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80 Maiden Lane, Suite 606, New York, NY 10038 | t: 212.430.5982 | f: 212.430.5983 | info@abetterbalance.org | abetterbalance.org

**Testimony by  
A Better Balance  
New York, N.Y.**

**Before the New York City Committee on Civil Service and Labor and  
the Committee on Women's Issues  
Hearing on Policies to Assist Working Families in New York State  
April 20, 2015**

I am submitting this testimony on behalf of A Better Balance, a legal advocacy organization whose mission is to fight for policies that will protect American workers from having to choose between caring for their families and maintaining their economic security. For the last ten years, we have advocated for legislation to promote fairness in the workplace, while also working to enforce and support sound workplace standards. We are delighted that the committees are holding a hearing on these important issues and, for the sake of the families of New York City, are hopeful that the full Council will pass these bills this session.

**Int. No. XX : Establishment of an Office of Labor Standards**

**We strongly support the establishment of an Office of Labor Standards and hope that the Council will work with us and others in the advocacy community with experience helping to enforce labor standards in New York City.**

A Better Balance helped draft and pass the Earned Sick Time Act and is one of the leading organizations in the city representing workers who are having trouble accessing their rights under this new law. Our experience with earned sick time representation has made it clear that a dedicated city agency is necessary to support worker legislation and, accordingly, we applaud the proposal to create a new Office of Labor Standards.

Without an agency that enforces labor standards, it is difficult to enact and implement legislation protecting workers in New York City. During the four years we struggled to pass the Earned Sick Time Act (“ESTA”), one of the hardest questions to answer from this Council was “If we pass this ordinance, who will enforce it?” Ideas of giving the Mayor control, placing it with the Comptroller, and giving the enforcement responsibility to the Department of Health were all rejected. Ultimately, during last minute negotiations, enforcement was housed in the Department of Consumer Affairs (“DCA”), a city agency responsible for protecting consumers, as well as supporting and licensing businesses. In order to give DCA authority to enforce ESTA, the City Charter had to be amended because enforcement of a labor standard was not within DCA’s mission.



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The difficulty we had in finding an agency to enforce ESTA is repeated whenever new legislation to regulate labor standards is proposed. If the Council intends to pass any legislation in the coming years to protect labor rights in our city, it is important that there be an agency whose mission is solely to do that type of enforcement.

A dedicated labor department is necessary for several reasons. First, an Office of Labor Standards would have a clear mission and presence and New Yorkers encountering problems with enforcing their labor rights would have a clear understanding of where to go for help. Second, an Office of Labor Standards, could create an expert staff to deal with a variety of connected workplace issues, which complement each other and, thereby, improve the efficiency and quality of service. We have found – in representing callers who contact us about ESTA problems – that, very often, there are additional labor problems at their place of employment. This is not surprising, as bad employers tend to be bad employers in many ways. A city labor office with expertise in a variety of related issues would enable aggrieved employees and advocacy organizations to use the labor agency to holistically evaluate and address all of their issues – an efficient one-stop shop for worker’s rights.

These considerations are particularly important if the Council passes further progressive legislation aiding workers and promoting equality. We wholeheartedly support such measures, but also realize they would be ineffective without an agency funded, staffed, and given the specific mission of enforcing those laws. Furthermore, creating an Office of Labor Standards signals a real dedication to workers’ rights by the City of New York. In particular, the creation of such an agency creates a long-term and indelible commitment to protecting workers and families – the backbone of our City.

In our work advocating for paid sick leave laws across the country, we have seen the success of departments, similar in function to the Office of Labor Standards envisioned in this bill, in both Seattle and San Francisco. We believe these examples are indicative of how an Office of Labor Standards could greatly benefit New York City workers. In Seattle, the recently created Office of Labor Standards enforces the city’s labor laws and serves as a “one-stop shop for workers and businesses seeking information on implementing the new requirements.”<sup>i</sup> Before it created this agency, Seattle used its Civil Rights agency to enforce its paid sick leave law, but came to the conclusion that to a dedicated Office of Labor Standards was needed insure to the best possible enforcement.

