, and higher 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 have experienced a school-related arrest.

Gender and race stereotypes underlie disparate discipline rates of girls of color, while the impact of trauma is overlooked. Stereotypes of Black and Latina women as “hyper-sexualized” and aggressive may contribute to the implicit bias underlying many 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

States should require schools to replace harsh, inflexible zero-tolerance policies with alternative discipline practices that don’t push girls out of school; require

teachers, principals, and school administrators to receive training 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

- ✓ Pass laws that replace zero-tolerance policies in school and eliminate suspensions or expulsion for certain offenses or grade levels.
- ✓ Amend the criminal penal code to exclude elements of minor crimes used in school arrests and help stop the school-to-prison pipeline.
- ✓ Require or encourage school districts to implement the use of alternative discipline policies, such as restorative justice or positive behavior intervention and support, to encourage model student behavior in schools without pushing students out.
- ✓ Support districts in the reporting of school discipline data on state report cards, disaggregated and cross-tabulated by race, gender, and disability status, as required by the Every Student Succeeds Act.
  - Comprehensive annual discipline data should include the specific reasons for disciplinary action, length of time and nature of disciplinary intervention used, and the number of instruction days lost.
- ✓ Require all school districts—especially those with disproportionately high rates of suspensions or expulsions—to include in their School Improvement Plans how they will reduce the use of exclusionary discipline for minor or subjective offenses.
- ✓ Provide resources to school districts so they can 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.
- ✓ Reduce the presence in schools of law enforcement, such as School Resource Officers (SROs).

Currently, two states—California and Missouri—encourage the use of alternatives to exclusionary discipline in state improvement plans. Furthermore, eight states—Colorado, Delaware, Florida, Georgia, Illinois, Louisiana, North Carolina, and Rhode Island—have taken steps to reduce zero-tolerance policies in schools, including repealing mandatory suspension/expulsion laws and encouraging schools to adopt alternative discipline instead. Finally, four states—California, Connecticut, Louisiana, and Oregon—and the District of Columbia have passed laws to ban the use of suspension and expulsion in pre-K through some portion of elementary schools or limit its use in response to nonviolent conduct (e.g., willful defiance).

### 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 in schools to increase school safety—impacting exclusionary discipline and school-based arrests.

### 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 have drastically increased the number of students 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.
- States should require school districts to report publicly accurate and comprehensive data on school discipline. Doing so would 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.



# Support victims of violence: prohibit discrimination against survivors

## The Problem

Violence and harassment against women are pervasive in the United States. As a result of discrimination, inadequate legal protections, and lack of supports, victims and survivors often face threats to their jobs, housing, and health care. No woman should face violence or harassment, but states need to ensure that when women do, discrimination against survivors of violence and harassment does not also undermine their economic stability.

More than **one in three women** (35.6%) 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.

Economic stability is **critical to survivors'** ability to separate from violence and maintain their safety while supporting their families. Victims and 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** benefits 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 may have difficulty in accessing income supports as well due to unique barriers in filing tax returns. For example, survivors may not be able to provide an address because they live in a shelter or do not want a spouse to have access to their location, and married survivors can have difficulties filing if their spouse or former spouse incurred tax liabilities.

Violence against women is also a **leading cause of homelessness** among women and children. **More than 12 percent** of the sheltered homeless population are domestic violence survivors. Survivors who disclose violence to a landlord in order to report an attack, threatened attack, 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. 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 a 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

States should enact legislation that curbs discriminatory practices and that provides assistance, such as paid leave, to ensure that survivors of violence won't be doubly victimized when they face discrimination at work or at home based on their status as survivors. States should improve survivors' eligibility for and access to benefits such as unemployment insurance and tax credits, which are critical to providing the income supports survivors need to support their families and stay safe while they rebuild their lives.

