



**Women’s Bar Association**  
 27 School Street, Suite 500  
 Boston, MA 02108  
 Ph: 617.973.6666  
 Fax: 617.973.6663  
 www.womensbar.org

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**TESTIMONY**

**In Support of An Act Establishing a Family and Medical Leave Insurance Program**

HB 2172/SB 1048

Presented by Michele Liu Baillie, President  
 Women’s Bar Association of Massachusetts  
 before the Joint Committee on Labor and Workforce Development  
 June 13, 2017

The Women’s Bar Association of Massachusetts (WBA) is a professional association of women attorneys, judges and law students founded in 1978, with over 1500 members across the Commonwealth. The mission of the WBA is to achieve the full and equal participation of women in the legal profession and in a just society. Our organization’s commitment to creating a just society and to advancing and protecting the interests of women and children compels us to support HB 2172 and SB 1048, the Act Establishing a Family and Medical Leave Insurance Program.

Currently, there is no Massachusetts or federal law that guarantees paid leave for workers to take time off for a serious illness or the addition of a new child to a family. This has a discriminatory effect on women, minorities, and low-income workers. Only 13 percent of New England civilian workers have access to paid family leave;<sup>1</sup> and those who are least likely to have access to it are those who need it the most. Women, black, latino, and low-income workers are the least likely employees to have access to paid leave. Without paid leave, workers are more likely to have to leave the workforce to care for a new child or sick relative,<sup>2</sup> perpetuating wage inequalities by making it harder for those workers to advance their careers.

Also, women in the workforce tend to shoulder a disproportionate share of caregiving responsibilities at home, making it harder for them to strike a work-life balance. In Massachusetts, women take nearly 70% of leaves taken for the addition of a new child, and 61% of leaves taken to care for an ill family member.<sup>3</sup> This means that women suffer a disproportionate share of lost wages due to lack of access to paid leave. Furthermore, the lack of access to paid leave for men makes it more likely that women will continue to shoulder the brunt of unpaid caregiving responsibilities.

The Act Establishing a Family and Medical Leave Insurance Program is necessary to fill the gaps in existing laws and to reduce their discriminatory effects. The Federal

<sup>1</sup> Bureau of Labor Statistics, Leave benefits: Access, civilian workers National Compensation Survey, March 2015. <https://www.bls.gov/ncs/ebs/benefits/2015/ownership/civilian/table32a.pdf>

<sup>2</sup> Baum, C., & Ruhm, C. (2016) The Effects of Paid Family Leave in California on Labor Market Outcomes. Journal of Policy Analysis and Management, 35 (2), Page 18

<sup>3</sup> Albelda, Randy & Clayton-Matthews, Allen (2016) “It’s About Time: Costs and Coverage of Paid Family and Medical Leave in Massachusetts”, Page 2

Family and Medical Leave Act (FMLA) only covers companies with 50 or more employees, and who have been working for the same employer for at least a year. Because of these restrictions, a survey conducted by the U.S. Department of Labor determined that about 40% of the workforce is not covered by FMLA.<sup>4</sup> Furthermore, FMLA only guarantees *unpaid* leave, which many workers can't afford. The Massachusetts Parental Leave law also only guarantees unpaid leave, and it does not cover leave for medical conditions. The Act Establishing a Family and Medical Leave Insurance Program fills the gaps in existing law by guaranteeing *paid* family and medical leave to employees.

The experience in California, home of the country's longest-standing paid leave program, shows that access to paid leave improves the chances that women will remain in the workforce and retain their earning capacity. Research in California shows that since its leave program was implemented, new mothers were 18% more likely to be working a year after the birth of a child.<sup>5</sup> They also were more likely to be spending more hours at work during the second year of their child's life.<sup>6</sup>

Not only does paid leave help women preserve their standing in the workforce, but it improves health outcomes for mothers and babies. In California, the paid leave program resulted in a sizable increase in the percentage of breastfeeding mothers.<sup>7</sup> There is significant medical consensus that breastfeeding improves the health and cognitive development of babies, in addition to providing long-term health benefits to mothers including lowering the risk of ovarian and breast cancer.<sup>8</sup> Additionally, studies show that when parents are able to take parental leave after the birth or adoption of a child, the child benefits from better physical, cognitive, and behavioral outcomes.<sup>9</sup>

Despite the positive impacts of paid family and medical leave, one of its biggest obstacles is the fear that it will hurt businesses and the economy. This fear is unfounded. On the contrary, research shows that paid leave actually supports businesses and the economy by decreasing employee turnover, saving on health care costs, and boosting morale and productivity.<sup>10</sup> In California, 99% of employers

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<sup>4</sup> The U.S. Department of Labor, Wage and Hour Division  
[https://www.dol.gov/whd/fmla/survey/FMLA\\_Survey\\_factsheet.pdf](https://www.dol.gov/whd/fmla/survey/FMLA_Survey_factsheet.pdf)

<sup>5</sup> Baum, C., & Ruhm, C. (2016) The Effects of Paid Family Leave in California on Labor Market Outcomes. *Journal of Policy Analysis and Management*, 35 (2), Page 18

<sup>6</sup> Baum, C., & Ruhm, C. (2016) The Effects of Paid Family Leave in California on Labor Market Outcomes. *Journal of Policy Analysis and Management*, 35 (2), Page 18-19

<sup>7</sup> Huang, R., & Yang, M. (2015). Paid maternity leave and breastfeeding practice before and after California's implementation of the nation's first paid family leave program. *Economics & Human Biology*, 16, Page 49, Table 1

<sup>8</sup> Office on Women's Health, U.S. Department of Health and Human Services. Why breastfeeding is important. <https://www.womenshealth.gov/breastfeeding/making-decision-breastfeed>

<sup>9</sup> Economic Opportunity Institute. (2013). Evaluating family and medical leave insurance for Washington state. Page 8. <http://www.eoionline.org/wp/wp-content/uploads/family-leave-insurance/EvaluatingFamilyandMedicalLeave-May12.pdf>

<sup>10</sup> National Partnership for Women & Families, "Paid Sick Days: Good for Business, Good for

reported that the paid leave program had a positive or neutral effect on employee morale; 91% reported positive or neutral effects on their profitability and performance.<sup>11</sup>

By guaranteeing paid leave to Massachusetts workers, The Act Establishing a Family and Medical Leave Insurance Program would close the gaps in existing law, level the playing field for women and minorities, and improve health outcomes for mothers and babies. The WBA urges the Committee to favorably report this legislation and to support its passage into law.

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Workers” (2012), available at <http://www.nationalpartnership.org/research-library/work-family/psd/paid-sick-days-goodfor-business-and-workers.pdf>; National Partnership for Women & Families, “Paid Family and Medical Leave: Good for Business” (2015), available at <http://www.nationalpartnership.org/research-library/work-family/paid-leave/paid-leave-good-for-business.pdf>.

<sup>11</sup> Appelbaum, E., & Milkman, R. (2011). Leaves that pay: Employer and worker experiences with paid family leave in California. DC: Center for Economic and Policy Research