In San Francisco, the Bureau of Labor Standards is a comprehensive city agency charged with enforcing San Francisco’s progressive worker protections. This single, dedicated program addresses all of the issues raised by the City’s labor laws: paid sick days, minimum wage, health insurance guarantees and scheduling issues. San Francisco benefits from an efficient and expert agency able to enforce all labor laws, engaging the community in education and enforcement for a distinct set of interconnected laws. For example, when San Francisco enacted a paid sick leave law, the Office of Labor Standards simply folded the enforcement and education initiatives into their already



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existing infrastructure for wage and health coverage laws. According to Division Manager, Donna Levitt, having a specialized Bureau allowed for quick and easy implementation of San Francisco’s paid sick leave law.<sup>ii</sup>

In conclusion, we strongly support the creation of an Office of Labor Standards for New York City. Particularly if the council intends to enact further labor protections, an Office of Labor Standards will be important – it is the most efficient and effective way to ensure new legal standards are actually reflected in the city’s workplaces. However, we do urge the Council that in developing legislation to establish this new Department, it is important to involve advocates (especially legal advocates), labor unions, and community groups who are familiar with the needs of workers in enforcing their labor rights.

### **Int. No. 197: Wage Transparency**

**We strongly support Int. No. 197, the wage transparency bill, because it would help combat NYC’s substantial and pernicious gender wage gap.**

Illegal wage discrimination often remains undetected due to workplace policies that punish employees for voluntarily sharing wage information with their colleagues. In response to the prevalence of these policies, Int. No. 197 would prohibit retaliation based on wage disclosure. By allowing workers to discuss wage information, this bill would make it easier for workers to detect and report discrimination, striking a significant blow against the pervasive gender wage gap faced by women working in New York City, their families, and our economy.

Over 50 years after the Equal Pay act became law, women in New York are still paid just 84 cents to the dollar compared to their male counterparts.<sup>iii</sup> The gap between male and female workers means the average woman working full-time makes \$8,274 less per year than her male counterpart, an amount equal to over a year of groceries, 8 months of rent, or 2,201 gallons of gas.<sup>iv</sup> Many women of color are hardest hit: African American women earn only 64%, and Latinas only 54%, of the amount earned by white men.<sup>v</sup> Overall, the loss of revenue strips New York’s economy of nearly \$24 billion every single year.<sup>vi</sup> This injustice is particularly hard on NYC’s families, since around 28% of women-headed households live below the poverty line.<sup>vii</sup>

While various equal pay laws make it illegal for employers to pay employees differently because of their sex, widespread pay secrecy policies prevent wage discrimination from coming to light and make equal pays laws largely ineffective. The story of Lilly Ledbetter’s search for justice and trip to the Supreme Court is a salient example of the problems with wage secrecy. Ms. Ledbetter worked as one of the few female managers at Goodyear Tire, where she faced sexual harassment and unequal pay.<sup>viii</sup> Due to wage secrecy rules, Ms. Ledbetter did not know she was paid significantly less than her male



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counterparts until two decades (and the statute of limitations on her claim) had already passed.<sup>ix</sup> Although the statute of limitations holding in *Ledbetter* was later overturned by Congress, there is still a legislative gap that allows for wage secrecy policies that hide discriminatory pay practices.<sup>x</sup>

As Ms. Ledbetter's example demonstrates, wage secrecy prevents individual employees, as well as enforcement agencies, from uncovering wage discrimination.<sup>xi</sup> Regrettably, wage secrecy policies and practices are common: according to one study, 61% of private sector employees are discouraged or prohibited from discussing wage and salary information.<sup>xii</sup> Such fear places an immense burden on employees who want to vindicate their rights to an equal workplace. In the words of the Supreme Court: “[f]ear of retaliation is the leading reason why people stay silent instead of voicing their concerns about bias and discrimination.”<sup>xiii</sup>

By passing this wage transparency bill, the City Council would not only allow employees and enforcement agencies to uncover wage discrimination, it would also help prevent the discrimination in the first place. By making it easier to discover and punish violators of equal pay laws, employers will be discouraged from having illegal pay practices in the first place.<sup>xiv</sup> Substantial evidence for this concept comes from the public sector and unions, where wage transparency is the norm and, as a result, there are significantly lower pay disparities linked to race or sex.<sup>xv</sup>

