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The Part-Time Worker Bill of Rights Act: Promoting Fair Treatment for Part-Time Work

Over 32.1 million working people in the United States—more than one in five—work part-time, and nearly six in ten part-time workers are women.¹ Many people work part time to support their families while caring for loved ones, going to school, or attending to other obligations, but are penalized for choosing part-time work in terms of pay, benefits, and opportunities to advance. And for many others, working part time isn't a choice at all: some employers, especially in low-paying service industries, rarely offer full-time positions, and some employees—especially women—find that caregiving or other responsibilities preclude full-time work,² particularly during the COVID-19 pandemic.³

Relative to their full-time counterparts, part-time employees frequently make less per hour, face unpredictable schedules, lack access to important workplace benefits, and are denied promotion opportunities. Research from the Economic Policy Institute indicates that, across occupations, part-time workers are paid nearly 20 percent less per hour than their full-time counterparts.⁴ Working part time more than doubles the likelihood of having work hours that vary weekly,⁵ and employers are more likely to give part-time employees short notice of their work schedules.⁶ Research also shows that employers are more likely to promote full-time workers than part-time workers.⁷ Part-time workers also frequently lack access to employer-sponsored benefits such as health insurance, retirement benefits, and paid—or even unpaid—time off.⁸ The lack of workplace protections for part-time workers was acutely felt during the height of the pandemic, when 70 percent of mothers working part-time jobs reported taking unpaid sick leave to care for their children.⁹

For millions of people across the country, working part time is not a choice. About 4.9 million part-time workers—more than one in seven—work part time “involuntarily” (as defined by the Bureau of Labor Statistics) and would prefer full-time work.¹⁰ And this estimate does not capture people who want to work part time but receive fewer hours than they are seeking from their employer—a scenario that is common in many low-paid service sector jobs.¹¹ Research from the Center for Law and Social Policy indicates that up to 40 percent of all people working part time would prefer more hours, including half of people working part time in service occupations.¹² In addition, for some people—especially women—the “choice” of part-time work may be forced by high child care costs or inflexible and unpredictable work schedules.¹³ While

rates of involuntary part-time work have come down from their 2020 peaks, the risks posed by new variants of the coronavirus and continued economic uncertainty continue to create instability for part-time workers.

With low pay, volatile work hours and incomes, and little opportunity to advance in the workplace, part-time workers struggle to make ends meet. The challenges of part-time work have severe consequences for working families, as many people working part-time—predominantly women—are primary earners for their households.¹⁴ About one in ten part-time workers lives in poverty—four times the rate of poverty experienced by full-time workers.¹⁵ The economic hardship that many women of color and their families face is particularly pronounced: more than one in six Black women (18.1%) and nearly one in six Latinas (16.1%) working part time are living in poverty.¹⁶ Addressing this reality, and improving the quality of part-time work, is key to promoting family economic security and to reducing gender and racial income disparities.

The Part-Time Worker Bill of Rights would expand workplace protections and access to benefits for people working part time, helping them support themselves and their families. The Act would provide part-time employees with:

- **PART-TIME PARITY:** For jobs that require substantially similar skills, responsibilities, and duties, employers would be required to treat part-time and full-time employees equally, including with regard to wages, ability to accrue benefits, and eligibility for promotions.
- **ACCESS TO HOURS:** Some employers spread hours among a large pool of part-time staff in order to “flex up” on short notice, rather than offering stable, full-time positions.¹⁷ By requiring large employers to offer additional available hours to their qualified existing employees before hiring new employees, temporary employees, or contractors to work those hours, the law would promote more adequate hours for part-time employees and full-time work for people who want it.
- **EMPLOYER PENSION PLANS:** The Act would modify the Employee Retirement Income Security Act of 1974 (ERISA) to allow part-time workers who have worked at least 500 hours for two consecutive years to access the employer-sponsored retirement plans available to full-time workers.
- **FAMILY AND MEDICAL LEAVE:** Access to leave—both paid and unpaid—is notably lacking in the U.S., especially for

part-time workers. The Act would eliminate the “hours of service” requirement from the Family and Medical Leave Act (FMLA), which would allow any employee who has worked for their employer for least 12 months—regardless of how many hours they work per week—to be eligible for unpaid leave under the FMLA.

