the work and family legal center

#### **Message from the Presidents**

A victory at the Supreme Court for pregnant women, close to 200 individuals helped through our free hotline, three new sick time laws and three new pregnancy accommodation bills passed around the country: these are just some of the highlights of the past six months at A Better Balance.

As we enter our tenth anniversary year, we are proud of just how far we have come thanks to your unfailing support. What we launched as a start-up with a dream has grown into a force for change with a proven track record. A Better Balance is a national authority in the work-family movement, devising policy solutions, drafting legislation, and guiding advocates around the country. We are a trusted resource for men and women seeking support as they navigate the patchwork of laws available to help them succeed at work while caring for family. And on May 1, we were honored to receive the Edith Spivack award from the New York County Lawyers Association-an award named after a great trailblazer in the fight for women's rights-in recognition of the difference ABB has made for working women since our founding.

Over the next year, we will be highlighting our achievements as we celebrate ABB's first decade. We hope you will join us, and continue to support ABB as we meet new challenges together and chart a path for our next ten years.

In partnership,
Dina and Sherry

### **National Momentum on Paid Leave**



ABB's Co-President, Sherry Leiwant with Valerie Jarrett and other members of the NY paid family leave coalition.

In January, President Obama recognized the importance of the paid leave movement with his State of the Union address, declaring that failure to provide paid leave "forces too many parents to make the gut-wrenching choice between a paycheck and a sick kid at home." The President's call to action placed a national spotlight on issues ABB has championed since our founding. Since January, administration officials have crossed the country to promote the President's proposals, and in April, ABB Co-President Sherry Leiwant joined Valerie Jarrett, Senior Advisor to President Obama, in New York City to discuss why New York should be the next state to enact paid family leave.

In Albany, the State Assembly passed a bill ABB helped to draft, which would provide up to 12 weeks of paid leave to bond with a new child or care for a seriously ill family member. New York Senate Republican leaders included paid family leave in their budget proposal and ABB's Sherry Leiwant testified at the joint hearing sponsored by Senate Republicans and the Independent Democratic Caucus on the issue.

New York is but one state moving ahead with paid family leave. Two committees in the Connecticut General Assembly recently advanced a paid family and medical leave bill, which we helped to draft, with bipartisan support. Although these bills have not yet become law, we



Please visit www.abetterbalance.org for additional information on A Better Balance's legislative efforts during the past year and full photo with key of the above map.

anticipate victories in the future, and we are now working in nearly a dozen states!

Our work on paid sick time bills has escalated rapidly as well. We helped to negotiate a bill that Philadelphia Mayor Nutter would sign (following two previous vetoes), working with the Mayor's Commission, redrafting the bill and testifying before the City Council. In addition to Philadelphia, paid sick time laws recently passed in Tacoma (WA) and Bloomfield (NJ). Including these new victories, 3 states and 18 cities now have paid sick time laws on the books! Our work continues in Oregon and New Jersey on statewide bills, and we fully expect some big wins in the coming year.

Finally, we are involved in implementation and enforcement of the laws we helped to get passed. In 2015 so far, ABB has helped to develop regulations in Massachusetts, Oakland (CA), Philadelphia, and Eugene (OR). We also continue to enforce the New York City Earned Sick Time Act, which celebrated its first anniversary in April. We have handled nearly 200 calls on our free legal hotline from workers seeking legal advice, provided legal representation to dozens of clients (with many successful outcomes!), conducted 25 trainings around the city, attended numerous community events, and distributed more than 12,000 knowyour-rights materials.

#### **Webinar for Dads**

On April 24, 2015, we partnered with City Dads Group to present a webinar about the Modern Dad's Juggle. ABB addressed how employer policies and legal rules interact to offer support to men as they consider starting a family, taking paternity leave, asking for a flexible schedule, and caring for



sick kids. Professor Scott Behson, PhD, author of the new book The Working Dad's Survival Guide, discussed the stigma of prioritizing family, and what resources are available to assist dads in becoming their own best advocates in the workplace. You can watch the full webinar on ABB's YouTube channel.

## **Expanding Our LGBTQ Work**

Building on years of work, A Better Balance recently launched a joint LGBTQ Work-Family Project with Family Values @ Work. We have hit the ground running! In February, A Better Balance once again helped to plan and lead a workshop on the need for paid leave at the National LGBTQ Task Force's Creating Change Conference, the country's largest annual gathering of LGBTQ rights advocates. In addition to drafting inclusive family definitions in paid leave bills around the country, we also took the lead in writing and distributing a "family definitions guide" that details how workfamily advocates and policymakers can broadly define "family." We are especially thrilled to welcome Preston Van Vliet to A Better Balance's staff as the National Campaign Organizer for this joint project. Preston, who will be based in D.C., has a background working on LGBTQ economic justice issues in Michigan. With Preston's help, we are excited to build on the success of our LGBTQ work in the coming year.