In addition to helping uncover wage discrimination, wage transparency laws root out employers who refuse to comply with other wage and hours laws; thereby helping to enforce legal mandates and protect workers.<sup>xvi</sup> Like other advocacy organizations, we at A Better Balance often find that when an employer violates one law against one employee, they are often also violating many other laws against many different employees. Wage transparency can help find bad employers by bringing pay practices to light. This bill would allow enforcement agencies and advocacy organizations to more easily discover systemic cheating of timekeeping, sick time tracking, minimum wage, and other illegal practices, by freeing information currently shackled by wage secrecy rules.

Lastly, wage secrecy severely hinders the market forces that allow employees to make informed decisions about where they want to work. While regulations provide minimum standards for some aspects of employment in New York City, the rest is left to a competitive market. With this bill, and the death of wage secrecy rules, employees would have more information about their own pay and prospective employers' pay practices, which would allow them to make the educated decisions a free market requires to operate effectively.

In short, A Better Balance agrees with legal scholar, Cynthia Estlund, who in analyzing wage transparency concluded: “The public cost is trivial, the private cost to law-abiding employers is nominal, and the value to both informed private decision making and public



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law enforcement is quite obvious.”<sup>xvii</sup> Thus, we urge the City Council to pass Int. No. 197 and ban wage secrecy from New York City workplaces.

**However, we suggest the City Council amend the Int. No. 197 to allow the Mayor to change, if necessary, the agency tasked with enforcing wage transparency.**

We are in favor of wage transparency, but we also recognize that strong enforcement is essential to the successful implementation of Int. No. 197. As an organization that represents many women who suffer discrimination, we are eager to help the Council create an effective enforcement mechanism. As such, we suggest that Int. No. 197 be amended to allow the Mayor to change the agency responsible for enforcing wage transparency.

Currently, Int. No. 197 is modeled after the Earned Sick Time Act (“ESTA”), so the power and responsibility for enforcing the law would fall to the Department of Consumer Affairs. Unlike ESTA, however, the wage transparency bill does not provide authority to the Mayor’s office to change the enforcement agency. Yet, providing the Mayor with this authority is important, particularly, if the Council creates the proposed Office of Labor Standards, which would seem to be the most logical and best-equipped agency to implement and enforce a wage transparency law.

Amending the wage transparency bill to provide this authority to the Mayor is a simple fix, but an important one. A Better Balance is open to assisting the Council, in anyway, to make this adjustment because we recognize effective enforcement of wage transparency is vital to the law’s success.

**We also urge further action on the gender wage gap, such as a local equal pay law.**

We strongly encourage the City Council to explore further options for addressing the gender wage gap. For example, as we discuss in the next section of this testimony, we applaud the committees for considering the resolution asking the New York State Legislature to strengthen the state equal pay law. However, we also think the Council should go further and enact an equal pay law for the City of New York.

Surprisingly, New York City does not have an equal pay law and, therefore, does not have a clear enforcement mechanism for addressing the pay discrimination this wage transparency bill is designed to uncover. While wage transparency would shed light on discriminatory pay schemes, the city would still be limited in how it could prevent and eliminate illegal pay practices because it does not have the power to investigate and penalize equal pay violations. Thus, New York City workers must try and vindicate their rights using outdated federal and state laws that have, historically, proven to be a barrier to justice.<sup>xviii</sup>



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Recently, many municipalities across the country have acknowledged the need for local enforcement and leadership on equal pay issues. New York City workers deserve strong equal pay protections that will ensure meaningful changes in their workplaces and justice in their paychecks. We believe this can be done with an equal pay bill crafted to close loopholes in existing state and federal law, while avoiding any preemption issues. We would welcome an opportunity to work with the City Council in creating such legislation.

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In sum, we fully support the passage of Int. No. 197 to combat wage secrecy, although we suggest that the bill be amended to allow the Mayor’s Office to change the enforcement agency. In addition, we encourage the City Council to explore additional measures for addressing the gender wage gap, such as a local equal pay law, and pledge our support for such action.