### Basic Elements of the Solution

- ✓ Protect survivors against employment discrimination, including by requiring employers to conduct education and training on sexual harassment. Six states have laws prohibiting employment discrimination against survivors.
- ✓ Provide job-protected paid leave so survivors can take time off from work to take critical steps to maintain their safety and productivity. More than 10 states provide some form of unpaid, job-protected leave for survivors. [Five states and the District of Columbia](#) provide paid sick leave and allow workers to use the leave to address issues related to domestic violence and sexual assault. For more information on the importance of paid sick days and paid family leave for workers and families, see pages 24 to 26.
- ✓ Expand survivors' eligibility for unemployment insurance benefits. In several states, leaving a job or being terminated due to being a victim (or having a family member who is a victim) of domestic or sexual assault or stalking is not "good cause" for separation from employment. This precludes survivors from eligibility for unemployment insurance benefits. [Forty-four states](#) consider separating from a job due to violence to be "good cause" and allow survivors to be eligible for unemployment insurance benefits.
- ✓ Enact laws that [help survivors preserve their housing](#). Prohibit landlords from discrimination against victims of domestic violence. Nine states and the District of Columbia have laws that do this. Prevent landlords from evicting tenants because of acts of domestic violence (and in some states, also sexual assault and stalking) perpetrated against them or a family or household member. Twelve states and the District of Columbia have enacted laws that do this. Allow a tenant who is a victim of violence to terminate a lease early without penalty. Twenty-three states plus the District of Columbia have these protections. Require landlords to provide for timely lock changes on rental properties, as 14 states plus the District of Columbia have done.
- ✓ Take specific barriers survivors may face into account when developing agency rules around outreach, eligibility and access to benefits and credits.
- ✓ Require employers to conduct education and training on sexual harassment.

### Support for the Solution

In a 2009 national survey, more than [75 percent](#) of Americans agreed that economic downturn further strains domestic violence victims and 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, 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 less likely to tell their supervisor or co-workers about any potential threats or safety issues posed by a perpetrator in the workplace.

- Workers who experience domestic violence, sexual assault, or stalking are less likely to seek critical assistance from the police, courts, medical and legal providers, and victim service providers if they lack job-protected leave.
- Allowing employees who are survivors to address their needs results in greater workplace safety, productivity, and morale.
- There is a strong correlation between domestic violence and homelessness. Preventing landlords from evicting tenants simply because they are victims 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.
- The intervention of police and emergency services can mean life or death for a survivor of violence who calls for assistance. But if a survivor can be fined or evicted for calling for help, they will often choose to keep silent about the violence and trade their safety for their housing.

## **WOMEN MAY ALSO EXPERIENCE VIOLENCE AND HARASSMENT**

when they attempt to access reproductive health care. Clinics providing comprehensive reproductive health care are often targeted by abortion opponents, who harass, shame, and judge women as they enter and exit the clinics. Fear of harassment or violence may cause women to avoid reproductive health care clinics, keeping them from accessing crucial health care such as birth control, testing for sexually transmitted infections, cancer screenings, and abortion. Since such clinics disproportionately serve communities that are medically underserved, this form of violence particularly affects low-income women, further entrenching health care disparities and economic instability. States should protect reproductive health clinics, the providers who work there, and the patients who visit them from violence and harassment. In a national [survey](#) conducted between December 2015 and January 2016, 77 percent of respondents said they would support proposals to ensure women seeking an abortion can access care without harassment.

# Help immigrants succeed: protect undocumented workers and students

## The Problem

Women make up roughly **46 percent** of the **11.3 million undocumented immigrants** currently living in the United States. Many of them left their country of origin to escape poverty, violence, and political oppression. Once in the United States, however, these same women may find themselves subject to sexual assault and harassment in the workplace, wage theft, and other forms of economic and social exploitation. At the same time, they may be rightly afraid to report abuse or crimes out of fear that any interaction with a public official, including police officers, could lead to deportation.

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 is rife with such problems. Domestic workers, particularly those who “live in,” report **high rates of race and sex 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.

