



the work and family legal center

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FACT SHEET

Why the Earned Sick Leave Bill is Important to Philadelphia's LGBT and HIV/AIDS Communities

The earned sick leave bill being considered by the Philadelphia City Council is a crucial piece of employment legislation that would offer economic and health protections to the LGBT community and people living with HIV/AIDS. By extending paid sick leave to LGBT families on the same basis as all other families, the bill would also be a step towards full equality for LGBT families under Philadelphia law.

What is Earned Sick Leave?

- **The Earned Sick Leave Bill Defined:** The “Promoting Healthy Families and Workplaces” bill being considered by the Philadelphia City Council would establish a modest minimum floor of earned sick leave for workers employed in Philadelphia. Under the bill, workers would earn one hour of paid sick time for every 30 hours worked. The majority of businesses would have to provide up to 40 hours of earned sick time annually, while larger businesses would provide up to 72 hours a year. Sick leave could be used for an employee’s own illness or to take care of an ill family member. To protect workers, the bill prohibits employers from retaliating against workers for taking sick leave. Employers will not have to change their policies if they already provide an equivalent amount of paid time off that can be used for the purposes covered in the Promoting Healthy Families and Workplaces bill.
- **Family Members Defined:** The earned sick leave bill is LGBT-inclusive. The bill explicitly allows workers to use earned sick time to care for spouses, domestic partners or life partners, parents, grandparents, siblings, biological children, grandchildren, foster children, adopted children, stepchildren, legal wards, and children of workers who stand “in loco parentis” (this phrase covers LGBT parents who do not have a legal or biological relationship to their children).
- **Status of the Earned Sick Leave Bill:** On March 1, 2011, the Philadelphia City Council’s Committee on Public Health and Human Services unanimously voted in favor of the Promoting Healthy Families and Workplaces bill. The full Philadelphia City Council is now considering this legislation.

Why is Access to Paid Sick Leave Necessary for Philadelphia's LGBT and HIV/AIDS Communities?

- **Ensuring the Health of Employees and Benefiting Employers:** While most of us take paid sick days for granted, more than 40% of private sector workers (or more than 210,000 workers) in Philadelphia have no paid sick time.ⁱ Many of these workers are members of the LGBT community. The Philadelphia metropolitan area is estimated to have the tenth largest LGBT population of all metropolitan areas in the United States.ⁱⁱ According to available data, Philadelphia’s LGBT population includes at least 51,000 adults; due to the extremely limited data on Philadelphia’s LGBT population, this number is likely much higher.ⁱⁱⁱ Based on these statistics, a large number of LGBT workers in Philadelphia are forced to go to work ill because they cannot afford to lose pay or risk losing their jobs. In addition to reducing the spread of illness in our congested city and workplaces, numerous studies have shown that earned sick time helps business by promoting productivity and reducing turnover. San Francisco implemented a similar paid sick days law in 2007, and its success has been clear. Recent research confirms the policy’s public health benefits and shows that two-thirds of San Francisco employers support the law.^{iv}
- **Protecting and Recognizing LGBT Families:** The Promoting Healthy Families and Workplaces bill strengthens LGBT families by allowing workers to take leave to care for their partners and children. Additionally, some LGBT workers in Philadelphia who already have paid sick time cannot use it to care for domestic partners; the earned sick leave bill would ensure that workers could use earned sick leave to care for domestic partners or life partners. According to census data, individuals in same-sex couples in Pennsylvania are more likely to be employed than



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married, heterosexual adults in the state.^v Due to this high rate of employment, LGBT workers have a heightened need for workplace benefits that recognize LGBT families. Research has also shown that an estimated 30% of LGBT adults in Philadelphia have at least one child in the household.^{vi} On average, the household income of LGBT couples raising children in Pennsylvania is 33% lower than the household income of heterosexual, married parents.^{vii} As a result, LGBT parents in Pennsylvania are less likely to be able to afford to take unpaid time off from work. Providing paid sick days would allow LGBT workers in Philadelphia to better care for their own health needs and those of their family members.

- **LGBT Families of Color are Especially Vulnerable:** The need for earned sick leave is especially apparent among LGBT families of color. For example, approximately 44% of black LGBT adults in Philadelphia report having a child in the household, a figure that is drastically higher than among white LGBT adults.^{viii} Additionally, approximately 40% of black LGBT adults in Philadelphia report having eldercare responsibilities, as compared to 17% of white LGBT adults in the city.^{ix} The Promoting Healthy Families and Workplaces bill would provide greater economic security to LGBT families of color throughout Philadelphia, by allowing workers to use earned sick leave to care for ill family members.
- **Earned Sick Time is Crucial for Philadelphia Residents Living with HIV/AIDS:** Access to earned sick time is a crucial health issue for many Philadelphia adults living with HIV/AIDS, especially those individuals who work in lower-wage and service sector jobs. If these workers are unable to take time off to attend medical appointments and recover from illness, their health and economic security are jeopardized. Moreover, access to paid sick time influences the ability of Philadelphia workers to provide care for aging family members with HIV/AIDS. Among Philadelphia residents living with HIV/AIDS, more than 70% are 40 years of age or older and more than 36% are 50 years of age or older.^x As the population of Philadelphia adults living with HIV/AIDS continues to age, their working family members will face increasing eldercare demands. The Promoting Healthy Families and Workplaces bill would allow more workers to support the health needs of loved ones living with HIV/AIDS.
- **Earned Sick Leave is Important for Transgender Workers in Philadelphia:** By ensuring that workers in Philadelphia earn a modest floor of paid sick leave, the Promoting Healthy Families and Workplaces bill would enable transgender workers to take care of their health needs without fear of lost pay or job retaliation.

ⁱ Amy Traub, *Paid Sick Time: Healthy for Philadelphia Workers and Businesses*, Drum Major Institute for Public Policy (Oct. 2010), p. 2.

ⁱⁱ Gary J. Gates, *Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey*, The Williams Institute (Oct. 2006), p. 7.

ⁱⁱⁱ Philadelphia Health Management Corporation (PHMC), *The Philadelphia LGBT Community Assessment: Final Report* (Oct. 2006), pp. 7-8, 12.

^{iv} Robert Drago and Vicky Lovell, *San Francisco's Paid Sick Leave Ordinance: Outcomes for Employers and Employees*, Institute for Women's Policy Research (Feb. 2011).

^v Romero, A., Baumle, A., Badgett, M.V. & Gates, G., *Census Snapshot: Pennsylvania*, The Williams Institute (Dec. 2007), p. 1. (77% of individuals in same-sex couples in Pennsylvania are employed, while only 65% of married, non-LGBT individuals are employed).

^{vi} PHMC, *The Philadelphia LGBT Community Assessment*, p. 37. Although the relationship to the child could not be determined in this Philadelphia study, census data shows that 20% of same sex couples in Pennsylvania are raising children. See Romero, et. al., *Census Snapshot: Pennsylvania*, p. 1. Despite the lack of adequate data on LGBT parents in Philadelphia, these statistics indicate that a significant minority of LGBT adults in the city are raising children.

^{vii} Romero, et. al., *Census Snapshot: Pennsylvania*, p. 3.

^{viii} PHMC, *The Philadelphia LGBT Community Assessment*, pp. 36-37 (approximately 7% of white LGBT adults in Philadelphia report having at least one child in the household).

^{ix} Ibid.

^x Shpaner, M., Brady, K. & Eberhart, M., *AIDS Activities Coordinating Office (AACO) Annual Surveillance Report: 2009*, Philadelphia Department of Public Health, AACO (2010), p. 11.