# **Fairness for Pregnant Workers**



ABB Southern Office Director Elizabeth Gedmark leads a rally outside the Supreme Court in support of Peggy Young

In March, the Supreme Court decided in favor of Peggy Young against UPS. The former parcel delivery driver was pushed onto unpaid leave while pregnant because she turned in a doctor's note with a lifting restriction. The Court kept her case alive, and while the decision was a win for Ms. Young and many other pregnant women, as Co-President Dina Bakst explained in her U.S. News and World Report Op-Ed, it still left many pregnant workers without a clear right to the accommodations they need to stay healthy and stay employed. Dina's analysis was cited by Hillary Clinton, who tweeted "Protecting pregnant women from discrimination shouldn't be a fight, should be as American as apple pie. More to do." That's why we continue to push for the federal Pregnant Workers Fairness Act and lead a strong group of organizations to make sure no woman has to choose between her job and a healthy pregnancy. In the aftermath of the Young decision, ABB participated in a Congressional briefing, provided messaging assistance to advocates, and is working with lawmakers to prepare for reintroduction this year.

After years of tireless advocacy by ABB, on May 5th the New York State Assembly voted unanimously for a bill already approved by the Senate, which will guarantee fairness for pregnant workers. ABB has been a leader in this campaign, providing legislative drafting support, education for lawmakers, and raising awareness about the bill. Thanks to our work, in partnership with a strong coalition, women like ABB client, Betzaida Cruz, will no longer have to risk their income to follow doctor's orders. Ms. Cruz wanted to continue working as a cashier at a Savers thrift store outside of Rochester, NY, but as soon as she brought in a note saying she was pregnant and should not lift more than 25 pounds, her manager told her she was "terminated" and should "stay home and take care of [her] pregnancy." Without income coming in, Ms. Cruz had to move out of her apartment, and found herself homeless and couch surfing at seven months pregnant. ABB filed an EEOC charge on her behalf, along with the law firm of Emery Celli Brinckerhoff and Abady.

The New Year brought other victories for pregnant workers across the country as well. Illinois' law strengthening protections for pregnant workers went into effect on January 1, North Dakota's similar bill became law on April 6th, and Nebraska's law, passed unanimously by the legislature, was signed by the Governor on April 13th. ABB is assisting with Illinois' enforcement efforts and provided legal analysis for Nebraska lawmakers during their successful campaign. We are also leading the charge on similar campaigns in Tennessee and Kentucky, as well as providing legal support to on-the-ground advocates in New Hampshire, Massachusetts, and Texas, among other places.

#### **Control Over Hours**

How would you organize your life if you had no idea what your work schedule would be from week to week? Or if you were constantly called in to work with fewer than 24 hours notice – or worse, told just 24 hours before you were due to work (after you had arranged child care and paid for transit) that you weren't needed. Unfortunately, the majority of hourly workers in our country live with this kind of schedule insecurity. A Better Balance is part of a national legal team crafting solutions to this problem. Laws we helped write have been introduced in states and cities around the country as more policy makers recognize this issue as a serious problem for workers and their families. Stay tuned for updates!

### **Equal Pay**

On April 27, 2015, the New York legislature unanimously passed a bill to strengthen state's equal pay protections. ABB has been a leader of a multi-year campaign pushing for equal pay for women across the state. This multifaceted bill will close loopholes in existing laws, increase awards to pay discrimination victims, and promote wage transparency.



Dina Bakst with advocates and Assemblywomen, at a roundtable on pay equity preceding the unanimous vote approving equal pay legislation.

### **Southern Office**

Our Southern office has been open for a little more than a year and we are celebrating all that we have been able to accomplish in such a short period of time! In 2015 alone, we worked in Tennessee to introduce two bills with bipartisan support: the Tennessee Pregnant Workers Fairness Act and a bill to authorize studying paid family leave implementation in the State. We worked with lawmakers to introduce the Kentucky Pregnant Workers' Fairness Act and testified in support of the bill (which unanimously passed the House). We were named a "breastfeeding warrior" in a local Mississippi paper for our public education in the state, and we distributed know-your-rights materials to thousands of women and families across the South. We are excited to build further relationships in the region and work with individuals and partners to bring more family-friendly laws and policies to some of the most impoverished parts of the country.

# **Voices from our Clinic**





ABB Client Betzaida Cruz with her new baby

ABB client Sonica Smith

In recent months, our clinic hotline has fielded calls from hundreds of workers seeking legal assistance. Many were inquiring about their right to sick time under the New York City Earned Sick Time Act (ESTA), which gives workers up to 40 hours of sick time per year to care for their own health or that of a family member, and the New York City Pregnant Workers Fairness Act (PWFA), which gives workers the right to reasonable accommodations to allow them to continue working during pregnancy. ABB was instrumental in drafting and passing both of these laws, which have now been in effect for over a year. We have done extensive outreach to inform workers of their new rights, and our efforts have been paying off with calls from workers who now know they can stand up to injustice. In addition to providing legal representation for many of our callers, we offer all callers information and advise them on their right to be free from discrimination, their right to take leave to which they are entitled, and help with managing the often-tricky terrain of working while caring for a family.

