

**City of Worcester  
Advisory Committee on the Status of Women**

**Meeting Summary  
Tuesday May 7, 2013, 5:30pm  
Worcester City Hall, Room 401, 4<sup>th</sup> Floor**

**Members Present:** Chantel Bethea, Sarah Gruhin, Heidi Sue LeBoeuf, Kathleen Linton, Karen Pelletier, Elizabeth Tomaszewski

**Staff:** Jayna Turcek, Director of the Office of Human Rights and Disabilities

**Guests:** Linda Cavaioli of YWCA of Central MA and Victoria Waterman of Girls Inc.

**1. Call to Order:**

There being a quorum the Chair called the meeting to order at 5:36 pm.

**2. Approval of April 2, 2013 Minutes:**

On a motion made by Ms. Bethea and seconded by Ms. Linton, the Committee voted to approve the minutes with one edit.

**3. Membership Update:** One vacancy left for new members.

**4. Women's Health Education:**

A. Reproductive health and education in the city

Ms. Waterman presented on the work of Girls Inc. to promote and improve girls health. Girls Inc. provides preventative services. They apply researched based programs to encourage girls to take healthy risks. They partner with the YWCA Girls Promoting Safety program for middle school girls in Claremont, Worcester East Middle, and Sullivan Middle Schools. They also partner in the Making Proud Choices program together with Youth Connect and Family Health for girls age 12 and up. This program teaches pregnancy prevention and sexual health, parents must consent, and it is not in schools. Another program is called Dear World which is for middle school aged girls. It is an expressive arts program with an anti-bullying component. Lastly they run a Leadership Academy for high school girls in four high schools. The Academy is a college and work force readiness program.

Ms. Waterman shared that the Investing in Girls Alliance recently held a statewide Think Tank Forum. (Aside: Investing in Girls puts together an annual statewide needs assessment for middle aged girls). Seventy leaders from across the state came together to talk about what are the most pressing issues facing girls today. They concluded that the priority areas to be addressed were stress, peer pressure, bullying, and body imaging/changes. When questions were posed around the discussion tables 100% of the time the conversation came around to teen pregnancy. Ms. Waterman also acknowledged different perspectives among the stakeholders: the girls' concerns/interests tended to be around sexual health and romantic relationships, parents were concerned with peer pressure, while providers tended to focus on the family.

The Commission engaged Ms. Waterman in a discussion on needs and gaps. Ms. Waterman suggested that there is a need for advocacy, to build a unified voice and collaborative partnerships and girls who attended the Think Tank expressed the need for mandated comprehensive sex education. The gaps in programming, resources and education available to

girls in the city are: the Worcester Public School system has abstinence only education and Girls Inc. is touching only a small sliver of girls in the city.

#### B. Massachusetts Commission on Status of Women

##### i. **Legislative Advocacy Day May 15, 2013**

Linda Cavaoli of the YWCA and member of the Massachusetts Commission on the Status of Women provided an overall description of the activities planned for the day and reviewed the materials for each of the legislative priorities.

The top priority is Pay Equity. The definition of comparable work needs to be clarified. There are twenty-four states that have the same language as the federal law and we want MA to have the same so there is no confusion. The legislation is simple, if you are paying equal pay for equal work then it will not cost employers anything.

The second priority is Paid Sick Time. The barrier last round was the size of the employer. This legislation has sorted it out.

The third priority is Disability Insurance to remove a gender bias which results in women with disabilities paying more than men with disabilities.

The fourth priority is establishing the Worcester County Commission on the Status of Women. Nineteen commission members across the state can not represent all the voices.

The fifth priority is a new addition, they added an Act Relative to Healthy Youth as a result of the statewide Girls Think Tank.

The final priority is the Update to the Public Health Laws in the event that Rowe v. Wade gets repealed at the Supreme Court we need to make sure choice is still an option at the state level.

#### C. Division of Public Health Community Health Improvement Plan

The Committee would like to hold a public hearing. The goal of the hearing should be to educate the community on the priorities. Committee members were given homework to review the memo on the comparison of the CHIP plan priorities and the MA Commission on the Status of Women priorities and to develop three agenda items for the hearing. It was suggested to hold the hearing in September or October. Ms. Cavaoli offered to assist with outreach for the hearing.

#### **5. Community Announcements:**

Ms. Bethea announced that Women in Action will be co-hosting a Spring Fling on May 17<sup>th</sup> at the Leominster Knights of Columbus.

#### **6. Adjournment:**

On a motion by Ms. Bethea the meeting adjourned at 6:55 pm.



## Healthy Girls in Worcester

### The Need:

A 2013 Think Tank Conference of over 80 leaders coming together to address the needs of girls identified Sexual Health / Romantic Relationships as a priority need. This can include other priority areas for girls such as: stress, physical body changes, peer pressure, and bullying.

- "Girls report a need for greater access to sexual health education and more information on positive romantic relationships. The rise of technology provides girls with additional resources for information which needs to be monitored for accuracy and appropriateness by adults and grounded in discussion to ensure real understanding." IIG Report- Gaps to Opportunities
- Teen birth rate up 12% in Worcester, Telegram & Gazette
  - While the teen birth rate across the state was the lowest in history, the teen birth rate in Worcester increased 12%, according to the latest birth report issued by DPH
  - For women between ages of 15 and 19, 244 – up from 219 in 2009

### How Girls Inc. of Worcester is providing preventative programming:

- All programs help girls become socially, morally, physically, and cognitively competent. The innovative elements of our nationally-tested, research-based programs encourage girls to take healthy risks and master physical, intellectual, and emotional challenges. Some highlights:
- GPS – reaches middle school girls and focuses on:
  - Skill building to manage violence, anger, relationships, stress, communication, peer media in partnership with YWCA
- Making Proud Choices – 12+
  - Pregnancy prevention and sexual health program in partnership with YouthConnect and Family Health
- Dear World – expressive arts program reaching middle school girls to teach skills for anti-bullying and to build self-esteem, peer pressure, and stress.
  - Includes YouthConnect girls
- Plus additional programs being delivered in a limited capacity in the schools as well as several programs delivered to girls on site.

