

Strategies for Public and Institutional Policy Change to Advance the Workplace Rights of New Parents

2018 Child Health, Education, and Care Summit

Presenters:
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Group Check-in:

- How do employment rights impact the families you work with?

Objectives

- Summarize existing protections
- Strategies to better connect families to resources to improve knowledge and access
- Strategies to enhance both institutional and public policies
- Case study of collaboration with First 5 for SB 63 - New Parent Leave Act

Legal Aid at Work

Non-profit organization **founded in 1916**

Work & Family program protects the employment rights of pregnant workers, new parents, and workers facing family medical crisis

Legal advice and information through toll-free helplines and clinics, direct representation, policy advocacy, and public education and outreach



PROTECTING YOUR TIME AND YOUR JOB: 2 KEY CONCEPTS

Job-Protected Time Off Work



Wage Replacement While Off Work



***Two different processes with different requirements and benefits**

PREGNANCY DISABILITY LEAVE



Up to **4 months job-protected**, unpaid leave, while disabled by pregnancy, childbirth, or related condition

- Applies to all employers with **5+ employees**
- Can be used for prenatal care
- Can be taken intermittently
- Continuation of health benefits

Normal Pregnancy: disability is **4 weeks** before due date and **6 to 8 weeks** after delivery.



STATE DISABILITY INSURANCE (SDI)



- **Partial wage replacement while unable to work due to non-workplace disabilities or injuries, including pregnancy**
- **In 2018, wage replacement rate increased to 60% for all and 70% for lowest income earners**
- **One week waiting period**

Apply at:
edd.ca.gov



CALIFORNIA FAMILY RIGHTS ACT (CFRA)/ FAMILY MEDICAL LEAVE ACT (FMLA)



12 weeks of job-protected leave to:

- Bond with a new child (including adoptive and foster children)
- Care for a family member (parent, spouse, domestic partner, and minor child) with a serious health condition
- For your own serious health condition

Eligibility

- 1 year on the job
- 50+ employees
- 1,250 hours in the prior year

* For birth parent, bonding leave does not start until after they have recovered from pregnancy disability.

NEW PARENT LEAVE ACT

EFFECTIVE JAN. 1, 2018



12 weeks of job-protected leave to:

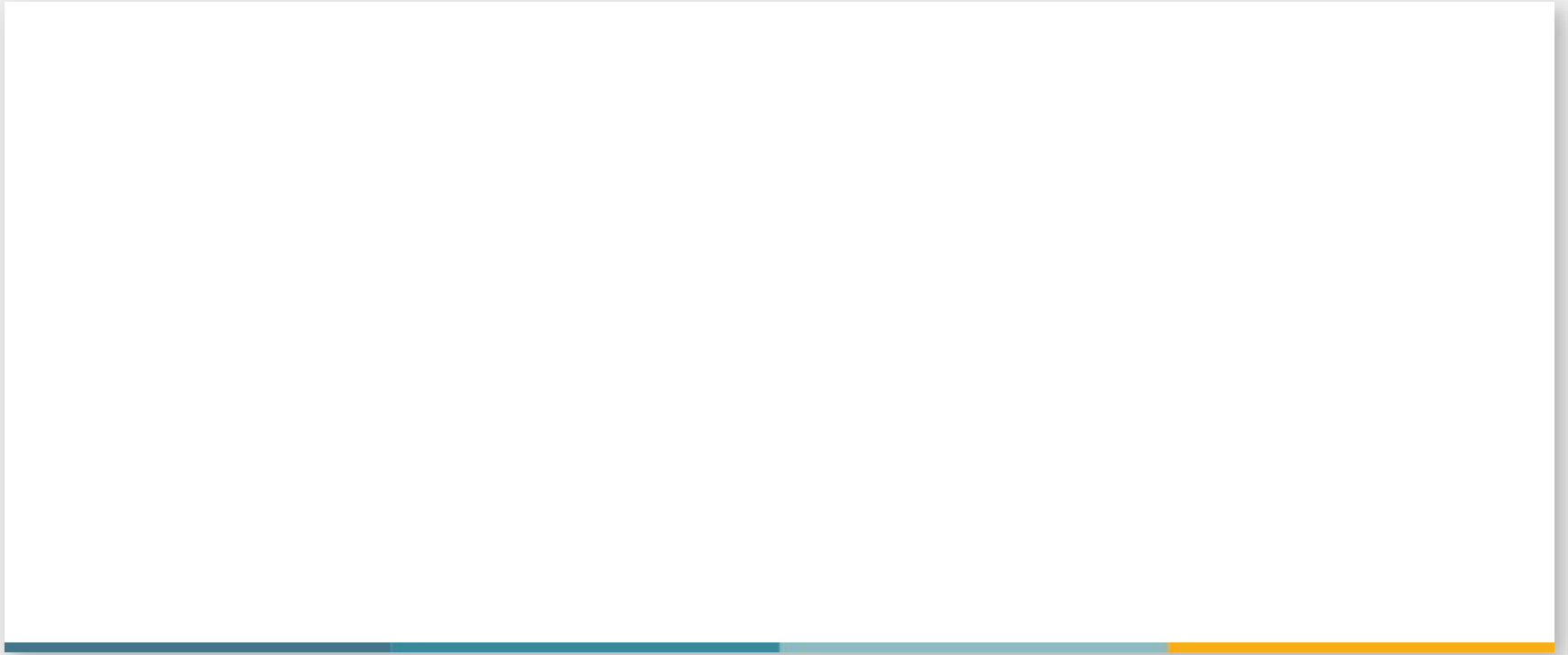
- Bond with a new child (including adoptive and foster children)