In addition, many undocumented immigrants come to the United States as children but find their ability to obtain an education hampered by their immigration status. For example, women and girls

account for **47 percent** of the 1.2 million young people who were immediately eligible for the Obama administration’s Deferred Action for Childhood Arrivals (DACA). DACA offers temporary relief from deportation and the right to apply for work authorization for certain undocumented immigrants who entered the United States as children. Currently, these young people are ineligible for federal student loans that would enable them to pursue a college education. Limiting the prospects for immigrant girls increases the likelihood that they will drop out of school and struggle to financially support themselves and their families. With only a high school degree, these students will face few job options and will struggle in low-wage jobs without benefits, job security, or advancement potential.

## The Solution

States should take steps to protect undocumented immigrants from exploitation and wage theft and make it easier for undocumented immigrants to obtain help to enforce their rights. States should also disentangle local officials from immigration enforcement to encourage undocumented immigrants to interact with public officials and report crimes. In addition, states should make it easier for undocumented immigrants to obtain a higher education by allowing them to pay in-state tuition and access state-based financial aid.

## Basic Elements of the Solution

- ✓ Limit the involvement of local officials in immigration enforcement. At least **three states**—California, Colorado, and Connecticut—have passed laws that limit police engagement in immigration.

- ✓ Protect against wage theft. Pass laws that strengthen the ability of state officials to collect stolen wages and increase penalties for employers who fail to pay unpaid wages.
- ✓ Expand access to driver's licenses for undocumented immigrants. [Thirteen states](#) have laws that allow eligible applicants to obtain a driver's license regardless of immigration status.
- ✓ Allow undocumented students in full- and part-time post-secondary programs to pay in-state tuition rates and to access state-based financial aid. At least [18 states](#) provide in-state tuition rates to undocumented students. At least five of those states—California, Minnesota, New Mexico, Texas, and Washington—also allow undocumented students to receive state financial aid.

### Support for the Solution

- 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.
- Fifty-eight percent of Americans in a 2015 [poll](#) agreed that immigrants strengthen the United States because of their hard work and talents.

### 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. Employers should not be allowed to steal from or abuse their employees merely because they are undocumented immigrants.
- No one should be denied fair treatment because of their immigration status.
- Fear of deportation keeps undocumented immigrants from reporting crimes to police, making everyone less safe. Undocumented immigrants are less likely to report crimes if they suspect that police officers and other public officials will detain them because of their immigration status or report their immigration status to Immigration and Customs Enforcement.
- No woman should be afraid to seek help from public officials. But undocumented immigrant women are particularly vulnerable to exploitation by employers, including sexual harassment and abuse.
- Many law enforcement officials [support](#) expanding access to driver's licenses for undocumented immigrants because licenses make it easier to identify drivers and encourage people to report accidents and cooperate with police officers.
- Allowing undocumented full-time and part-time students to access state-based financial aid will help ensure that that more low-income women can access the education and training they need to get jobs that pay them enough to support themselves and their families.



# Support women workers' right to organize: oppose right-to-work legislation

## 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

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

### Basic Elements of the Solution

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

### Support for the Solution

A 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.
- Right-to-work laws reduce workers' wages. On average, wages in states with right-to-work laws are more than **\$1500 lower for both union and non-union workers** than in other states, after accounting for the cost of living.
- Everyone can choose whether or not to join a union at work. When the majority of people vote to form a union, however, the union is required by law to represent everyone in the workplace, whether the employee is a union member or not.

All employees enjoy the benefits, job security, and other protections the union negotiates, so it is only fair that all employees contribute to the cost of securing these benefits and protections.

- Collective bargaining gives women a seat at the table where important decisions about working conditions are made. Right-to-work laws undermine workers' ability to have that seat at the table.
- 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 legislators to show that they support workers' ability to come together to fight for better wages and working conditions.