### What we need:

- Advocacy
- Partnership and support from Mass Commission on the Status of Women

Submitted by Victoria Waterman, CEO, Girls Inc of Worcester



# MASSACHUSETTS COMMISSION ON THE STATUS OF WOMEN

*Advocacy Day*

*May 15, 2013*

## Priority Legislation for 2013-2014 Legislative Session

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### **An Act to Further Define Comparable Work (H1767)**

**Lead Sponsors:** Senator Jehlen, Representative Story

This bill would clearly define comparable work as "comparable skill, effort, responsibility and working conditions between employees of the opposite sex," eliminating the ambiguity of current equal pay laws. Along with clarifying current laws, H1767 would make it more difficult for employers to pay traditionally female held positions less, thus helping close the wage gap in Massachusetts.

### **An Act Establishing Earned Paid Sick Time (S900/H1739)**

**Lead Sponsors:** Senator Wolf, Representative Khan

This bill would guarantee Massachusetts workers earned paid sick time by allowing them to gain one hour of sick time per every 30 hours worked. By guaranteeing workers time off, they can no longer lose pay or their jobs for taking time off to care for their children, spouses, or elderly parents when sick and would prevent the spread of disease when the employee themselves is ill.

### **An Act Providing for Equitable Coverage in Disability Policies (S427/H838)**

**Lead Sponsors:** Senator Clark, Representative Balsler

This bill would end sex discrimination in disability insurance policies. Currently, state-regulated disability insurance is classified by sex, and filings at the Division of Insurance show different premiums for men and women with the same job classification. Women pay upwards of 75% more than their male co-workers do for the same insurance. Passing this legislation would end this discrimination and would put disability insurance amongst the many other types of insurance that are legally barred from discriminating based on sex.

### **An Act Establishing a Worcester County Commission on the Status of Women (S927)**

**Lead Sponsor:** Senator Chandler

This bill would establish an un-funded commission on the status of women for Worcester County to join many other county and regional commissions across Massachusetts. Geographically the largest county in the state, home to 59 cities and towns, Worcester County is unique and diverse. This bill would let the women of Worcester County have a stronger and active role in ensuring more equal and full lives for them and their neighbors.

### **An Act Relative to Healthy Youth (S209/H450)**

**Lead Sponsors:** Senator Clark, Representative O'Day

This bill recognizes that many students are without health education, but when health education is offered the legislation aims to ensure that students receiving sexuality education have the right information so they can make the best decisions to protect their health. If schools are teaching sexuality education, then it must be age-appropriate, comprehensive, and medically accurate.

### **An Act Updating the Public Health Laws (S641/H1630)**

**Lead Sponsors:** Senator Chandler; Representative Story, Representative Rushing

This bill would repeal outdated, unconstitutional, and archaic laws that remain on the books in Massachusetts, including a pre-Roe v. Wade abortion ban, a medically unjustified and burdensome hospital mandate, and a birth control ban for unmarried couples. Additionally, the bill would remove language from a current abortion law that mandates an abortion after 13 weeks be performed in a hospital. It would ensure that abortion rights are upheld in the Commonwealth should Roe v. Wade ever be overturned.



## THE MASSACHUSETTS COMMISSION ON THE STATUS OF WOMEN

*Invites you to attend and participate in . . .*

### Women's Advocacy Day 2013

**Massachusetts State House, Nurses Hall**

**May 15, 2013, 9:30 AM – 1:30 PM**



***Have your voices heard!***

***The Massachusetts Commission on the Status of Women cordially invites you to  
join us for our 2<sup>nd</sup> Annual Women's Advocacy Day!***

Please join us for this important program and make your voice heard by visiting with legislators to speak about issues that affect you, your family, and community. Learn about our legislative priorities including: equal pay, earned paid sick time, equitable coverage in disability policies, and establishing a Worcester County Commission on the Status of Women.

Come hear from State and County Commissioners as well as Elected Officials regarding the status of women's access to equality and opportunities in the Commonwealth of Massachusetts. We encourage you to bring colleagues, friends, and family; daughters and sons welcome!

**Registration & Networking: 9:30 AM – 10:00 AM**

**Speaking program: 10:00 AM – 11:00 AM**

**Legislative visits: 11:00 AM – 1:00 PM**

**Report back & Lunch: 1:15 PM – 1:30 PM**

***RSVP at [mcsw@state.ma.us](mailto:mcsw@state.ma.us)***

*For more information please contact us at [mcsw@state.ma.us](mailto:mcsw@state.ma.us) or 617-626-6520*



**THE MASSACHUSETTS COMMISSION ON  
THE STATUS OF WOMEN**



*Welcomes you to our...*

***Second Annual***  
**Women's Advocacy Day**

**Massachusetts State House, Nurses Hall  
May 15, 2013**

*(Refreshments will be provided at the beginning and end of the event)*

**Schedule:**

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**9:30 AM – 10:00 AM**

Registration and Breakfast

**10:00 AM – 11:00 AM**

Victoria A. Budson, Welcome Address

Treasurer Steven Grossman

*Caucus of Women Legislators Co-Chairs:*  
Senator Gale Candaras and Representative Ruth Balser

*County Commission Chairs:*  
Amy Wolfe, Berkshire  
Ellen Heffernan-Dugan, Bristol  
Pam Pollock, Cape Cod & Islands  
Becky Hallowell / Julie Rose, Essex