Eligibility

- 1 year on the job
- **20 - 49 employees**
- 1,250 hours in the prior year

*For birth parents, bonding leave does not start until after they have recovered from pregnancy disability.





HOW IT ALL FITS TOGETHER: JOB-PROTECTION AND WAGE REPLACEMENT FOR A “NORMAL” PREGNANCY WITHOUT COMPLICATION

FMLA/CFRA or NPLA Eligible Parent Who Gives Birth

State Disability Insurance

1-week waiting period, then 9 Weeks of
60% or 70% Wages

Paid Family Leave

6 Weeks of
60% or 70% wages

4 Weeks Prior
to due date

6 Weeks to
Recover

12 Weeks to Bond and
continued health insurance

BIRTH

Pregnancy Disability Leave/
Family Medical Leave Act

California Family Rights Act or
New Parent Leave Act



HOW IT ALL FITS TOGETHER: JOB-PROTECTION AND WAGE REPLACEMENT FOR A “NORMAL” PREGNANCY WITHOUT COMPLICATION

Workers **NOT** eligible for FMLA/CFRA or NPLA



State Disability Insurance

1-week waiting period, then 9 Weeks of
60% or 70% Wages

Paid Family Leave

6 Weeks of
60% or 70% wages

4 Weeks Prior
to due date

6 Weeks to
Recover

No guaranteed job protection

BIRTH

Pregnancy Disability Leave/
Family Medical Leave Act

ASK EMPLOYER



HOW IT ALL FITS TOGETHER: JOB-PROTECTION AND WAGE REPLACEMENT FOR NON-BIRTH PARENTS

FMLA/CFRA or NPLA Eligible Non-Birth Parent:

Paid Family Leave

6 weeks of 60% or
70% of wages



BIRTH

12 weeks to bond and continued health insurance

Family Medical Leave Act/California Family Rights Act
or New Parent Leave Act

HOW IT ALL FITS TOGETHER: JOB-PROTECTION AND WAGE REPLACEMENT FOR NON-BIRTH PARENTS

Non-Birth Parent who is **NOT** eligible for job protection laws (FMLA/CFRA or NPLA) :

Paid Family Leave

6 weeks of 60% or
70% of wages



BIRTH

No guaranteed job protection

ASK EMPLOYER

LACTATION ACCOMMODATIONS

California and federal law require:

- **reasonable break time** and
- **private space**, not a bathroom

Breastfeeding **discrimination** and **retaliation** are illegal.