Our legal services have been pivotal in helping workers maintain financial stability and care for their families. James D., whom we helped to get the paid sick time he was owed, told us: "On my own, I don't think they're going to pay me I was arguing my case and they just tell me I'm not entitled . . . Now they will pay me for the sick days they were supposed to pay in the first place . . . I'm always going to hand out your number to people who need help." Another clinic caller, who came to us after her job offer was rescinded, wrote:

"Before I was referred to A Better Balance, I was in complete panic mode. Here I am, a mother to be and the job I was due to start was conveniently eliminated when I revealed to my employer that I was pregnant. As soon as you decided to take on my case, my situation completely turned around. I would never wish for any woman to experience a job loss during her pregnancy, but thankfully A Better Balance is here to assist those who find themselves in this awful situation."

## A Better Balance in the Media

Equal Pay for Women	Phoebe Taubman on BK Live	May 2015
For Women In This State, Getting Pregnant Will No Longer Mean Losing A Job	Bryce Covert, Think Progress	May 2015
US Is Only Industrialized Nation Without Paid Maternity Leave	Susanna Kim, ABC News	May 2015
Peggy Young's Victory Is Not Enough	Dina Bakst, U.S. News & World Report	March 2015
Only three US states have paid family leave policies- will New York be next?	Nadja Popovich, The Guardian	March 2015
As New York edges closer to paid family leave, a look at who would pay	Marnie Eisenstadt, Syracuse.com	March 2015
Women to Cuomo: New York is 'quite hungry for paid family leave'	Matthew Hamilton, Times Union	March 2015
Fairport woman: I was fired for being pregnant	Todd Clausen, Democrat & Chronicle	March 2015
Woman Becomes Homeless After Employer Allegedly Fired Her Over Her Pregnancy	Bryce Covert, Think Progress	March 2015
Savers Retail Chain Accused of Pregnancy Discrimination	Jessica Mason Pieklo, RH Reality Check	March 2015
Lyndi Trischler: Florence cop denied light duty during pregnancy fights for law for pregnant workers	Julie OʻNeil, WCPO Cincinnati	February 2015
Breastfeeding and the Achievement Gap	Sharon Lerner, The Hechinger Report	January 2015
How paid leave policies can help break the cycle of inequality	Anna Shireen Wadia, Equals Change: The Ford Foundation Blog	January 2015
The Massachusetts Pregnant Workers Fairness Act: Because Getting Pregnant in MA Shouldn't Mean Losing Your Job	MotherWoman, The Huffington Post	January 2015
15 Feminist Books to Read In 2015 to Help You Stay Passionate All Year	Krystal Skwar, Bustle	January 2015
America's Largest Employer Needs to Step It Up for Pregnant Workers	Dina Bakst and Emily Martin, The Huffington Post	December 2014
5 Key Moments for Pregnant Workers in 2014	Tom Spiggle, The Huffington Post	December 2014
Lawsuit: Walmart Continues to Discriminate Against Pregnant Workers	Jessica Mason Pieklo, RH Reality Check	December 2014
Did Walmart Expose Candis Riggins, A Pregnant Employee, To Harsh Chemicals?	Abby Johnston, Bustle	December 2014
Wal-Mart faces new pregnancy discrimination charges	Brigid Shulte, The Washington Post	December 2014
Know Your Workplace Rights If You're a Parent or Pregnant	Melanie Pinola, Lifehacker	December 2014
Do Pregnant Women Suffer Workplace Discrimination?	Phoebe Taubman on To The Point with Warren Olney	December 2014
Supreme Court Must Make Clear That Pregnancy Discrimination Is Unjust	Dina Bakst & Kristin Rowe-Finkbeiner, The Huffington Post	December 2014
The Supreme Court, UPS And The Economics Of Pregnancy Discrimination	Catherine Dunn, International Business Times	December 2014
Pregnancy Complication: Many employers do not want to accommodate their pregnant workers. Will the Supreme Court make them?	Gillian Thomas, Slate	December 2014

# On May 4th, A Better Balance held its Annual Spring Celebration.

We are grateful for the generous support of our sponsors, donors, guests, and honorees. Thank you to all who attended and helped to make this such a wonderful evening.



From Left to Right: ABB Co-President Dina Bakst, The MC, CBS Legal Analyst Rikki Klieman, ABB Co-President Sherry Leiwant, ABB Board Chair Yolanda Wu



From Left to Right: Distinguished Corporate Citizen Honoree Maria T. Vullo, Community Advocate Honoree Angelica Valencia, Distinguished Leadership Honoree Beth Nash.



The ABB Board of Directors From Left to Right: Risa Kaufman, Ariel Devine, Jenna Segal, Dina Bakst, Eric Berger, Michael Gaebler, Yolanda Wu, Elizabeth Saylor, Sherry Leiwant, Judy Landis – Not pictured: Roslyn Powell and Alison Hirsh