Jen Maseda, Vice President United Way of Tri-County

Commissioner Elizabeth Hart, Co-Chair Legislative Committee,  
Instruction for Legislator Visits

Victoria A. Budson, Closing Remarks

**11:00 AM – 1:00 PM**

Legislative Visits

**1:15 PM – 1:30 PM**

Report Back & Lunch

# How to Lobby Effectively

*Advocacy Day May 15, 2013*

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1. Review all fact sheets to familiarize yourself with the legislation. Your team may wish to choose only 1 or 2 of the bills that you would like to advocate for.
2. Choose a spokesperson for your team.
3. Each team member should fill out a half sheet with the legislator's name and your name – paper clip all sheets to the front of the folder holding materials. Be sure to have this folder ready as you enter the legislator's office.
4. State your name and that you are in the State House for Women's Advocacy Day. Ask to speak with Sen. \_\_\_\_\_ or Rep. \_\_\_\_\_ or their legislative aide if the legislator is not available. If nobody is available, ask if you can leave a folder of materials with the office.

***My name is \_\_\_\_\_ and we're advocating along with the Massachusetts Commission on the Status of Women in support of important legislation affecting women.***

***First, we'd like to thank you/the Senator/Representative for cosponsoring the following legislation:***

1. ***Comparable Work***
2. ***Earned Paid Sick Time***
3. ***Equitable Coverage in Disability Policies***
4. ***Establishing a Worcester County Commission on the Status of Women***
5. ***Healthy Youth***
6. ***Updating the Public Health Laws***

***We also ask that you/the Senator/Representative support the following legislation:***

1. ***Comparable Work***
2. ***Earned Paid Sick Time***
3. ***Equitable Coverage in Disability Policies***
4. ***Establishing a Worcester County Commission on the Status of Women***
5. ***Healthy Youth***
6. ***Updating the Public Health Laws***

***[DESCRIBE PURPOSE OF BILLS OR PERSONAL STORY]***

5. Ask if they have any questions, and answer them honestly. If you cannot answer a question, that is OKAY. Write the question on the Exit Survey and let them know that a MCSW staff member will be in touch with them.
6. Once you're finished with the meeting, **thank them for their time** and be sure to leave the folder of materials.

2013-2014 Endorsed Legislation							
	Bill Name	Bill #	2011-2012 #	Endorsed	Lead Sponsors		
PRIORITY	Economic Self-Sufficiency	An Act Further Defining Comparable Work	H1767	H01415	February 28, 2007	Rep. Ellen Story Sen. Patricia Jehlen	
		An Act Establishing Earned Paid Sick Time	S900	S00930	May 25, 2005	Sen. Dan Wolf	
		An Act Establishing Earned Paid Sick Time	H1739	H1398	May 25, 2005	Rep. Kay Khan	
		An Act Providing for Equitable Coverage in Disability Policies	S427	S413	March 14, 2007	Sen. Katherine Clark	
		An Act Providing for Equitable Coverage in Disability Policies	H838	H1173	March 14, 2007	Rep. Ruth Balsler	
	Political Representation	An Act Establishing a Worcester County Commission on the Status of Women	S927	S2099		Sen. Harriette Chandler	
	Statutory Protections	An Act Relative to Providing Health Education in Schools	H366	H00179	October 26, 2005	Rep. Marjorie Decker	
		An Act Relative to Providing Health Education in Schools	S202			Sen. Harriette Chandler	
		An act Realtive to Healthy Youth	S209	S190	September 21, 2011	Sen. Katherine Clark	
		An act Realtive to Healthy Youth	H450	H1063	September 21, 2011	Rep. James O'Day	
		An Act Updating the Public Health Laws	S641	S671	February 27, 2013	Sen. Harriette Chandler	
	An Act Updating the Laws to Protect Women's Health	H1630	H515	February 27, 2013	Rep. Ellen Story Rep. Byron Rushing		
	MONITORING	Statutory Protections	An Act to remove the statute of limitation for the offense of rape	H1523	H01351	September 21, 2011	Rep. Harold Naughton
			An Act to Establish Employment Leave and Safety Remedies to Victims of Domestic Violence, Stalking, and Sexual Assault	H1764	N/A	September 21, 2011	Rep. Tom Stanley
			An Act to Establish Employment Leave and Safety Remedies to Victims of Domestic Violence, Stalking, and Sexual Assault	S853	S00918	September 21, 2011	Sen. Cynthia Creem
Economic Self-Sufficiency		An Act providing for a study of the Commonwealth's job classification system by the Human Resources Division	S1461	S01567	February 28, 2007	Sen. Harriette Chandler	
		An act strengthening working families by increasing tax exemptions and dependent care tax credits	S1419	S01522	May 24, 2006	Sen. Karen Spilka	
		An Act addressing workplace bullying, mobbing and harassment, without regard to protected class status	H1766	H02310	June 27, 2007	Rep. Ellen Story Sen. Katherine Clark	
		An Act to Eliminate Racial and Ethnic Health Disparities in the Commonwealth	S985	S01091	October 24, 2007	Sen. Michael Barrett	
		An Act to Eliminate Racial and Ethnic Health Disparities in the Commonwealth	H2071	H01517	October 24, 2007	Rep. Jeffery Sanchez Rep. Byron Rushing	



<b>Committee Assignment</b>	<b>Hearing Date</b>
Labor and Workforce Development	
Labor and Workforce Development	
Labor and Workforce Development	
Financial Services	
Financial Services	
Municipalities and Regional Government	4/3/2013
Education	5/14/2013
Education	5/14/2013
Education	5/14/2013
Education	5/14/2013
The Judiciary	
The Judiciary	
The Judiciary	REMOVE??
Labor and Workforce Development	
Labor and Workforce Development	
State Administration and Regulatory Oversight	
Revenue	
Labor and Workforce Development	
Public Health	4/9/2013
Public Health	4/9/2013