Greater protections available
to workers in SF effective 2018.

Connection to Health



Health Impact of Proposed Legislation: New Parent Leave Act (SB 63)



The New Parent Leave Act, SB 63

by state Sen. Hannah-Beth Jackson (D-Santa Barbara) would allow individuals who work for a company with 20 employees or more to take up to 12 weeks of unpaid, job-protected leave to care for a new child.

The Health Impact of Parental Leave

Family bonding is critical to the health of mothers (and all parents), infants and children.

Parental leave is associated with:

Improved maternal health

Improved physical health of women^{2,3}

Less diabetes, hypertension, heart disease, breast cancer⁴

Improved mental health of women^{2,5}

Improved birth outcomes

for pregnancy leave

Decreased preeclampsia⁶

Decreased preterm birth⁷⁻⁹

Decreased low birth weight^{7,9}

Improved infant + child health

Duration of breastfeeding¹⁰⁻¹³

Increased immunizations + preventive health services^{1,11}

Decreased infant mortality⁷

Health Impact of Proposed Legislation: Lactation in the Workplace

Supporting Breastfeeding with Public Policy



The American Academy of Pediatrics recommends exclusive breastfeeding for the first six months of life and continued breastfeeding for at least the next six months, during which time appropriate complementary foods are added to the infant's diet.

Breastfeeding Benefits Everyone

Infants &
Children¹



- Decreased risk of ear infections, diarrhea, pneumonia and gastroenteritis in infancy
- Decreased risk of Sudden Infant Death Syndrome (SIDS) and necrotizing enterocolitis (NEC), leading causes of infant death
- Reduced incidence of childhood obesity, asthma, hypertension and some cancers
- Improved IQ, academic performance and long-term productivity

Mothers &
Families¹



- Decreased risk of Type 2 diabetes, breast and ovarian cancers for mothers
- Reduces risk of mothers developing rheumatoid arthritis, high blood pressure and high cholesterol
- Strengthens mothers' bones and reduces the risk of osteoporosis
- Saves families \$ 1,100– 1,500 on formula expenses in the 1st year of an infant's life

Small Group Discussion

Please break into 2 groups to discuss:

1. Gaps in policies and ideas to address them
2. Strategies for education and dissemination of information and how to incorporate into your work

Report Back

Strategies for Change

Outreach and Education

I'm pregnant in CALIFORNIA pregnancy + MY JOB

we offer info for: pregnant

I have rights related to:

- JOB PROTECTION** (Red lock icon)
 - THESE LAWS MAY HELP:**
 - PREGNANCY DISABILITY LEAVE** (FDL, PDL or NPL)
 - Up to 4 months job-protected, unpaid leave while disabled by pregnancy, childbirth or related condition.
 - Continuation of health benefits.
 - FAMILY MEDICAL LEAVE ACT / CALIFORNIA FAMILY RIGHTS ACT or NEW PARENT LEAVE ACT** (FMLA, CFRA or NPL)
 - 12 weeks of job-protected bonding leave within 1 year of birth starting after pregnancy disability is over.
 - Continuation of health benefits.
 - BECAUSE THEY PROVIDE FOR:**
 - Request from your employer
 - Request from your employer
 - HERE'S WHAT TO DO:**
 - Request from your employer
 - Request from your employer
- WAGE REPLACEMENT** (Green dollar sign icon)
 - STATE DISABILITY INSURANCE** (SDI)
 - Up to 60% or 70% of weekly wages, depending on income, for a max. of 12 weeks, after 1 week waiting period.
 - Paid into SDI during base period.
 - PAID FAMILY LEAVE** (PFL)
 - Up to 60% or 70% of weekly wages, depending on income, for a max. of 6 weeks (can be taken intermittently).
 - Paid into SDI during base period.
 - PAID SICK DAYS** (PSD)
 - Accrue 1 hour for every 30 hours worked up to a max. of 6 days per year.
 - Employer may cap use at 3 days per year.
 - Protection from retaliation.
- ACCOMMODATIONS AND EQUALITY** (Blue scale icon)
 - FAIR EMPLOYMENT & HOUSING ACT** (FEHA / FEHTA)
 - Changes to the way you do your job, transfer, or work from home as a reasonable accommodation for pregnancy.
 - LACTATION ACCOMMODATION LAW** (LAL)
 - Break time and private space (not a bathroom) for pumping.
 - Protection from discrimination, harassment, and retaliation.
- HOW THIS MIGHT WORK:** (Timeline diagram)
 - Timeline from 12 weeks before birth to 12 weeks after birth.
 - Job-protected pregnancy & childbirth disability leave (PDL, FDLE, or NPL) from 12 weeks before birth to 4 weeks after birth.
 - Job-protected bonding leave (CFRA or NPL) from 4 weeks before birth to 12 weeks after birth.
 - Wage replacement (PFL, PSD) from 4 weeks before birth to 12 weeks after birth.

