

# LaborFamilyNEWS

[www.working-families.org](http://www.working-families.org)

WINTER 2014

*In this issue:*



- **Fairness for pregnant workers**
- **Fighting paid sick leave preemption**

## FAMILIES WIN IT!

### Marriage Equality Becomes a Reality

On June 26, 2013, the Supreme Court, in a 5-4 majority, struck down the federal law Defense of Marriage Act (DOMA), which defined marriage as being between one man and one woman.

In a practical sense, DOMA's demise is a game changer. As a result, same-sex married couples living in 18 states and the District of Columbia now have over 1,000 of the same laws, federal rights and benefits (and a few disadvantages) as opposite-sex couples. Legislating equal treatment remains necessary in the U.S., but this time the payoff is far reaching. Here are a few of the immediate changes:

- All covered married couples can now simplify their tax filing process and, if they desire, file a joint return enjoying the same federal tax benefits as other married couples.
- Partners can now receive Social Security survivor benefits.
- Federal employees can include the married partner on their health plan.
- Partners can claim the children jointly on federal tax returns.

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# GIVE PREGNANT WOMEN A BREAK

*Join the Fight for Workplace Fairness*

BY CAROL JOYNER

If you've ever been pregnant or care about someone who is, this story may surprise you. During her pregnancy, Hilda Guzman, a full-time Dollar Tree employee on Long Island, New York, asked her boss for a stool to sit on while working at the register for 8 to 10 hours a day. His response: "You can't get special treatment since a man can't get pregnant."

Standing all day caused bleeding and premature labor pains, landing Hilda in the emergency room every few days. Because quitting was not an option, her health and that of her unborn child could have been seriously compromised. At another hospital, a doctor reported treating a pregnant cashier who suffered from severe dehydration because her employer refused to let her drink water at the register.

### PREGNANT WORKERS STRUGGLE IN THE U.S.

Here in the U.S., protecting one's unborn child can bring unnecessary hardship. All too often, pregnant women must choose between what's best for them medically and what they need financially. A request for simple workplace accommodations can lead to firing, forced unpaid leave, or pressure to quit at a time when financial security is needed most.

The National Women's Law Center (NWLC) and A Better Balance recently published, "It Shouldn't Be a Heavy Lift." The report details common abuses by employers who, in denying rights, often break the law. According to Liz Watson, NWLC's director of Workplace Justice for Women, "Women need to know the Pregnancy Discrimination Act [PDA], which requires employers to treat pregnant workers the same as other workers who are similar in their ability or inability to work. Employers often misinterpret the law. They deny accommodations to pregnant workers even while they accommodate others with similar limitations."

### IMPROVING WORKPLACE FAIRNESS

Fortunately, a growing movement of activists, organizations and elected officials are championing workplace fairness for pregnant women. Recently, the city council of New York City passed the Pregnant Workers Fairness Act (PWFA), which stipulates that employers in New York cannot force pregnant workers out of their jobs or deny them reasonable modifications. The city joined a growing number of states, including California, Hawaii, Illinois, Louisiana, Maryland and Texas, that offer safeguards to pregnant women.

National legislators are taking note. A federal PWFA, reintroduced earlier this year in both the House, by Jerrold Nadler (D-NY), and the Senate, by Robert Casey (D-PA), would ensure that workers have reasonable accommodation for pregnancy, childbirth and related medical conditions.

And, in recognition of the 35th anniversary of the PDA on October 31, groups from across the country participated in a week of advocacy to push for greater protections for pregnant women on the job.

### PROTECTING OUR PREGNANT PARTNERS, SISTERS, DAUGHTERS AND FRIENDS

Statistics show that three-quarters of women now entering the workforce will become pregnant. Many, particularly low-wage women in retail and service jobs, know all too well the dangers associated with a lack of basic work accommodations.

Legislative protection like the PWFA leaves us all healthier. It decreases the likelihood of childbirth-related complications; guarantees economic security for millions of pregnant women and their families; strengthens our economy by protecting jobs; and benefits small businesses' bottom line through reduced turnover, increased employer loyalty and higher productivity. Think about your mom, sister or daughter. If you agree that they deserve basic guarantees and opportunities, then join with millions of Americans who support the PWFA. It's beyond time that pregnant women get a well-deserved break.



