

CLASP Enforcement Convening
Making Paid Sick Days Work: Sharing Strategies

*Caregiving for Chosen Family: Protecting
Workers' Rights*

Exploratory Workshop
Nov 8, 1:15-2:15pm

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Why Inclusive Paid Leave Matters

- **34 million** private sector workers still can't earn a single paid sick day.
 - Among those who do have paid sick time, many are not allowed to use it to care for family members
- 92% of the highest-wage workers (top decile) have access to paid sick time compared to only **31% of the lowest-wage workers** (bottom decile)
- **Only 15% of private-sector workers** in US have access to paid family leave

What do families today look like?

- According to the US Census, over 80% of households depart from the so-called “nuclear family model” (married couple and minor children)
- 85 million lived in extended families as of 2014, up from 58 million in 2001. 20% of households with children include nonrelatives or extended family
- According to a nationwide survey (MetLife & American Society of Aging), 53% of LGBTQ baby boomers said that they would depend on close friends in an emergency, compared to 25% of general population
- Nearly 1/3 of those in the US report taking time off to care for a friend or chosen family member for a health-related reason—higher for LGBT individuals and people with disabilities
- Evidence of increased importance of chosen family among military families, veterans, immigrant communities, and people with disabilities

Family Definition Recent Victories: Paid Sick Time Laws

- Employees of Federal Contractors (2015)
- Los Angeles, CA (June 2016)
- Chicago, IL (June 2016)
- Saint Paul, MN (September 2016)
- Cook County, IL (October 2016)
- Arizona (November 2016)
- Rhode Island (September 2017)
- New York City (December 2017)
- New Jersey (May 2018)
- Duluth, MN (May 2018)
- Austin, TX (February 2018)
- San Antonio, TX (August 2018)
- Michigan (September 2018)

Model Inclusive Chosen Family Definition Language

- Specific family members, including domestic partners; and
- “any other individual related by blood or whose close association with the employee is the equivalent of a family relationship”
- Or “any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship. ”

Model Inclusive Family Definition Language

Blood or Affinity Model

- **Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship**

Family Equivalent Model

- **Any individual related by blood or whose close association with the employee is the equivalent of a family relationship**

Model Language Continued

- Rhode Island (slightly different)
 - care recipient or member of employee's household
- **Narrower Models Used in Some States/Cities**
 - California (paid sick time)
 - Emeryville, Oakland, SF
 - Designated Family Member (only if person does not have dom. partner or spouse)
 - Massachusetts and New York (paid family leave)
 - “Flexible Domestic Partner”
 - Non-exhaustive/exclusive list of factors for who qualifies
 - Minneapolis, Minnesota (paid sick time)
 - Household member defined as anyone living in employee's house

Model Regulation Language

Coverage of an individual “whose close association with the Employee is the equivalent of a family relationship” shall include any person with whom the Employee has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship. This definition is necessarily situation specific and governed by the circumstances of the individuals involved . A claim of close association should not be disregarded on the basis of terminology if the terms used to describe a particular relationship vary from those used in the Act for the defined term “family member,” due to identifiable cultural and/or linguistic differences.

Discussion

- Which communities benefit from inclusive family definitions?
- Who are trusted messengers, reflecting diverse communities that have chosen family relationships?
- What roles can agencies/the community each play to reach workers about these new rights?
- What tensions naturally exist or may emerge?

Contact and Resources

Contact

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- Carl Charles
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Resources

- familyvaluesatwork.org
- abetterbalance.org