# An Act Further Defining Comparable Work, H 1767

Sen. Jehlen and Rep. Story, Lead Sponsors

**Women, their families, and their communities need a clear comparable work definition.**

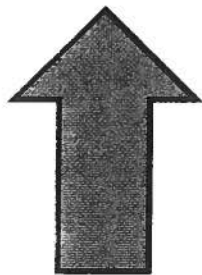
**This bill would clarify the current equal pay law and allow women in traditionally female held positions to be paid more fairly, thus helping close the wage gap in Massachusetts.**

**Women in Massachusetts rank 1<sup>st</sup> as the most highly educated in the United States, but rank 37<sup>th</sup> in the nation for pay equity, earning only 77 percent of what their male counterparts earn. Moreover, federal equal pay legislation as well as 24 other states' equal pay legislation contains more descriptive language than that of Massachusetts.<sup>1</sup>**

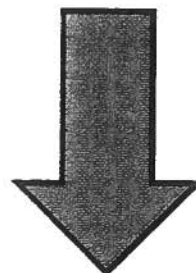
## WHY PASS H1767?

- 1** **Women, in all positions and across all levels of earnings, should be paid equally!**
- 2** **It addresses a Massachusetts Supreme Judicial Court Order by specifying that jobs of equal skill, effort, responsibility, and working conditions shall be treated equitably.<sup>2</sup>**
- 3** **There's no cost if employers are already paying male and female employees equally under the law.**
- 4** **24 other states have similar equal pay legislation.**

## ECONOMIC BENEFITS OF EQUAL PAY



- Consumer spending
- Household income
- Savings
- Pensions



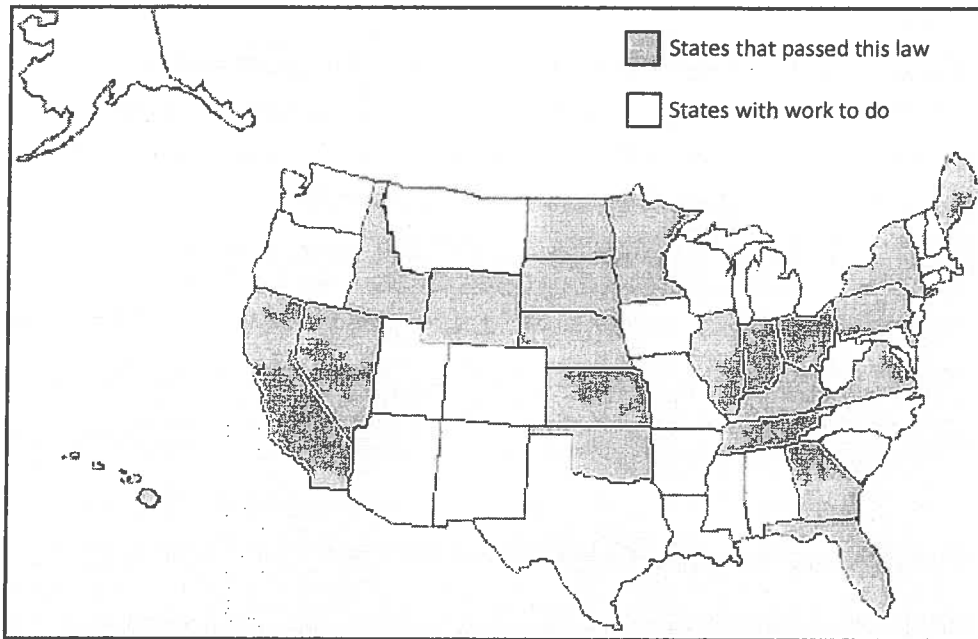
- Poverty levels
- Need for government assistance
- Wage gap

<sup>1</sup> Sources: U.S. Census Bureau, 2011 American Community Survey data. U.S. Census Bureau, *Current Population Reports. Income, Poverty, and Health Insurance Coverage in the United States: 2011* Washington, DC: U.S. Government Printing Office.

<sup>2</sup> *Jancey v. School Comm. Of Everett*, 421 Mass. 482 (1995); *Jancey v. School Comm. of Everett*, 427 Mass. 603 (1998).

**TWENTY-FOUR STATES HAVE PASSED THIS LAW**

California, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Minnesota, Nebraska, Nevada, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Virginia, and Wyoming.



**Federal vs. Massachusetts Equal Pay Legislation**

Federal Legislation <i>Equal Pay Act of 1963 (SEC. 206, Section 6)</i>	Massachusetts Legislation <i>Chapter 149 Section 105A (2010 Official Edition)</i>	Proposed Massachusetts Legislation <i>n Act Further Defining Comparable Work H1767)</i>
<p>"No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires <u>equal skill, effort, and responsibility, and which are performed under similar working conditions</u>, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex."</p>	<p>"No employer shall discriminate in any way in the payment of wages as between the sexes, or pay any person in his employ salary or wage rates less than the rates paid to employees of the opposite sex for work of like or comparable character or work on like or comparable operations; provided, however, that variations in rates of pay shall not be prohibited when based upon a difference in seniority."</p>	<p>ection 105A of chapter 149 of the General laws, as appearing in the 2010 Official dition, is hereby amended by inserting after he first sentence the following sentence:</p> <p>In any action brought under this section, he comparability of two positions shall be olely based on whether the two positions ntail <u>comparable skill, effort, responsibility and workin conditions</u> between employees f the opposite sex."</p>

# **EARNED PAID SICK TIME ACT**

## Table of Bill Provisions 2013

<b>Provision</b>	<b>Earned Paid Sick Time Act</b>
How do I earn my sick time?	Employees earn 1 hour of sick time for every 30 hours worked.
How can I use my sick time?	Employees may use sick time for themselves or to care for their child, spouse, parent, or parent of spouse.  Paid sick time can be used for illness or emergency health care, routine preventative health appointments, or for leave for victims of domestic violence.
How much unused sick time can I save from year to year?	All <u>unused, earned sick time</u> can be carried over to the next year, up to the maximum earned time for one year.
Can I cash out my unused sick time when my employment ends?	Your employer is not required to do this.