THE SCHEDULES THAT WORK ACT

In addition to lower pay and fewer benefits, part-time workers often experience unpredictable and unstable work schedules. “Just-in-time” scheduling practices frequently use algorithms to base workers’ schedules on perceived consumer demand and maximize flexibility for the employer at the expense of the employee.¹⁸ As a result, employees often have little notice of their work schedules, experience last-minute shift cancellations that deprive them of vital income, and are assigned to “on-call” shifts that leave them in limbo, not knowing whether they will be required to report to work. Part-time workers are more likely than full-time workers to have erratic hours resulting in volatile incomes, which can lead to increased economic hardship, including hunger and housing insecurity.¹⁹

The Schedules That Work Act would combat employers’ use of unfair scheduling practices and promote the stability that working families need. The Act would give employees across industries a right to request a schedule that works for them and restrict the use of “clopening”—where employees work the closing shift one night and the opening shift the next morning. For hourly workers in certain industries where abusive scheduling practices are especially common, the Act requires two weeks’ advance notice of work schedules along with compensation for last-minute changes and cancelled shifts.²⁰

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Together, the Part-Time Worker Bill of Rights and the Schedules that Work Act will create federal protections to establish a fair workweek for people working in low-paid and hourly jobs, improving job quality and promoting equity in the modern economy.