**Res. No. XX: Strengthening the State Equal Pay Law**

**We strongly support the amendment to the state Equal Pay Law, which would improve the conditions of New York City workers and our business environment.**

We support the resolution calling on the state to pass an equal pay law amendment for the same reason we support the city’s wage transparency bill – it provides additional tools for combatting the city’s costly gender wage gap. The aim of this amendment is to establish and maintain equal status and equal opportunities for women and men in the workplace by addressing loopholes in the current law. Its effect would be to help ensure employees have equal opportunities to benefit from their own enterprise and to develop their skills irrespective of gender. The amendment is not only a matter of basic fairness to women, but vital to protecting the economic security of the thousands of households headed by women in the New York City metro area.

State action on equal pay is particularly important to New York City. In a metropolis as uniquely diverse as New York, our unity depends upon the populace benefiting from hard work and dedication, not suffering from bigotry and bias. In order to keep pace with a globalized economy, New York City needs to utilize the talents of all our citizens. Only by investing in workers of all genders can this city maintain its status as a leader among its global economic competitors. Furthermore, as an immigrant and a migrant city, we need to attract the best of both genders to work here and strengthen our community. Currently, the United States is ranked 20<sup>th</sup> among countries in its Gender Gap.<sup>xix</sup> If New York is to remain a worldwide business and cultural hub, we need to distinguish ourselves from this national problem by eradicating the gender wage gap within our borders.



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Thus, we strongly support this resolution to fix loopholes in the state equal pay law, which would help New York, and especially our business-driven city, to combat the pervasive gender wage gap and its insidious consequences.

### **Res. No. 615: Paid Family Leave Insurance**

Again, A Better Balance is a legal advocacy organization whose mission is to fight for policies that will protect American workers from having to choose between caring for their families and maintaining their economic security. To that end, we have been working on paid family leave issues in states throughout the country for the last ten years, and have been part of the effort to pass paid family leave in New York State for the past eight years. We appreciate the City Council's support of this issue and fully support Res. No. 615 and hope it will help influence the New York state legislature to take action on a paid family leave bill this session.

#### **Paid family leave is an issue whose time has come.**

It comes as a shock to most Americans that the United States is the only developed country that does not provide paid leave to workers when a new child is born. Among industrialized nations, the United States stands alone in its failure to guarantee workers paid leave. As of 2011, 178 countries have national laws that guarantee paid leave to new mothers. Only three countries in the world provide absolutely no legal right to paid maternity leave — Papua New Guinea, Swaziland, and the United States.<sup>xx</sup> With no right to paid family leave, workers must rely on their employers to provide these benefits, but because paying for a worker to be on leave for an extended period is costly, most employers do not or cannot voluntarily provide those benefits: as of March 2013, only 12% of American workers received paid family leave through their employers.<sup>xxi</sup> Among the lowest wage earners in the country, only 4% of workers have access to paid family leave.<sup>xxii</sup> Therefore, far too many workers are forced to choose between their jobs and their family's health and wellbeing.

The lack of paid family leave reflects the fact that our workplace laws and policies have failed to keep up with the changing nature and demographics of working families. The labor force participation rate of women and mothers has increased significantly during the past 40 years, and the number of dual-income families and single working parents has skyrocketed. This means that there is no one at home to care for seriously ill family members and that women of child bearing years are in the labor force, having children and in need of time off when they do. Despite these changes in our workplaces, we have failed to pass laws and policies that allow workers to care for loved ones without risking their economic security. It is critical that we pass laws to guarantee paid family leave to bond with new children and care for seriously ill loved ones.



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Americans are beginning to recognize the importance of this issue for our families. In his 2015 State of the Union address, our President recognized that the U.S. is “the only advanced country on Earth that doesn’t guarantee paid sick leave or paid maternity leave to our workers.” He pledged to make Federal money available to the states to study the issue with the hope that they would lead the way in providing paid family leave for their citizens. California, New Jersey and Rhode Island already have paid family leave programs that have been extremely successful and have caused no problems for employers.

