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A Better Balance's 2022 Work-Family New York City Agenda

At A Better Balance (ABB), our mission is and has always been to help workers care for themselves and their families without compromising their economic security. For over a decade, ABB has led advocacy efforts to enact robust workplace protection laws in New York City from the Earned Safe and Sick Time Act to the NYC Pregnant Workers Fairness Act, caregiver anti-discrimination law, and Temporary Schedule Change Law. While New York City has a strong body of workplace rights, the pandemic has done serious damage to many working families throughout the City, especially women of color. As A Better Balance found in a recent survey, more than half of women in New York City caring for children have had to cut back on paid working hours during the pandemic. The survey also found women in New York City are more than four times as likely as men to experience retaliation related to their responsibilities as a caregiver. Women of color in particular continue to feel the impact of the “she-cession” precipitated by overly rigid work arrangements and increased caregiving needs during the pandemic.¹ Experts have suggested it could take years to undo the pandemic’s damage to women’s economic equality.²

New York City has been the epicenter of the pandemic in the U.S., and its effects continue to be strongly felt by New Yorkers. The following policy and administrative solutions are crucial steps New York City must take to support working families throughout the pandemic and the future:

Prioritize outreach, education, and enforcement of critical NYC workplace laws

New York City has many crucial laws protecting workers from discrimination and exploitation but too few workers know about their rights under these essential laws. To address this:

The Commission on Human Rights (CHR) and the Department of Consumer and Worker Protection (DCWP) should prioritize outreach and education on these laws in multiple languages, and prioritize proactive enforcement along with enforcement with regard to individual complaints.

- The City Council should pass Intro. 2370, which will ensure that pregnant people receive information about their workplace rights when they receive care at New York City Health and Hospitals locations. The Council should also consider legislation to provide funding for grants to community organizations to engage in robust outreach and education.

¹ See, e.g., Megan Cerullo, Nearly 3 Million U.S. Women Have Dropped Out of the Labor Force in the Past Year, CBS News (Feb. 5, 2021), <https://www.cbsnews.com/news/covid-crisis-3-million-women-labor-force/>; BIPARTISAN POLICY CENTER, NEW SURVEY: FACING CAREGIVING CHALLENGES, WOMEN LEAVING THE WORKFORCE AT UNPRECEDENTED RATES (Oct. 2020), https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2020/10/Oct-2020-BPC-Impact-Of-COVID-On-Workforce-Analysis_-D2.pdf.

² See, e.g., CONGRESSIONAL RES. SERV., THE COVID-19 PANDEMIC: LABOR MARKET IMPLICATIONS FOR WOMEN (2020), <https://fas.org/sgp/crs/misc/R46632.pdf>; Julie Kashen, Sarah Jane Glynn, & Amanda Novello, How COVID-19 Sent Women Backward, CTR. FOR AM. PROGRESS (Oct. 30, 2020, 9:04 AM), <https://www.americanprogress.org/issues/women/reports/2020/10/30/492582/covid-19-sent-womens-workforce-progress-backward/>; André Dua et al., MCKINSEY, ACHIEVING AN INCLUSIVE US ECONOMIC RECOVERY (2021), <https://www.mckinsey.com/industries/public-and-social-sector/our-insights/achieving-an-inclusive-useconomic-recovery>.

- The City Council should pass legislation to broaden and modernize New York City’s posting and notice requirements.

Ensure that workers have meaningful access to alternative working arrangements

Fair and flexible work is crucial for New Yorkers struggling to balance the competing demands of work and care during the pandemic, but access to flexibility is inequitable.³ To address this:

- The City Council should broaden the circumstances that give rise to a worker’s right to a temporary schedule change under the temporary schedule change law and that law should be amended to provide the right to five rather than two temporary schedule changes per year.
- DCWP should build upon its existing materials⁴ and prioritize outreach and education of this landmark law.

Pass legislation to address harmful “no fault” attendance policies

Strict points-based attendance policies favored by some of the country’s biggest employers are used to infringe on workers’ rights by punishing them for absences that are legally protected, including time off for serious medical needs or to care for loved ones.⁵ To address this:

- The City Council should pass legislation ensuring that workers cannot be subject to discipline for legally protected absences, including those related to a known disability, pregnancy-related conditions or protected sick leave.

Ensure that city law supports caregivers

Family caregivers' work has long been undervalued, and too many have had to choose between caring for their loved ones and maintaining their economic security especially during the pandemic. To address this:

- The City Council should consider legislation requiring employers to engage in the cooperative dialogue and provide reasonable accommodations to caregivers absent undue hardship on the employer.

Support city workers

Businesses look to the City government for guidance as to how to treat their employees; the City should take that responsibility seriously and lead the way as a model employer for municipal employees, especially those who are not covered by many important City laws. To address this:

- The City Council should prioritize expansions of the Human Rights Law, which applies to municipal workers, such as the recommended accommodations law discussed above.
- The City should proactively act to ensure that *all* city workers are entitled to comprehensive paid family and medical leave and should revise its policies to better serve the needs of its workers, especially those who are balancing work and care.
- The Comptroller should undertake an investigation into the municipal workforce to discover the key challenges facing city workers, especially those balancing work and care.

³ Office of the New York City Comptroller Scott M. Stringer & A Better Balance, *Our Crisis of Care: Supporting Women and Caregivers During the Pandemic and Beyond* (March 2021), https://www.abetterbalance.org/wp-content/uploads/2021/03/Crisis_of_Care_Report_031521.pdf.

⁴ The Department of Consumer and Worker Protection currently has three resources available online regarding the New York City Temporary Schedule Change Law, including Frequently Asked Questions accessible at <https://www1.nyc.gov/assets/dca/downloads/pdf/workers/FAQs-TemporaryScheduleChangeLaw.pdf>.

⁵ Dina Bakst, Elizabeth Gedmark, & Christine Dinan, A Better Balance, *Misled And Misinformed: How Some U.S. Employer Use ‘No Fault’ Attendance Policies to Trample On Workers’ Rights (And Get Away With It)* (2020), https://www.abetterbalance.org/wpcontent/uploads/2020/06/Misled_and_Misinformed_A_Better_Balance-1-1.pdf.