# APPENDIX

	Poverty Rates			What a woman makes for every dollar a man makes					
	Women 18 and Older	Single Mother Families	Women 65 and Older	All Women v. All Men	African American Women v. White Men	Latinas v. White Men	Share of Uninsured Women 18-64	Share of Uninsured Women of Reproductive Age (18-54)	Share of Women Who Did Not Receive Health Care at Some Point in the Last Year Due to Cost
<i>National</i>	14.7%	39.8%	12.1%	78.6¢	60.5¢	54.6¢	13.0%	14.7%	17.2%
Alabama	19.1%	51.0%	13.2%	72.6¢	56.9¢	47.2¢	16.5%	18.3%	18.4%
Alaska	10.9%	29.0%	5.4%	80.8¢	64.5¢	58.3¢	20.9%	21.7%	17.2%
Arizona	17.4%	40.3%	10.8%	84.0¢	67.1¢	54.2¢	16.1%	17.3%	17.2%
Arkansas	18.8%	46.7%	13.2%	78.1¢	64.6¢	53.3¢	15.5%	17.3%	23.0%
California	16.0%	38.5%	12.1%	84.1¢	63.0¢	42.9¢	15.3%	16.3%	17.4%
Colorado	12.0%	31.7%	7.9%	81.9¢	63.6¢	54.0¢	11.9%	12.9%	17.0%
Connecticut	11.0%	31.3%	9.2%	82.6¢	59.0¢	48.3¢	7.5%	8.0%	13.1%
Delaware	12.8%	30.6%	8.9%	81.0¢	68.6¢	55.7¢	8.7%	9.1%	10.1%
District of Columbia	17.6%	38.5%	17.3%	89.5¢	55.6¢	50.4¢	4.9%	5.0%	12.0%
Florida	16.0%	39.7%	12.1%	84.9¢	61.4¢	59.2¢	21.5%	22.9%	23.1%
Georgia	17.7%	43.2%	12.6%	81.7¢	63.4¢	48.4¢	20.4%	21.9%	23.2%
Hawaii	11.7%	26.8%	9.3%	85.8¢	73.4¢	67.1¢	6.1%	6.3%	8.6%
Idaho	15.0%	41.7%	10.6%	72.8¢	79.4¢	52.4¢	18.5%	20.1%	19.1%
Illinois	14.3%	41.0%	10.4%	79.2¢	63.9¢	47.9¢	11.8%	12.6%	14.3%
Indiana	15.2%	42.7%	8.6%	75.3¢	66.3¢	54.3¢	15.2%	16.8%	18.2%
Iowa	12.9%	38.7%	9.1%	77.4¢	61.3¢	57.1¢	7.6%	8.3%	10.7%
Kansas	13.6%	39.2%	9.8%	77.0¢	63.8¢	51.9¢	13.6%	14.9%	16.0%
Kentucky	18.7%	49.1%	12.6%	79.9¢	68.5¢	57.0¢	10.3%	11.4%	21.4%
Louisiana	20.0%	47.6%	14.9%	65.3¢	48.2¢	50.6¢	19.9%	21.6%	23.1%
Maine	14.6%	42.1%	10.8%	78.9¢	62.2¢	67.2¢	12.7%	13.6%	10.2%
Maryland	10.3%	25.4%	8.6%	85.4¢	69.0¢	47.1¢	9.1%	9.9%	13.2%
Massachusetts	12.1%	35.6%	10.7%	81.9¢	61.3¢	50.0¢	3.2%	3.4%	7.7%
Michigan	15.7%	43.7%	9.7%	74.6¢	66.4¢	57.1¢	10.5%	11.5%	15.9%
Minnesota	11.5%	36.1%	9.2%	81.5¢	61.5¢	51.1¢	6.5%	7.0%	11.3%
Mississippi	21.6%	48.0%	15.7%	77.0¢	55.8¢	54.2¢	19.4%	21.2%	25.5%
Missouri	15.5%	41.8%	10.7%	77.4¢	68.2¢	61.3¢	14.9%	16.5%	17.7%
Montana	16.0%	45.1%	9.6%	74.3¢	63.0¢	54.5¢	19.1%	20.5%	15.3%
Nebraska	13.3%	37.7%	10.3%	78.8¢	61.8¢	54.0¢	13.0%	14.2%	15.0%
Nevada	14.5%	34.3%	8.9%	85.1¢	64.5¢	52.4¢	18.2%	19.4%	19.7%
New Hampshire	9.2%	32.7%	6.3%	75.6¢	64.9¢	70.4¢	11.3%	11.8%	14.4%