Legal Aid at Work cannot assume this information is correct or be responsible for any use to which it is put.

LEGAL AID AT WORK
Call 800-880-8047
legalaid@lawork.org

I'm a new parent in CALIFORNIA parenting + MY JOB

we offer info for: the parent

I have rights related to:

- JOB PROTECTION** (Red lock icon)
 - THESE LAWS MAY HELP:**
 - FAMILY MEDICAL LEAVE ACT / CALIFORNIA FAMILY RIGHTS ACT or NEW PARENT LEAVE ACT** (FMLA, CFRA or NPL)
 - Job-protected, unpaid leave for a max. of 12 weeks to bond with a newborn, newly adopted or foster child within first year (or care for a seriously ill family member if SDI employed).
 - Continuation of health benefits.
 - FAMILY SCHOOL PARTNERSHIP ACT** (FSPA)
 - Job-protected, unpaid leave for a max. of 60 hours each year to search for or attend in child care or school activities, and/or address child care or school emergency.
 - Except for emergencies, employer may cap use at 8 hours per month.
 - BECAUSE THEY PROVIDE FOR:**
 - Request from your employer
 - Request from your employer
 - HERE'S WHAT TO DO:**
 - Request from your employer
 - Request from your employer
- WAGE REPLACEMENT** (Green dollar sign icon)
 - PAID FAMILY LEAVE** (PFL)
 - On leave to bond with a newborn, adopted or foster child within first year, or to care for a seriously ill family member.
 - Paid into SDI during base period.
 - PAID SICK DAYS** (PSD)
 - Accrue 1 hour for every 30 hours worked up to a max. of 6 days per year.
 - Employer may cap use at 3 days per year.
 - Protection from retaliation.
- HOW THIS MIGHT WORK:** (Timeline diagram)
 - Timeline from 12 weeks before birth to 12 weeks after birth.
 - Job-protected bonding leave (FMLA, CFRA or NPL) from 12 weeks before birth to 12 weeks after birth.
 - Wage replacement (PFL) from 12 weeks before birth to 12 weeks after birth.

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LEGAL AID AT WORK
QUESTIONS? Call 800-880-8047
legalaid@lawork.org

- Resources in 5 different languages
- Onsite trainings
- Online interactive tool
- Know your rights videos

Toll Free Helpline:
800-880-8047

Institutional Policy Change: Healthy Mothers Workplace Coalition



Public Policy Change: Family-Friendly Workplace Policies

SB 63 - New Parent Leave Act: Expands job-protected bonding leave to employees at smaller companies.

SF Lactation Accommodations Ordinance: strengthens lactation room requirements and requires employers to have written lactation accommodation policy.

SF Paid Parental Leave Ordinance: provides 6 weeks fully paid parental leave.



Public Policy Change:

Equal Rights to Parental Leave - A Strong Start for All Children



Future Opportunities

- **SB 937 (Wiener)** - proposed statewide lactation bill modeled on San Francisco legislation

QUESTIONS?



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