



**Testimony of Karen Minatelli, Director, Work and Family Programs,
National Partnership for Women & Families
for the EEOC Hearing on Best Practices for Caregivers in Employment**

Thank you very much for the opportunity to testify today about the importance of employment policies that support caregivers in the workplace, especially in the difficult economic times we face. We are very pleased that the EEOC is continuing to use its public meetings to draw attention to how workplaces treat caregivers, building on the guidance on caregiver discrimination the agency issued earlier.

The National Partnership for Women & Families is a non-profit, nonpartisan advocacy organization with more than 35 years of experience promoting fairness in the workplace, access to quality health care, and policies that help women and men meet the competing demands of work and family. Since our creation as the Women's Legal Defense Fund in 1971, we have worked extensively on enforcement of employment discrimination laws and have fought for equal opportunity in the workplace – by making sure that women are paid equally for equal work, opening opportunities for women in non-traditional jobs, ensuring that pregnant women do not face discrimination, and working to make sexual harassment in the workplace illegal. The EEOC has been a partner in these efforts, most recently by issuing the guidance on caregiver discrimination that makes clear that unfair treatment of workers with caregiving responsibilities, especially mothers, can be addressed under Title VII.

One of our proudest accomplishments is our work on the Family and Medical Leave Act (FMLA), the only federal law that helps our nation's workers meet the dual demands of work and family. We wrote the initial draft of the bill; built a broad-based, strong coalition of more than 250 national and local organizations to support it; and pushed for nine years until it was enacted. Tens of millions of Americans are better off as a result. We are still the stewards of the FMLA, working to make its protections available to all workers who need it. The FMLA provides unpaid, job-protected leave for up to 12 weeks a year for caregiving – to care for a newborn, newly adopted or foster child, to care for a seriously ill family member, or to recover from an employee's own serious illness. It also protects the health insurance of those on leave.

Our experience tells us that programs that help workers meet the dual demands of work and family are cost-effective, good for families, good for businesses, and good for the public health. I am delighted to provide testimony today on the importance of such programs. The issues facing caregivers are extensive and include access to quality childcare, reliable transportation, part-time parity, and flexibility in the workplace. My testimony will focus on two other critical areas: the need for paid sick days and paid



family and medical leave, as well as the importance of the existence and enforcement of non-discrimination policies and laws.

The need for policies and protections like these does not disappear in a recession. Instead, caregiving responsibilities facing employees are heightened in these tough economic times and so, too, is the nation's mandate to address them. Doing so is in keeping with this country's history of helping workers in times of economic crisis. Social Security and Unemployment Insurance became law in 1935, and the Fair Labor Standards Act and the National Labor Relations Act became law in 1938, all in response to the crisis the nation faced during the Great Depression. Likewise, this current economic crisis is a chance to reconsider our priorities and put in place the programs and policies that will sustain and strengthen the economic well-being of our nation going forward.

The Caregiving Responsibilities Facing Workers Today

In recent years, the workforce has changed and caregiving needs have increased, making it more critical than ever to review programs and policies that address workers' ability to manage their dual demands. At earlier EEOC meetings, you have heard the testimony that women now participate in the job market in ever increasing numbers, a trend that is not reversing. In addition, as Dr. Boushey's testimony today underscores, the current economic crisis has resulted in women being the sole breadwinners in a growing number of families, because many of the jobs being lost right now are in male-dominated fields, such as construction. This makes it even more important that we ensure pay equity for women, as their families are depending on it.

Despite the fact that women's labor participation has increased, women remain the primary caregivers of children or the elderly – and, for more and more women in the sandwich generation, both. Meanwhile, the population is aging rapidly, thereby increasing the numbers of older spouses and parents who need care. The combination of this population shift, the lack of sufficient workplace supports, and the current economic crisis has particularly affected two groups: lower-income women and those caring for seriously ill family members. I would like to focus my comments on our research around those two groups.

Barriers for Low Income Women to Maintaining Regular Employment

In November 2008, the National Partnership published the results of our survey of employers and workforce development providers that examined the barriers facing low income women—especially those leaving welfare—when they try to maintain steady employment. The full report can be found on our website at http://www.nationalpartnership.org/site/PageServer?pagename=ourwork_citi_landing&AddInterest=1343 .