And this year, there are dozens of other states exploring the possibility of setting up their own paid family leave programs. Those states do not have an infrastructure as we do here in New York in the form of a Temporary Disability Insurance (TDI) program and setting up a paid family leave program will be expensive for those states. In contrast, for New York as for California, New Jersey and Rhode Island, there is virtually no cost to using our existing TDI program to support a paid family leave component. It verges on embarrassing that other states without an existing infrastructure for paid family leave are nevertheless considering it, while New York has not been able to pass a paid family leave add-on to its existing TDI program.

The emergence of paid family leave as an important issue is a reflection that paid family leave is a win for everyone: workers, businesses, children, elders, and the economy. A paid family leave program would make it easier for new parents—both mothers and fathers—to care for their children without undue financial hardship. Research has shown that paid family leave helps parents to recover from childbirth, bond with newborn or newly adopted children, and better meet their children’s health needs.<sup>xxiii</sup> Access to paid family leave also increases the likelihood and average duration of breastfeeding, which improves the health of newborn children and their mothers.<sup>xxiv</sup> Seriously ill children benefit when their parents can afford time off to care for them. Research shows that ill children have better vital signs, faster recoveries, and reduced hospital stays when cared for by parents.<sup>xxv</sup>

In addition, with paid family leave, workers would not have to sacrifice their economic security in order to care for seriously ill or aging relatives. The benefits of family caregiving to elderly and sick individuals are clear: family caregivers can help these individuals recover more quickly and spend less time in hospitals.<sup>xxvi</sup> As a result, policies that support family caregiving create savings that benefit all New York taxpayers. Unpaid family caregivers not only help to ease the burden on our crowded hospitals and long-term care facilities but also create enormous financial savings. For example, recipients of family caregiving are less likely to have nursing home care or home health care paid for by Medicare.<sup>xxvii</sup> In 2007, unpaid family caregivers in the United States provided services valued at approximately \$375 billion a year.<sup>xxviii</sup>

As noted above, California, New Jersey, and Rhode Island have adopted—and successfully implemented—paid family leave laws that are similar to the paid family





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leave proposals in New York. Research shows that an overwhelming majority of California employers believe paid family leave has had a positive or neutral effect on their business operations.<sup>xxix</sup> Studies have also shown that paid family leave leads to business savings, by increasing employee retention, lowering turnover costs, improving productivity, and enhancing worker morale and loyalty.<sup>xxx</sup> In today's economy, paid family leave is a low-cost way to keep workers employed and to help workers meet family needs. For example, women who take paid leave after a child's birth are more likely to be employed 9-12 months after the child's birth than working women who take no leave. New mothers who take paid leave are also more likely to report wage increases in the year following the child's birth.<sup>xxxii</sup> When forced to leave their jobs or take unpaid leave, many poorer workers must turn to public assistance programs for support. By keeping workers with caregiving needs attached to the workforce, paid family leave can decrease reliance on public assistance, in turn creating significant taxpayer savings.<sup>xxxii</sup>

### **The New York proposal.**

A Better Balance is on the steering committee of the effort to pass paid family leave in New York and helped draft the bill that has been introduced in the Senate as S.3004. That bill has the following provisions:

- Uses New York State's existing temporary disability insurance (TDI) system.
- Provides workers with wage replacement during time off from work to care for a child in the first 12 months after the child's birth or placement for adoption with the worker's family. Paid family leave benefits may also be used for time off to care for a seriously ill family member and for military families to care for an injured service member or prepare for deployment.
- Family members include child, spouse, domestic partner, parent, grandchild, grandparent, sibling and parent of a spouse or domestic partner.
- Provides up to 12 weeks of benefits.
- The paid family leave benefit level is two-thirds of the worker's average weekly wage up to a maximum cap. That cap will be 35% of the statewide average weekly wage in the first year, and then gradually increased over 3 years to a cap of 50% of the statewide average weekly wage. The bill will also adopt the same benefit levels and maximum cap for TDI, the first raise in the TDI benefit level in more than 25 years.
- The bill applies to all private sector employees and contains an "opt in" provision for public employees through their unions.
- The benefit is subject to a one-week waiting period.