# **EARNED PAID SICK TIME ACT**

## Table of Bill Provisions

2013

Can I lose my job, pay, a promotion or raise because I use my sick time?	No. You cannot be disciplined or given a bad evaluation for using your sick time.
How much sick time can be earned and used?	Bill provides for three levels of job protected sick time, with an exemption for seasonal employers. For companies with fewer than 6 employees, workers can earn up to 40 hours of <u>unpaid</u> sick time per year. For companies with 6 to 10 employees, workers can earn up to 40 hours of <u>paid</u> sick time per year.
	For companies with 11 or more employees, workers can earn up to 56 hours of <u>paid</u> sick time per year.
Are all employers required to provide sick time?	Seasonal employers (open for less than 16 weeks/year) are not required to provide any job protected sick time. Employers that provide earned sick time consistent with the Act can continue using their own policies.
Are there any wage guarantees for sick time taken?	Employees are paid their usual hourly rate for sick time, but not less than the state's minimum wage (\$8/hour).
Can I change my shift or hours with another employee instead of using my earned sick time?	Employers and employees can agree to shift or hour changes if an employee does not wish to use earned sick time for their own health needs or that of a family member, such as child or elderly parent.

# Please Co-Sponsor the Earned Sick Time Act, S900/H1739

Sen. Dan Wolf and Rep. Kay Khan, Lead Sponsors

*Protect Jobs. Boost the Economy.*

*Now more than ever Massachusetts workers and families need earned sick time.*

**Nearly 1 million hard working people in Massachusetts**—almost one-third of our workers—are at risk of losing their jobs and the wages their families need if they have to stay home to care for themselves or a sick child. When working families don't have financial security, our whole economy suffers.

*"I once went to work with contagious pneumonia because if I didn't go to work, I would have lost my job. Living paycheck to paycheck, if I miss a day's wages, I can't afford to cover my basic needs. Earned sick time would help me and my and family make ends meet, so we could support ourselves when times get tough."*

- Mary, Boston area personal care assistant for disabled women

## EARNED SICK TIME REDUCES UNEMPLOYMENT

- Nearly one in four workers (23%) report that they have been fired, suspended, punished or threatened with being fired for taking time off due to personal illness or to care for a sick relative, and one in six workers (16%) have been fired.<sup>i</sup>
- Studies have shown that when a worker is fired for missing work, those positions often remain unfilled, meaning a job lost by one worker is not necessarily a job gained by another.<sup>ii</sup>
- Losing a job or even fear of losing a job means less financial stability and less spending, which hurts the whole economy.

## EARNED SICK TIME IS GOOD FOR BUSINESS AND GOOD FOR FAMILIES

- Earned sick time reduces employee turnover, contagion and lost productivity – a \$26 million annual net-benefit for employers, or \$0.95 per worker per week in Massachusetts.<sup>iii</sup>
- Six in seven San Francisco business owners reported no negative impact on profitability<sup>iv</sup> and reported that sick time keeps trained employees in their jobs and builds relationships between employees and employers.
- Employers that provide earned sick time consistent with the bill can continue using their own policies.
- With earned sick time, workers will not have to choose between being a good employee and a good parent.

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# HOW EARNED SICK TIME WORKS

## ***Employees earn 1 hour of sick time for every 30 hours worked, beginning with their date of hire:***

- Employees in companies with fewer than 6 employees can earn up to 40 hours of unpaid, job-protected sick time per year;
- Employees in companies with 6 to 10 employees can earn up to 40 hours of paid sick time per year;
- Employees in companies with 11 or more employees can earn up to 56 hours of paid sick time per year.<sup>v</sup>

*“Nearly 80 percent of the [Staples employees] survey’s respondents said they come to work even when sick.”*

- Staples survey: More workers refuse to take days off when they get the flu. Boston Globe November 12, 2012

## ***Employees may use time to:***

- Care for themselves or a family member.
- Recover from illness or injury.
- Attend preventative medical appointments to manage chronic disease.
- Seek support to escape or recover from domestic violence.

## ***How Earned Sick Time Protects Business Owners:***

- Employers and employees can agree on shift or hour changes to avoid the use of sick time.
- Unused sick time cannot be cashed out.
- Seasonal employers have the option of providing paid or unpaid, job-protected sick time.
- Massachusetts workers take an average of 2.5 earned sick days a year, showing that workers treat sick time as an insurance policy, only to be used when needed.<sup>vi</sup>

<sup>i</sup> National Opinion Research Center, University of Chicago, June 2010.

<sup>ii</sup> Center for Economic Policy Research, Eileen Appelbaum, March 15, 2011 <http://www.cepr.net/index.php/blogs/cepr-blog/paid-sick-days-weak-economy>

<sup>iii</sup> Institute for Women’s Policy Research, Valuing Good Health in Massachusetts: The Costs and Benefits of Paid Sick Days, 2012.