Some of our findings confirmed what we already suspected: higher pay and benefits lead to greater job stability. The women we studied, however, are entry level employees in lower income jobs, which frequently lack both good pay and good benefits. A few of the women held positions where benefits like health insurance are offered, but could not afford to pay their share, or to pay for coverage of their family members. We also found that educational opportunities and job skill training are essential to making sure that women moving from welfare to work have the chance to get jobs with higher pay and better benefits, yet often are not available.

Beyond demonstrating the need for good pay and benefits, our survey highlights the struggle facing low income women trying to move from welfare to work. They cannot maintain paying jobs if they cannot obtain reliable and affordable childcare. This challenge was noted by the workforce development professionals we interviewed, who listed it and reliable transportation to and from work as the greatest barriers facing these women. When either of these two job supports failed, the women were unable to work or to get to the workplace in a timely manner, and thus frequently lost their employment.

The employers we surveyed said that women leaving welfare are good workers. However, many of those employers did not recognize the connection between the workers' success and critical job supports. While some employers identified employee reliability as an issue, they simply saw it as women's failure to show up for work – not as a breakdown in the transportation supports those women need to get to work. Nor did they recognize lack of adequate childcare as an issue on which employer policies could make a difference. Those employers also may not recognize that job protected leave – including paid sick days and paid family and medical leave – have a significant impact on a worker's ability to meet the demands of the job while caring for their families.

Workers Need Job Supports

Barriers to obtaining and maintaining good jobs – jobs that are free from discrimination and provide strong work supports as described above – are not limited to individuals moving from welfare-to-work. For example, most low-wage workers cannot pay for their portion of employer-provided health insurance, or for family member coverage. Thus, we need health care reform to ensure that these workers have access to quality, affordable health care.

Both former welfare and other low-wage workers also lack paid sick days, paid family leave, and other vital labor protections that could help them fulfill their responsibilities in the workplace and at home without putting their economic security at risk. An estimated three in four private sector low-wage workers have no paid sick days, making it difficult – if not impossible – for them to get care that can help them recover without spreading that illness to coworkers or the public. Similarly, paid leave allows workers to address their own, or a family member's serious health condition, without losing their jobs or



wages. These and other basic labor standards are essential for low-wage workers, who can least afford to take unpaid time or to risk losing their jobs. For all of these reasons and more, the National Partnership is leading the fight for paid sick days and paid family leave.

The need for paid sick days and paid leave is not limited to caring for children, nor is caregiver discrimination limited to those responsibilities. More and more workers need paid sick days and longer-term paid leave to care for older family members. In 2003, experts estimated that 44 million adults in the United States over age 18 provided support to older people and adults with disabilities who live in their communities.¹ They need job supports today, and even more workers will need them in the future, because so many adults are in the workforce and because people are living longer and with more chronic conditions.

Nearly 58 million working-age adults reported having at least one of seven major chronic conditions² in 2006 – an increase of 25% from 1997. That increase reflects rising rates of chronic disease prevalence among nonelderly adults, as well as an overall increase in the adult population.³ The population of Americans age 65 and older will double during the next 25 years. By 2030, there will be 71 million older adults, accounting for roughly 20% of the U.S. population.⁴ Older adults are more likely to have more than one chronic condition. Here are the figures:

- 91.5% of adults older than 65 years old are living with at least one chronic condition, and 76.6% have at least two.⁵
- 77.3% of adults between the ages of 55 and 64 are living with at least one chronic condition, and 57% have at least two.⁶
- 58.2% of adults between the ages of 35 and 54 are living with at least one chronic condition, and 33.4% have at least two.⁷
- 36.4% of adults between the ages of 18 and 34 are living with at least one chronic condition, and 14.4% have at least two.⁸

¹ Family Caregiver's Alliance: Caregiving and Retirement: What Happens to Family Caregivers Who Leave the Workforce (2003).

² The definition of "chronic condition" can vary, however, generally, a chronic health condition is one of long duration, often slow progression, and is generally incurable. Chronic conditions limit what an individual can do in his or her normal life. Conditions such as heart disease, asthma, cancer, diabetes, arthritis, and depression are clear examples of chronic conditions.