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- The paid family leave benefit will only be financed by payroll deductions from employees. Employers will not be required to make any contribution to the paid family leave program. The cost of TDI, as under the current TDI system, will continue to be shared by workers and employers.
- The bill provides job protection for workers who take this benefit.

**The demand for and necessity of paid family leave in New York.**

We run a clinic for workers who are having problems due to their caregiving responsibilities. We get so many calls from workers asking us about paid family leave here in New York, upset to learn there is no income support for them when they have a child. Many workers call who live in New Jersey and work in New York and are shocked to learn that the paid family leave program they have heard about in the state where they live doesn't cover them in New York where they work. We also have a petition to the Governor about paid family leave that has garnered over 12,000 signatures with more every day filled with heartbreaking stories of financial hardship as workers struggle to fill the gap in their income caused by needing to take time to bond with a new child or care for a dying parent.

New Yorkers should not have to wait any longer. Thank you to the City Council for recognizing the importance of this issue and calling for passage of paid family leave in New York State.

**Res. No. 610: New York City Authority to Set the Minimum Wage**

We strongly support this bill.

**Res. No. 611: New York City Authority to Enforce State Worker Protection Laws**

We strongly support this bill.

**Res. No. 612: Strengthening the Wage Theft Prevention Act**

We strongly support this bill.

## Conclusion

We wish to express our sincere gratitude to Committees for considering such an important set of issues. New York City's workers deserve these greater protections. We look forward to the passage of these measures and a brighter economic future for women and families in New York.

<sup>i</sup> Office of Mayor Murray, *Mayor Proposes New Office of Labor Standards for Education, Enforcement on City Wage and Benefit Rules*, (Sept. 15, 2014) available at: <http://murray.seattle.gov/mayor-proposes-new-education-enforcement-on-city-wage-and-benefit-rules/#sthash.NmmruGNn.dpuf>.

<sup>ii</sup> See Donna Levitt, Testimony before the NYC Committee on Civil Service and Labor, *Hearing Transcript*, (Nov. 7, 2009), available at: <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=465028&GUID=8DAC13D8-84A5-447D-B022-D1568274521D>.

<sup>iii</sup> National Partnership for Women & Families, *New York Women and the Wage Gap* (April 2014), available at [http://go.nationalpartnership.org/site/DocServer/Wage\\_Gap\\_ny.pdf](http://go.nationalpartnership.org/site/DocServer/Wage_Gap_ny.pdf).

<sup>iv</sup> *Ibid.*

<sup>v</sup> *Ibid.*

<sup>vi</sup> *Ibid.*

<sup>vii</sup> *Ibid.*

<sup>viii</sup> See *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618 (2007), abrogated by Lilly Ledbetter Fair Pay Act of 2009, Pub. L. No. 111-2, 123 Stat. 5.

<sup>ix</sup> *Ibid.*

<sup>x</sup> See, Lilly Ledbetter Fair Pay Act of 2009, Pub. L. No. 111-2, 123 Stat. 5.

<sup>xi</sup> See, e.g. Deborah Thompson Eisenberg, *Money, Sex, and Sunshine: A Market-Based Approach to Pay Discrimination*, 43 ARIZ. ST. L.J. 951, 982-1006 (2011).

<sup>xii</sup> Institute for Women's Policy Research, *Pay Secrecy and Paycheck Fairness: New Data Shows Pay Transparency Needed*, Nov. 2010, available at: [www.iwpr.org/press-room/press-releases/pay-secrecy-and-paycheck-fairness-new-data-shows-pay-transparency-needed](http://www.iwpr.org/press-room/press-releases/pay-secrecy-and-paycheck-fairness-new-data-shows-pay-transparency-needed).

<sup>xiii</sup> *Crawford v. Metro. Gov't of Nashville & Davidson Cnty, Tenn.*, 555 U.S. 271, 279 (2009) (quoting Deborah L. Brake, *Retaliation*, 90 Minn. L.Rev. 18, 20 (2005)).