New Jersey	11.2%	31.8%	10.1%	80.4¢	58.1¢	42.7¢	13.6%	14.6%	15.5%
New Mexico	20.6%	46.6%	15.3%	78.1¢	63.7¢	55.3¢	18.9%	20.9%	20.1%
New York	15.7%	39.2%	13.3%	86.8¢	66.1¢	55.5¢	10.1%	11.0%	14.4%
North Carolina	17.0%	42.9%	11.5%	84.8¢	64.2¢	48.3¢	17.2%	18.6%	20.8%
North Dakota	12.5%	41.5%	10.9%	71.3¢	63.9¢	53.1¢	8.6%	9.5%	7.6%
Ohio	15.6%	45.4%	9.7%	77.8¢	65.7¢	60.4¢	9.7%	10.4%	16.9%
Oklahoma	16.8%	43.2%	10.1%	73.5¢	62.5¢	51.0¢	20.5%	22.1%	19.9%
Oregon	16.2%	40.8%	10.7%	82.2¢	70.2¢	51.0¢	12.0%	13.2%	18.7%
Pennsylvania	13.4%	39.7%	9.5%	79.2¢	68.2¢	55.9¢	10.1%	11.1%	12.4%
Rhode Island	15.5%	40.2%	12.2%	81.7¢	57.3¢	48.2¢	8.0%	9.1%	14.3%
South Carolina	17.5%	46.6%	11.2%	80.3¢	57.5¢	51.2¢	18.2%	19.7%	21.9%
South Dakota	14.3%	39.3%	12.0%	76.2¢	61.5¢	59.2¢	12.5%	13.7%	11.5%
Tennessee	18.1%	48.7%	12.0%	81.6¢	68.6¢	51.3¢	15.3%	16.4%	19.3%
Texas	16.7%	41.8%	12.6%	78.8¢	58.6¢	44.2¢	24.5%	26.5%	24.2%
Utah	12.4%	36.9%	8.1%	67.4¢	55.6¢	47.0¢	15.1%	16.0%	18.0%
Vermont	12.8%	40.0%	7.8%	83.8¢	92.9¢	68.6¢	5.5%	5.8%	9.3%
Virginia	12.2%	36.6%	9.4%	80.3¢	59.7¢	52.9¢	13.6%	14.7%	17.7%
Washington	13.2%	37.1%	9.8%	77.1¢	61.3¢	46.5¢	11.0%	12.0%	17.3%
West Virginia	18.6%	52.3%	11.1%	70.0¢	60.3¢	59.3¢	10.8%	11.6%	20.1%
Wisconsin	13.1%	42.1%	8.8%	78.9¢	61.3¢	53.0¢	8.7%	9.3%	12.5%
Wyoming	12.8%	39.0%	8.6%	68.7¢	64.5¢	52.0¢	16.2%	17.3%	18.3%

Sources: National statistics: NWLC calculations based on 2015 Current Population Survey (except for access to care due to cost). State statistics: For poverty rates, uninsurance rates, and earnings comparisons for all men v. all women: NWLC calculations based on 2014 American Community Survey One-Year Estimates. For state earnings comparisons for women of color v. white men: NWLC calculations based on 2010-2014 American Community Survey Five-Year Estimates. All access to care due to cost statistics from Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Division of Population Health. BRFSS Prevalence & Trends Data, 2013 Annual Survey. "White" excludes Hispanics. All comparisons of women's and men's earnings are based on median earnings for full-time, year-round workers.







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WOMEN'S  
LAW CENTER  
EXPANDING THE POSSIBILITIES

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