- American citizens can now sponsor their immigrant spouses for U.S. visas putting them in a direct path to citizenship.
- Married partners can now be named to each other's life, long-term care, health or dental insurance plans.
- More than a million partners are now able to care for each other while being protected under the Family Medical Leave Act (FMLA).

Although there are no protections or recognition for same-sex couples living in 32 states where family discrimination is practiced, DOMA's demise gets us closer to standing on the side of love. Work to make your state a Marriage Equality state!

**Marriage Equality states:** California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Rhode Island, Utah (pending), Vermont, and Washington and the District of Columbia.



For our bargaining resources and contract database, visit [www.learnworkfamily.org](http://www.learnworkfamily.org)

Send us your work and family collective bargaining wins – we'll post them and make sure others know about them – [info@working-families.org](mailto:info@working-families.org)

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# DEMOCRACY IN ACTION

## Stopping the Politics of Preemption

BY ELLEN BRAVO

**W**hat do you do when you live in a democracy and the majority of people disagree with you?

Depending on how much money and power you have, you try to suppress the votes of people likely to mark their ballot for candidates or referenda you don't like — as we saw with the voter suppression legislation that swept the country last year.

Or you try a newer variation: suppress what people can vote for.

Across the country, big corporate lobby groups like the National Restaurant Association (the other NRA), representing a \$600 billion industry, and American Legislative Campaign Council (ALEC), work behind the scenes to impose restrictions on what local governments and voters can propose. When confronted with the growth and success of the paid sick days movement — most recently with wins in Jersey City, Long Beach, New York City, Portland and Seattle — these lobbyists have relied on a playbook used by big tobacco and alcohol lobbies for generations.

Bills at the state level that seek to prevent localities from allowing workers to earn paid sick days have now been introduced in at least 14 state legislatures and enacted in 9 (Arizona, Florida, Georgia, Indiana, Kansas, Louisiana, Mississippi, Tennessee, and Wisconsin). Passage in Arizona came despite a 2006 statewide ballot measure expressly

forbidding the legislature from preempting local wage and benefits standards.

Never mind that 40 percent of workers in the private sector can't earn a single paid sick day, or that many who do can't use the time to care for a feverish child or to take a parent for a colonoscopy. For millions of Americans, following doctor's orders could result in losing pay and possibly their jobs. In the restaurant industry, the problem is especially acute and has alarming public health ramifications: about three in four restaurant workers are unable to earn paid sick days, and many report having to prepare or serve food while ill.

Enter the restaurant industry and ALEC and their biggest bludgeon: preemption.

### THE KICKOFF: GOVERNOR SCOTT WALKER

The assault on democracy related to paid sick days began in Wisconsin during the heyday of Governor Scott Walker's overreach on a host of issues, including squashing collective bargaining for public employees.

In November 2008, after a robust grassroots campaign, Milwaukee voters passed a paid sick days ordinance with nearly 70 percent of the vote. The Milwaukee Metropolitan Association of Commerce (MMAC) tried to stop it with a lawsuit — but eventually lost on every count. So they got their buddies in the

legislature, now in the majority, to ram the measure through during the time Democratic senators had left the state to deny a quorum for the budget bill.

Even some conservatives, including a Milwaukee columnist who hated the idea of paid sick days, told their party to back off. It was, after all, an issue of local control, a concept conservatives hold near and dear.

### THE BALL CARRIER: THE RESTAURANT LOBBY

A few months later, in August 2011, a plan to expand preemption of paid sick days was promulgated at an ALEC meeting in New Orleans. The restaurant lobby boasted about its role there in a post in the Wyoming Restaurant Association's newsletter:

*On the agenda for discussion is the Wisconsin paid-sick-leave preemption bill. The Wisconsin bill, enacted this spring with strong support from the Wisconsin Restaurant Association, prevents localities from enacting paid sick leave mandates.*

The Wisconsin bill was the center of a special session, where legislators were handed a target list and map of state and local paid sick days policies prepared by the NRA. Similar preemption bills then spread across the country. State records show links between every recent bill and the NRA and/or ALEC. In Florida, for example, the preemption bill was written with the help of Darden, the parent company for Olive Garden and Red Lobster. The Michigan Restaurant Association contributed over \$29,000 to sponsors of that state's preemption legislation.