<sup>xiv</sup> See Marianne DelPo Kulow, *Beyond the Paycheck Fairness Act: Mandatory Wage Disclosure Laws—A Necessary Tool for Closing the Residual Gender Wage Gap*, 50 HARV. J. ON LEGIS. 385, 427-34 (2013). 427-34

<sup>xv</sup> Cynthia Estlund, *Extending the Case for Workplace Transparency to Information About Pay*, 4 UC IRVINE L. REV. 781, 786 (2014).

<sup>xvi</sup> See Jennifer J. Lee, *Private Civil Remedies: A Viable Tool for Guest Worker Empowerment*, 46 LOY. L.A. L. REV. 31, 67-74 (2012).

<sup>xvii</sup> Cynthia Estlund, *Extending the Case for Workplace Transparency to Information About Pay*, 4 UC IRVINE L. REV. 781, 784 (2014).

<sup>xviii</sup> See, e.g. Nicole Buonocore Porter, *Choices, Bias, and the Value of the Paycheck Fairness Act: A Response Essay*, 29 ABA J. Lab. & Emp. L. 429, 441 (2014).

<sup>xix</sup> World Economic Forum, *Global Gender Gap Index 2014*, (2014), available at: <http://reports.weforum.org/global-gender-gap-report-2014/rankings/>.

<sup>xx</sup> *Failing its Families: Lack of Paid Leave and Work-Family Supports in the US*, Human Rights Watch (Feb. 2011), p. 1. There is insufficient information on paid leave in Bhutan, Liberia, Tuvalu, Samoa, Sierra Leone, Bosnia-Herzegovina, Marshall Islands, Micronesia, and Suriname.

<sup>xxi</sup> U.S. Department of Labor, Bureau of Labor Statistics, *National Compensation Survey: Employee Benefits in the United States, March 2013* (September 2013), Civilian Workers Table 32, available at: [www.bls.gov/ncs/ebs/benefits/2013/ebb10052.pdf](http://www.bls.gov/ncs/ebs/benefits/2013/ebb10052.pdf).

<sup>xxii</sup> *Ibid.* (figure for the bottom 10% of wage earners)

<sup>xxiii</sup> *Ibid.*, pp. 37-48.

<sup>xxiv</sup> *Ibid.*, pp. 37-38.

<sup>xxv</sup> See S. J. Heymann, A. Earle & B. Egleston, *Parental Availability for the Care of Sick Children*, *Pediatrics*, Vol. 98 No. 2 (Aug. 1996), pp. 226-30; S.J. Heymann, *The Widening Gap: Why America's Working Families are in Jeopardy and What Can Be Done About It*, Basic Books (2000), p. 57.

<sup>xxvi</sup> See, e.g., A. Houser & M.J. Gibson, *Valuing the Invaluable: The Economic Value of Family Caregiving, 2008 Update*,

AARP Public Policy Institute (Nov. 2008), pp. 1-2, 6; --, *Valuing the Invaluable: A New Look at the Economic Value of Family Caregiving*, AARP (June 2007), p. 6.

<sup>xxvii</sup> Houser and Gibson, *Valuing the Invaluable: A New Look at the Economic Value of Family Caregiving*, p. 6.

<sup>xxviii</sup> --, *Valuing the Invaluable: The Economic Value of Family Caregiving, 2008 Update*, pp. 1-2.

<sup>xxix</sup> E. Appelbaum & R. Milkman, *Leaves that Pay: Employer and Worker Experiences with Paid Family Leave in California*, CEPR (Jan. 2011), p. 4.

<sup>xxx</sup> See, e.g., *Ibid.*, pp. 5, 8; E. Rudd, *Family Leave: A Policy Concept Made in America*, Sloan Work and Family Research Network (2004).

<sup>xxxi</sup> L. Houser & T. Vartanian, *Pay Matters: The Positive Economic Impacts of Paid Family Leave for Families, Businesses and the Public*, commissioned by the National

Partnership for Women & Families and conducted by the Center for Women and Work at Rutgers University (Jan. 2012), pp. 6-7.

<sup>xxxii</sup> See, e.g., A. Dube & E. Kaplan, *Paid Family Leave in California: An Analysis of Costs and Benefits*, Labor Project for Working Families (July 2002), pp. 44-49 (estimating annual savings of \$23.5 million in usage of food stamps and TANF).