³ *Eroding Access among Nonelderly Adults with Chronic Conditions: Ten Years of Change*, (Kaiser Family Foundation) (2008).

⁴ The State of Aging and Health in America 2007, CDC/Merck Company.

⁵ Machlin, S, Cohen, J, Beauregard, K. Health Care Expenses for Adults with Chronic Conditions, 2005. (May 2008).

⁶ Machlin, S, Cohen, J, Beauregard, K. Health Care Expenses for Adults with Chronic Conditions, 2005. (May 2008).

⁷ Machlin, S, Cohen, J, Beauregard, K. Health Care Expenses for Adults with Chronic Conditions, 2005. (May 2008).



- 26% of adults below the age of 19 are living with at least one chronic condition, and 6% have at least two.⁹

The combination of more people living longer, and more of them facing one or more chronic conditions, translates into more caregiving responsibilities for workers.

Family caregivers provide 80% of all long term care for people with chronic conditions,¹⁰ and caregiving overall represents an estimated economic benefit of \$350 billion per year.¹¹ Today, approximately 61% of those caregivers are women.¹² Family caregiving is a critical part of maintaining and improving quality of life and can result in improved outcomes for patients, especially those who are too ill to monitor their own medications or medical appointments.¹³

However, being a family caregiver can be difficult. Children who care for ailing parents are twice as likely to suffer from depression as non-caregivers, and spousal caregivers are six times as likely to suffer from depression as non-caregivers.¹⁴ Caregivers for adult family members with chronic conditions often have to use their own savings and resources to provide this care, leaving them without resources for their own necessities or retirements.¹⁵

As Baby Boomers age and the country faces a significant demographic shift, we need workplace policies that help family caregivers meet the dual demands they face. Caregivers need paid sick days and paid family and medical leave, as well as other critical job supports – including, for example, reliable, affordable child care and reliable transportation, as mentioned previously.

⁸ Machlin, S, Cohen, J, Beauregard, K. Health Care Expenses for Adults with Chronic Conditions, 2005. (May 2008).

⁹ Anderson, Gerard. Chronic Conditions: Making the Case for Ongoing Care (2007).

¹⁰ Almanac of Chronic Disease, Partnership to Fight Chronic Disease (2008).

¹¹ Valuing the Invaluable: A New Look at the Economic Value of Family Caregiving, AARP (2007).

¹² Caregiving in the U.S., National Alliance for Caregiving and AARP, 2004.

¹³ For example, models to manage the cost of chronic conditions (specifically the “Chronic Care Model”) emphasize prevention and self-management of the condition. These factors are often more difficult for someone with more than one chronic condition and elderly individuals. These individuals may rely more on family caregivers for management of the condition, health care related questions and follow up, and for help with obtaining care and following treatments.

¹⁴ Cannuscio CC, Jones C, Kawachi I, Colditz G.A., Berkman L and Rimm E, “Reverberation of family illness: A longitudinal assessment of informal caregiver and mental health status in the nurses’ health study.” *American Journal of Public Health*. 92:305-1311, 2002.

¹⁵ Family Caregiver’s Alliance: Caregiving and Retirement: What Happens to Family Caregivers Who Leave the Workforce (2003); Jane Gross, “Elder Care Costs Deplete Savings of a Generation,” *New York Times* December 30, 2006 (<http://www.nytimes.com/2006/12/30/us/30support.html>)



Two additional job supports that have a substantial impact on women and low-income workers are part-time parity and flexible work arrangements and telecommuting. Part-time parity ensures that part-time workers are not cut out of advancement opportunities or basic labor standards, and don't pay more than the applicable pro-rata share of their benefits. With women representing more than 70 percent of part-time workers¹⁶, this lack of parity falls heavily on women and caregivers. As the recession deepens, the number of male and female part-time workers is increasing because people who lost their full-time employment are forced to take jobs with fewer hours. Thus, the problem of part-time parity, and the importance of addressing it, increases as well. Similarly, low-income workers are most likely to lack flexibility in their work arrangements, and to lack notice of scheduling in advance. This lack of notice and flexibility limit workers' ability to arrange transportation, childcare, or other caregiving.