<sup>iv</sup> <http://www.iwpr.org/publications/pubs/San-Fran-PSD>

<sup>v</sup> Under Sec. 1 of the bill, the PCA quality home care workforce council is the employer of all personal care attendants for determining the employer size and sick time accrual rate under Section 148C(d) of Chapter 149 of the General Laws.

<sup>vi</sup> Institute for Women’s Policy Research, Valuing Good Health in Massachusetts: The Costs and Benefits of Paid Sick Days, 2012.

# STICKING TO THE FACTS ON EARNED SICK TIME

2013

***FACT #1: Independent researchers estimate net annual savings of \$26 million to Massachusetts employers with the Earned Paid Sick Time Bill.***<sup>1</sup>

In these tough economic times, we especially need the proven benefits from an earned sick time labor standard, including lower turnover, increased worker productivity and reduced spread of contagious disease in the workplace. Independent research in Massachusetts estimates that Massachusetts employers will experience a net savings over costs of \$26 million annually, or \$0.95 per worker per week.<sup>2</sup>

Cutting turnover prevents the need to find and train someone to take the place of workers denied sick time – a savings of 150% of a salaried worker's pay.<sup>3</sup> Reducing the number of employees who work while sick reduces on-the-job injuries.<sup>4</sup> Lowering the spread of the flu reduces 10-12% of all illness-related workplace absences attributable to the flu.

***FACT #2: Earned sick time will help keep the jobs we have and grow more.***

Coming out of the recession, we must do everything we can to ensure workers remain employed. Job retention leads to economic security and recovery. Independent research in Massachusetts demonstrates that employer benefits from lower workplace turnover will total, on average, \$7.12 a week per worker, for an annual savings of \$215,136,904.<sup>5</sup> And businesses benefit again when workers have more money to spend.

Since 2007, when San Francisco's paid sick days law took effect, job growth has been consistently higher in the city than in neighboring counties that lack a paid sick days law. Total employment in San Francisco increased 3.5 percent between 2006 and 2010, while employment in its five neighboring counties fell by 3.4 percent overall. San Francisco also experienced stronger employment growth than neighboring counties in leisure and hospitality, accommodation and food service — the industries that critics claimed would be most affected by a paid sick days law. And the overall number of businesses has grown more rapidly in San Francisco than in its five neighboring counties.<sup>6</sup> The lead lobbyist against that law now calls it the "best public policy for the least cost."<sup>7</sup>

***FACT #3: Passing the earned sick time bill now will benefit everyone.***

Access to Earned Sick is not only critical for Massachusetts workers and their families, but also our public, business and fiscal health. If those without earned sick time were to gain access, about 27,450 emergency department visits would be prevented each year, reducing health care costs by \$23.4 million annually, including \$13.8 million in savings to the public health insurance systems.<sup>8</sup>



# STICKING TO THE FACTS ON EARNED SICK TIME

2013

***FACT #4: Many employers fail to provide this basic job protection to their workers.***

Almost one million workers in Massachusetts lack access to a single paid sick day. Workers in Massachusetts are docked pay and lose their jobs to take care of their own health and that of their family members. The voluntary system is not working for all.

In a time when families are struggling, it is critical that we do everything we can to help folks keep their jobs. Two-thirds of workers without earned sick time make less than \$24,000 a year. The loss of a few days' pay can equal a month's worth of groceries.<sup>9</sup> Workers shouldn't be punished for being a good parent or following doctor's orders.<sup>10</sup>

***FACT #5: Experience and research show that employees view their earned sick time like an insurance policy, using it infrequently and saving time for when it's most needed.***

In Massachusetts, employees are estimated to use an average of 2.5 days annually out of the 7 that they can accrue under the Earned Sick Time bill. About half of all workers with earned sick time in Massachusetts do not take *any* days off for illness in a given year.<sup>11</sup>

In San Francisco, where full-time workers accrue either five or nine paid sick days, a full 25 percent took no sick time in the prior year; workers used a median of three days in the prior year.<sup>12</sup> This is consistent with data from the U.S. Bureau of Labor Statistics which shows that workers with paid sick days take an average of just under 3.5 days per year.<sup>13</sup>

***FACT #6: There are minor costs to employers who provide earned sick time, but the costs of not providing it is much greater.***

In addition to the cost of turnover and employees working while sick, businesses face significant costs if customers become ill. For instance, the largest study of the restaurant industry revealed that nearly two-thirds of cooks and servers report cooking or serving while sick.<sup>14</sup> A single foodborne outbreak has been estimated to cost a restaurant up to \$75,000 in direct costs. The cost rises dramatically if it involves death or serious illness. The indirect costs for a chain restaurant — including negative public opinion — can be up to \$7 million.<sup>15</sup> And, of course, the costs to the public of such an outbreak — including lost productivity and medical and hospitalization bills — can be tremendous.

# STICKING TO THE FACTS ON EARNED SICK TIME

2013

**FACT #7: An earned sick time standard simply creates a floor — a minimum standard that will level the playing field for businesses that already offer it.**

A minimum standard of earned sick time ensures that businesses are addressing their employees' basic needs. Employers are free to go beyond this floor to create policies that meet the needs of their workforce. And businesses may use a variety of approaches.

The Earned Sick Time bill was drafted by the 2011-12 Labor Committee with input from Massachusetts business owners to address their unique needs. Special provisions include job protected, unpaid sick time for employees in small establishments; optional earned sick time for seasonal employees; and optional shift and hour swapping in lieu of using earned sick time. In addition, employers with PTO policies consistent with the bill's provisions can continue using their own policies. Any paid time can count as compliance as long as it can be used in the same manner and for the same purposes as earned sick time.

<sup>1</sup> Institute for Women's Policy Research, *Valuing Good Health in Massachusetts: The Costs and Benefits of Paid Sick Days*, 2012.