- 1 NWLC calculations using Bureau of Labor Statistics (BLS), “Persons at work in nonagricultural industries by age, sex, race, Hispanic or Latino ethnicity, marital status, and usual full- or part-time status,” Annual Averages, Table 22 in *Labor Force Statistics from the Current Population Survey* (Washington, DC: January 20, 2022), <https://www.bls.gov/cps/cpsaat22.htm>. BLS defines part-time work as less than 35 hours per week. See BLS, Handbook of Methods: Current Population Survey, at 4-5, <https://www.bls.gov/opub/hom/cps/pdf/cps.pdf>. Figures are for 2021 and for workers in nonagricultural industries who are 16 and older.
- 2 See generally Brooke LePage, “Part-Time Workers Are Facing Heightened Uncertainty During COVID—and Most Are Women” (National Women’s Law Center, February 2022), <https://nwlc.org/resource/schedules-work-act-giving-workers-tools-they-need-succeed/>.
- 3 See Julie Kashen et al., “How COVID-19 Sent Women’s Workforce Progress Backward” (Center for American Progress, October 2020), <https://www.americanprogress.org/issues/women/reports/2020/10/30/492582/covid-19-sent-womens-workforce-progress-backward>.
- 4 Lonnie Golden, “Part-Time Workers Pay a Big-Time Penalty: Hourly Pay-and-Benefits Penalties for Part-Time Work Are Largest for Those Seeking Full-Time Jobs and for Men, but Affect More Women” (Economic Policy Institute, February 2020), <https://files.epi.org/pdf/179038.pdf>. See also LePage, “Part-Time Workers Are Facing Heightened Uncertainty During COVID.”
- 5 Lonnie Golden, “Still Falling Short on Hours and Pay” (Economic Policy Institute, December 2016), <http://www.epi.org/files/pdf/114028.pdf>.
- 6 See, e.g., LePage, “Part-Time Workers Are Facing Heightened Uncertainty During COVID;” Susan J. Lambert, Peter J. Fugiel, and Julia R. Henly, “Precarious Work Schedules Among Early-Career Employees in the US: A National Snapshot” (University of Chicago, August 2014), 12, https://ssa.uchicago.edu/sites/default/files/uploads/lambert.fugiel.henly._precarious_work_schedules.august2014_0.pdf; Bureau of Labor Statistics, “Job Flexibilities and Work Schedules—2017-2018 Data from the American Time Use Survey” (U.S. Department of Labor, September 2019), <https://www.bls.gov/news.release/pdf/flex2.pdf> (Table 5).
- 7 See, e.g., John T. Addison, Orgul Demet Ozturk, and Si Wang, “Job Promotion in Midcareer: Gender, Recession, and ‘Crowding,’” *BLS Monthly Labor Review* (January 2014), <https://www.bls.gov/opub/mlr/2014/article/job-promotion-in-midcareer.htm> (Table 3).
- 8 See LePage, Part-Time Workers Are Facing Heightened Uncertainty During COVID;” and Bureau of Labor Statistics, “National Compensation Survey: Employee Benefits in the United States, March 2021,” (U.S. Department of Labor, September 2021), 31, <https://www.bls.gov/ncs/ebs/benefits/2021/employee-benefits-in-the-united-states-march-2021.pdf> (Table 10). Figures are for civilian workers.
- 9 Usha Ranji et al., “Women, Work, and Family During COVID-19: Findings from the KFF Women’s Health Survey” (Kaiser Family Foundation, March 22, 2021), <https://www.kff.org/womens-health-policy/issue-brief/women-work-and-family-during-covid-19-findings-from-the-kff-womens-health-survey>.
- 10 LePage, “Part-Time Workers Are Facing Heightened Uncertainty During COVID.” Figure is for 2021.
- 11 See, e.g., Elaine Zundl, Daniel Schneider, Kristen Harknett, and Evelyn Bellow, “Still Unstable: The Persistence of Schedule Uncertainty During the Pandemic,” (Shift Project, January 2022), <https://shift.hks.harvard.edu/still-unstable/>; Susan J. Lambert, Anna Haley-Lock, and Julia R. Henly, “Schedule Flexibility in Hourly Jobs: Unanticipated Consequences and Promising Directions,” *Community, Work & Family* 15, no. 3 (Aug. 2012): 293, 301, <https://doi.org/10.1080/13668803.2012.662803> (in study examining scheduling practices at a national women’s apparel retailer, 46% of white, 57% of Black and 71% of Hispanic part-time sales associates—all of whom were women—wanted more hours).
- 12 Lonnie Golden and Jaeseung Kim, “The Involuntary Part-Time Work and Underemployment Problem in the U.S.” (Center for Law and Social Policy, Aug. 2020), https://www.clasp.org/sites/default/files/publications/2020/08/GWC2029_Center%20For%20Law.pdf.
- 13 See, e.g., LePage, “Part-Time Workers Are Facing Heightened Uncertainty During COVID;” Ariane Hegewisch and Valerie Lacarte, “Gender Inequality, Work Hours, and the Future of Work” (Institute for Women’s Policy Research, November 2019), 27-28, https://iwpr.org/wp-content/uploads/2019/11/C486_FOW-Work-Hours-Report.pdf.
- 14 See H. Luke Shaefer, “Part-Time Workers: Some Key Differences Between Primary and Secondary Earners,” *BLS Monthly Labor Review* (October 2009), <https://www.bls.gov/opub/mlr/2009/10/art1full.pdf>.
- 15 LePage, “Part-Time Workers Are Facing Heightened Uncertainty During COVID.”
- 16 *Id.*
- 17 See, e.g., Susan J. Lambert, “Passing the Buck: Labor Flexibility Practices that Transfer Risk onto Hourly Workers,” *Human Relations* 61, no. 9 (September 2008): 1203, 1207, <https://doi.org/10.1177/0018726708094910>.
- 18 See generally, e.g., “Collateral Damage: Scheduling Challenges for Workers in Low-Wage Jobs and Their Consequences” (National Women’s Law Center, December 2020), <https://nwlc.org/wp-content/uploads/2017/04/Collateral-Damage-2020-12.18.20.pdf>; Daniel Schneider and Kristen Harknett, “It’s About Time: How Work Schedule Instability Matters for Workers, Families, and Racial Inequality” (Shift Project, Oct. 2019), <https://shift.berkeley.edu/files/2019/10/Its-About-Time-How-Work-Schedule-Instability-Matters-for-Workers-Families-and-Racial-Inequality.pdf>.
- 19 Daniel Schneider and Kristen Harknett, “Hard Times: Routine Schedule Unpredictability and Material Hardship Among Service Sector Workers” (Washington Center for Equitable Growth, October 2019), <https://equitablegrowth.org/working-papers/hard-times-routine-schedule-unpredictability-and-material-hardship-among-service-sector-workers/> (finding six in ten hourly retail and food service workers experienced at least one material hardship—such as hunger, trouble paying bills or securing housing, or foregoing needed medical treatment—over the prior year).
- 20 For more information, see “The Schedules That Work Act: Giving Workers the Tools They Need to Succeed” (National Women’s Law Center, February 2022), <https://nwlc.org/resource/schedules-work-act-giving-workers-tools-they-need-succeed/>.