### DEMOCRACY IN ACTION

These shenanigans on the part of ALEC, the restaurant industry, and other corporate players have not gone unnoticed or unfought. Coalitions in Oregon and Washington organized to stop preemption attempts; Oregon's preemption bill was never introduced, and such bills have died in a number of others states.

Most inspiring have been the efforts of the coalitions in Michigan and Florida. Led by Mothering Justice in Michigan, local officials, experts in good government, faith leaders, and economic justice activists have organized. "We needed to expose the truth," says Danielle Atkinson, executive director of Mothering Justice.





Outside of the Michigan Restaurant Association, workers press for paid sick days.

Photo courtesy of Mothering Justice

***“In Florida, for example, the preemption bill was written with the help of Darden, the parent company for Olive Garden and Red Lobster. The Michigan Restaurant Association contributed over \$29,000 to sponsors of that state’s preemption legislation.”***

“Our opponents wanted the public to believe that their only objection to local paid sick days ordinances was the possibility of a patchwork of bills across the state. But, when we suggested a simple state bill, they had to go on record as not supporting a worker’s right to take time off when they or a loved one were sick. This public statement helped to grow our coalition of organizational supporters and Mothering Justice members.”

In Florida, opposition to the preemption bill poured in from Rep. Debbie Wasserman Schultz (FL) and other members of Florida’s congressional delegation, prominent women, 50 organizations representing nearly 2 million Floridians, and editorial boards at the *Sun Sentinel*, *Miami Herald*, and *Tampa Bay Times*.

At the same time, new campaigns are moving across the country — from Tacoma, Washington, to Massachusetts and Vermont, and many places in between.

The Pennsylvania state legislature is considering a preemption bill that will outlaw local authority on paid sick days, vacation time or any leave laws.

As we go to press, it just passed out of committee and will be voted on in the state’s House of Representatives. Make sure Pennsylvania locals and supporters are aware. For more information, go to [www.earnedsickdays.com](http://www.earnedsickdays.com)

#### HIGH STAKES

Preemption has attracted broad opposition because its tentacles extend everywhere. Efforts to stop wage theft, lift the wage floor, ban discrimination against LGBT workers, and protect consumers and the environment — all are threatened by this tool of the extremists. Witness the latest wave of preemption bills backed by the restaurant and grocery lobbies, telling consumers their local elected officials can’t make decisions related to more nutritional food.

This is not what democracy looks like. But the inspiring actions of coalitions across the country remind us what democracy does look like — and why it’s so important for all of us to be part of this fight.

*Ellen Bravo is the Executive Director of Family Values@Work.*



## GOOD LEGISLATION

■ **RHODE ISLAND JOINS CALIFORNIA AND NEW JERSEY** to become the third state with Paid Family Leave. In July, Governor Lincoln Chafee signed HB 5889, SB 231, into law. The Temporary Caregivers Insurance bill will help workers when they need it the most. It extends Rhode Island’s Temporary Disability Insurance Fund to pay replacement income to workers who need to take time off to care for a new child or seriously ill family member. Funded through employee contributions, it costs about 64 cents a week for someone earning \$40,060 a year, reports the Huffington Post Politics Blog. [http://www.huffingtonpost.com/ellen-bravo/rhode-island-paid-family-leave\\_b\\_3543124.html](http://www.huffingtonpost.com/ellen-bravo/rhode-island-paid-family-leave_b_3543124.html).

## GET INVOLVED

■ **THE TIPPED MINIMUM WAGE OF \$2.13 STILL EXISTS.** It’s hard to believe, but in over half the states, employers of tipped workers can still pay as little as \$2.13 an hour. The expectation is that we — the public — will subsidize these restaurants by tipping. So do tip. But also join the fight to end this unjust wage practice. There are also 10 states that have no wage disparities between tipped workers and everyone else. [Go to ROCUnited.org](http://www.ROCUnited.org) for more information.