<sup>2</sup> *Ibid.*

<sup>3</sup> CLASP, *Responsive Workplaces: The business case for employment that values fairness and families*, CLASP, 2007.

<sup>4</sup> Institute for Women's Policy Research, *Valuing Good Health in Massachusetts: The Costs and Benefits of Paid Sick Days*, 2009.

<sup>5</sup> *Ibid.*

<sup>6</sup> Petro, J. (2010, October). *Paid Sick Leave Does Not Harm Business Growth or Job Growth*. Drum Major Institute for Public Policy publication. [http://www.drummajorinstitute.org/pdfs/Paid\\_Sick\\_Leave\\_Does\\_Not\\_Harm.pdf](http://www.drummajorinstitute.org/pdfs/Paid_Sick_Leave_Does_Not_Harm.pdf)

<sup>7</sup> "Cough If You Need Sick Leave," by James Warren. Business Week.

[http://www.businessweek.com/magazine/content/10\\_24/b4182033783036.htm](http://www.businessweek.com/magazine/content/10_24/b4182033783036.htm)

<sup>8</sup> Institute for Women's Policy Research, *Paid Sick Days in Massachusetts Would Lower Health Care Costs by Reducing Unnecessary Emergency Department Visits*, 2012

<sup>9</sup> Elise Gould, Kai Filion, and Andrew Green. "The Need for Paid Sick Days." (Washington DC: Economic Policy Institute, 2011), available at <http://w3.epi-data.org/temp2011/BriefingPaper319-2.pdf>.

<sup>10</sup> Institute for Women's Policy Research, *Race/ethnicity/gender/personal earnings and access to paid sick days in MA*, 2011

<sup>11</sup> Institute for Women's Policy Research, *Valuing Good Health in Massachusetts: The Costs and Benefits of Paid Sick Days*, 2012.

<sup>12</sup> Drago, R. & Lovell, V. (2011, February). *San Francisco's Paid Sick Leave Ordinance: Outcomes for Employers and Employees*.

Institute for Women's Policy Research publication. <http://www.iwpr.org/initiatives/family-leave-paid-sick-days/#publications>

<sup>13</sup> Wiatrowski, W. (2010, 17 June). *Data on Paid Sick Leave*. Presentation delivered at Paid Leave Researcher Convening, Institute for Women's Policy Research, Washington, D.C.

<sup>14</sup> Restaurant Opportunities Centers United. (2010, September 30). *Serving While Sick: High Risks and Low Benefits for the Nation's Restaurant Workforce, and Their Impact on the Consumer*. Restaurant Opportunities Centers United publication. Retrieved 9 December 2010, from [http://www.rocunited.org/files/roc\\_servingwhilesick\\_v06%20\(1\).pdf](http://www.rocunited.org/files/roc_servingwhilesick_v06%20(1).pdf)

<sup>15</sup> Marriott, N. (1999, December 1). *Principles of Food Sanitation*. Gaithersburg, MD: Aspen Publishers, Inc.

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# An Act Providing Equitable Coverage in Disability Insurance

H838/S427 — Rep. Ruth Balser & Sen. Katherine Clark

**Q:** Why should women pay more than men for the same disability insurance benefits?

**A:** They shouldn't. Pass H838/S427

## Disability Insurance

Disability insurance is a contract in which a policyholder pays premiums in exchange for payouts to replace lost income in the event of a non-job related accident or illness.

Currently, state-regulated disability insurance is classified by sex, and filings at the Division of Insurance show different premiums for men and women with the same job classification. For example, male nurses pay less than female nurses for the same disability policy. This is discrimination and it should be fixed.

Workers Compensation Insurance, which all employers are required by law to purchase, is gender-neutral. Private disability policies – which are regulated by the Commonwealth – should be gender neutral too.

## It's the Next Step

"Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin."

-- MA Equal Rights Amendment  
(Art. CVI of the state constitution)

Shortly after the adoption of the Massachusetts E.R.A. in 1976, a specially-designated legislative committee concluded that this language requires insurance policies to be gender neutral. Men and women should pay the same premiums and get the same benefits. Since then, the legislature has taken action to carry out this mandate. Today, health insurance, automobile insurance, homeowners' insurance, and annuity policies may not use gender as an underwriting criterion.

However, disability policies are still different for men and women. *An Act Providing for Equitable Coverage in Disability Policies* would take the next step and make all disability insurance policies in Massachusetts gender neutral.

## Ending Discrimination

Treating individuals differently based on group characteristics, such as race and gender, is discriminatory. There is no legitimate reason for insurance companies to consider gender in underwriting policies, just as there is no legitimate reason for insurance companies to consider race, color, religion, marital status, or national origin.

That's why the Supreme Court has said that it is illegal and discriminatory for employers to provide insurance policies with different terms for male and female employees. As Thurgood Marshall stated, "Even a true generalization about a class cannot justify class-based treatment" under the law. (*Arizona Governing Committee v. Norris*, 1983).

This legislation would bring Massachusetts disability insurance into line with all insurance provided by employers subject to federal non-discrimination law, as well as Massachusetts health insurance, automobile insurance, homeowners' insurance, and annuities.