Protections Against Discrimination – Recommended Best Practices

All of the caregiver supports I have described should be coupled with measures to protect against caregiver discrimination. We recommend that the EEOC encourage employers to issue policy statements and train managers in the area of caregiver discrimination. Similarly, all employers – regardless of their size, bottom line, or industry – should ensure that their employment policies do not discriminate against women and caregivers. Now more than ever, no worker can afford to be paid less or be assigned to gender-segregated, lower-paying jobs, or to lose out on an opportunity for advancement because of her caregiving responsibilities. This type of discrimination has long-term effects on women's earnings; Lilly Ledbetter, for example, will always have a lower pension because of the wage discrimination she suffered for decades. Discrimination doesn't just affect the victim; it affects their families as well.

Because of the implications for women's long-term earnings, the EEOC should focus its enforcement efforts on the discrimination against caregivers. This would build on what several cities around the country have done, prohibiting application forms or prospective employers from asking about caregiving responsibilities. We need to be realistic about, and supportive of, what it takes for families to meet their work and family responsibilities in the 21st Century, and these are concrete ways to do so.

The Business and Government Case for Caregiver Supportive Policies

These caregiving policies are important for workers and their families, but they benefit others as well. Studies show that these policies bring savings to employers, the government and tax payers.

- A study by the Institute for Women's Policy Research (IWPR) found that job protected paid sick days would save employers \$8 billion (based on savings from

¹⁶ Dr. Vicky Lovell and Dr. Catherine Hill, *Today's Women Workers: Shut Out of Yesterday's Unemployment Insurance System*, Institute for Women's Policy Research, May 2001.



reduced turnover, reduced presenteeism, and reduced spread of flu).¹⁷ IWPR also estimates that paid sick days would save the government, and thus taxpayers, \$300 million a year due to reduced health care costs and nursing home stays. Similar studies in various states have shown that employer-provided paid sick days will more than pay for themselves.¹⁸

- Another study, conducted prior to implementation of California’s family leave insurance program, estimated that the state would save \$25 million annually with the program because of savings on benefit programs, such as TANF and food stamps.¹⁹
- Turnover—for lower wage as well as other workers—is expensive. Generally, it costs an employer about 25 percent of an employee’s salary to replace her or him²⁰ because new workers must be located, screened, and trained. And, if new workers have the same caregiving responsibilities or transportation and childcare issues as their predecessors, the problem will repeat itself.

Thus, it is in employers’ “bottom line” interests to keep the employees they have by doing all they can to provide childcare, advocate for improved transportation, and provide paid sick days and paid family and medical leave, especially in difficult economic times like these. The best employers know that investing in workers by offering paid leave, paid sick days, and flexibility improves retention, creates loyalty, and makes good business sense.

Conclusion

Policies that help employees meet their job responsibilities and their family responsibilities – including caregiving for children and adults – will pay dividends to employers in the long run. These policies reduce employer costs and increase employee morale, loyalty and productivity. Especially in difficult economic times, they will help keep our economy, and our families, stable.

We will encourage employers to use the best practices ideas offered by the EEOC to compare to their workplace policies, and thus improve how they treat their workers. We also encourage the EEOC to remain focused on gender discrimination and caregiving in its enforcement efforts, because these cases, especially when brought by a government

¹⁷ Dr. Vicky Lovell, *Valuing Good Health: An Estimate of Costs and Savings for the Healthy Families Act*, Institute for Women’s Policy Research (2005). Presenteeism occurs when sick employees go to work and are less productive than when they are well.

¹⁸ Id.

¹⁹ *Paid Family Leave In California, An Analysis Of Costs and Benefits* (2002) <http://www.paidfamilyleave.org/pdf/dube.pdf>.

²⁰ Employment Policy Foundation 2002. “Employee Turnover – A Critical Human Resource Benchmark.” HR Benchmarks (December 3): 1-5 (www.epf.org, accessed January 3, 2005).



law enforcement agency, will safeguard women's and caregivers' role in the workforce by creating a workplace free of discrimination.

Thank you for the opportunity to testify before you today. We look forward to working with the EEOC as it addresses caregiver discrimination.