## FASCINATING FACTS

■ **USING DATA ON THE PRICE OF CARE** for an infant and a 4-year-old, Child Care Aware America reports that, in 2012, child care costs in the U.S. grew up to eight times faster than family income. This nonprofit research and advocacy group looked at the costs of child care centers, including those run by religious organizations and family care homes. The findings don’t include other options such as nannies, or friends and relatives who look after children. Government figures show that parents who had a child in 2012 can expect to pay \$241,080 to raise him or her for the next 17 years. The study does not fault high cost. Rather, it draws attention to the fact that caregivers are the lowest-paid professionals, points out the need for grants for poor families, and cautions against budget cuts. <http://www.npr.org/blogs/thetwo-way/2013/11/04/243005358/child-care-costs-already-high-outpace-family-income-gains>

## DID YOU KNOW?

■ **IT’S NOT JUST THE U.S. THAT HAS A PROBLEM** with pregnancy discrimination. The head of Britain’s Equality and Human Rights Commission recently expressed “alarm” after numerous studies showed that mothers are still being forced out of jobs or passed over for promotion decades after anti-discrimination laws were passed. The government plans the first official study in 10 years, a time during which more than 9,000 women have brought claims for pregnancy discrimination. <http://www.telegraph.co.uk/women/mother-tongue/10423684/Clampdown-on-workplace-discrimination-pregnant-women.html>.



Last July, LPWF founder Netsy Firestein was honored at the Labor Project’s 20th Anniversary and Transition Celebration. Over 250 supporters met in San Francisco to engage in a work and family symposium and panel discussion with Mary Kay Henry, SEIU; Sarita Gupta, Jobs with Justice; Ellen Bravo, FV@W, and Ann O’Leary, Next Generation. Carol Joyner, LPWF, moderated the lively panel discussion. What followed was a celebration of the Labor Project’s many contributions and all that Netsy leaves behind. One of many gifts was a lithograph by Favianna Rodriguez.

# Women's Economic Agenda

Leader Nancy Pelosi reminds us, "This year, our nation marks the 165th Anniversary of the Seneca Falls Convention, the first women's rights convention that addressed women in social, economic and political life."

Pelosi is honoring the anniversary through her traveling forum, "When Women Succeed, America Succeeds: An Economic Agenda for Women and Families," calling for policies focused on pay, paid leave, and childcare.

Stay tuned for information about a White House Forum in Spring 2014 that will draw hundreds to raise awareness and propose ideas on how to strengthen US policies for working families. Contact us to get involved: [info@working-families.org](mailto:info@working-families.org).



Last July, Representative Pelosi (CA) was joined by other congresswomen and activists to launch a new Women's Economic Agenda.

Photo: Courtesy of Press Office of Representative Nancy Pelosi (CA)

## CAROL'S CORNER

A new agenda for women is emerging, and collective bargaining should be a part of the conversation. The truth is that union women have greater access to employer-covered health coverage, paid family leave, flexible work arrangements and childcare support than their non-union counterparts. Many unions also codify FMLA, ADA and the PDA in their contracts, increasing employer compliance. A recent state-by-state economic comparison showed that women living in states where collective bargaining is permitted fare much better in almost all economic measures than those living in "right to work" states.



This past July, the Women's Economic Agenda – "When Women Succeed, America Succeeds" – was launched by Congressional Representatives Pelosi, DeLauro, Edwards, Matsui, Velasquez, and others. It calls for legislative and administrative action in pay, paid leave, and childcare. Senator Kristin Gillibrand introduced "The American Opportunity Agenda," which calls for paid family leave, a minimum wage increase, universal pre-k, quality affordable child care and equal pay for equal work. Then, in September, the Center for American Progress launched "Fair Shot," a campaign that similarly focuses on policies and actions needed to modernize our institutions for workplace equality. A national call for unobstructed collective bargaining and the right to join a union would round out these terrific agenda items.

All of these proposals show that we're done with the attacks on our purses and families. Labor women celebrate these proposals, but we also know they are tied to real power in the workplace – power that every woman needs.

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*In this Issue:*

**Supporting democracy by ending voter suppression**

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San Francisco Labor Council AFL-CIO  
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Teamsters Joint Council No. 7  
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