# Women pay more than men for the same disability insurance benefits.

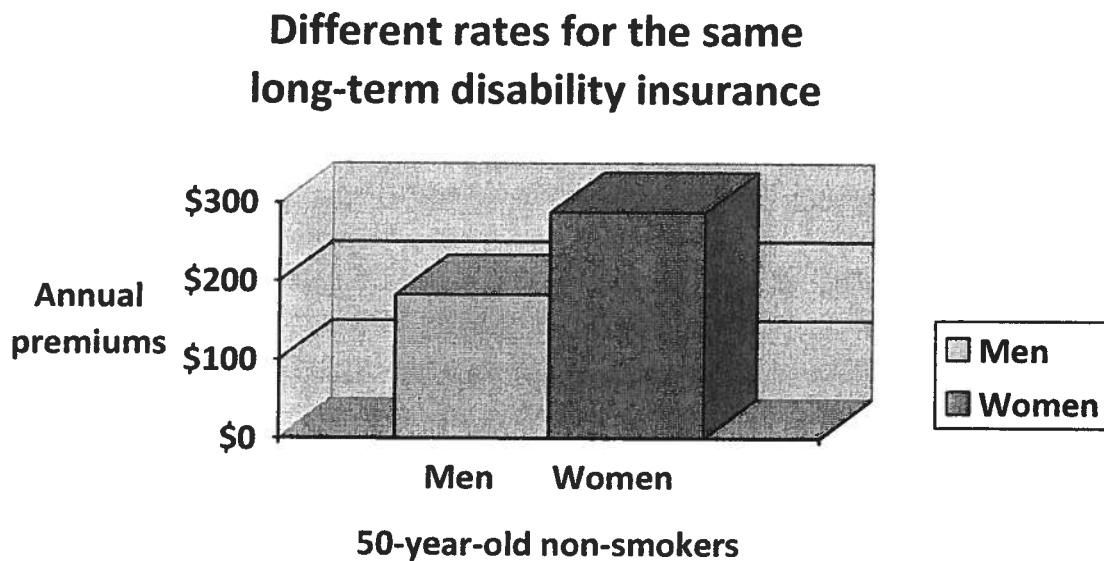
Filings with the Division of Insurance show that women in Massachusetts pay more – *much* more – for the same disability insurance benefits as men in the same occupation class.

This is true across the board, regardless of the insurance company, the age of the purchaser, the occupation class, the duration of benefits, whether long-term or short-term disability insurance, etc.

In every case, women pay more. How much more? Up to 75%!

## Example:<sup>1</sup>

To purchase a disability insurance policy worth \$100 in monthly benefits, a 50 year-old<sup>2</sup> non-smoking woman must pay 57% more than a 50-year-old non-smoking man in the same occupation class.<sup>3</sup> Here's what that looks like...



Let's end this discrimination.

<sup>1</sup> Based on 2011 Division of Insurance filings by Massachusetts Mutual Life Insurance Company.

<sup>2</sup> 50 is the average age of a purchaser of long-term disability insurance.

<sup>3</sup> In this example, Class 1A – occupations involving heavy manual labor and unskilled work.



## MASSACHUSETTS COMMISSION ON THE STATUS OF WOMEN

### **S927 AN ACT ESTABLISHING THE WORCESTER COUNTY COMMISSION ON THE STATUS OF WOMEN**

Presented to Joint Committee on Municipalities and Regional Government on April 3, 2013

**Spokesperson: Commissioner Elizabeth A. Hart**

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On behalf of the Massachusetts Commission on the Status of Women, it is an honor to present this **testimony to the Joint Committee on Municipalities and Regional Government to strongly encourage your support *Senate Bill 927, An Act Establishing the Worcester County Commission on the Status of Women Sponsored by Senator Harriette Chandler.***

The Massachusetts Commission on the Status of Women was legislatively created in 1998 to advance women toward full equality in all areas of life and to promote rights and opportunities for women. The Commission stands for fundamental freedoms, basic human rights, and the full enjoyment of life for all women throughout their lives.

In its mission to provide a permanent, effective voice for women across Massachusetts, the Commission is specifically empowered to study, review and report on the status of women in the Commonwealth; inform leaders of business, education, health care, state and local governments, and the communications media of issues pertaining to women; as well as to serve as a clearinghouse for information on issues pertaining to women. The Commission identifies and recommends qualified women for appointive positions at all levels of government, including boards and commissions, and promotes and facilitates collaboration among regional women's commissions as well as women's organizations in the state.

This bill would establish an unfunded permanent commission on the status of women in Worcester County consisting of 9 persons who are to be appointed by the MCSW. The commission will conduct an ongoing study of all matters concerning women in Worcester County and report their findings annually.

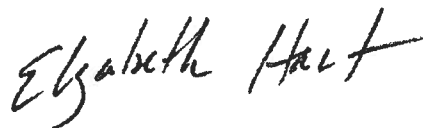
Worcester County is geographically the largest county in Massachusetts, home to 790,000 people and 59 cities and towns – twice the average number of cities and towns per a Massachusetts county. Thus, women in the region face a vast array of issues that cut across racial, socioeconomic, and cultural lines. While the Massachusetts Commission on the Status of Women was established to advocate for the entire Commonwealth, we believe a commission comprised of local women familiar with the people and area will best serve Worcester County's specific and diverse needs.

The Commissioners recognize that as the state agency charged with providing a permanent, effective voice for the women of Massachusetts; the MCSW must be in tune with the needs of women statewide, and support positive changes in legislation that will effectively improve the status of all women. Senate bill S927 will accomplish this goal. In addition to the future Worcester County Commission, regional women's commissions in Berkshire County, Essex County, Bristol County, and Cape Cod and Islands are already established commissions successfully working with and for regional women.

Testimony to the Joint Committee  
On Municipalities and Regional Government  
April 3, 2013  
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The Worcester County Commission will be an important resource for the women of Worcester County, and the legislators that serve that region. Therefore, the Massachusetts Commission on the Status of Women urges you to support Senate bill S927. We look forward to working closely with the community to create an effective and productive Worcester County Women's Commission. Thank you for your time and consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Elizabeth Hart". The signature is written in a cursive, flowing style.

Elizabeth A. Hart, Commissioner  
Massachusetts Commission on  
The Status of Women