



A Necessity, Not a Benefit

**NYC'S LOW-INCOME MOMS
DISCUSS THEIR STRUGGLES
WITHOUT PAID FAMILY LEAVE
AND JOB SECURITY**

**Community
Service
Society** | Fighting Poverty
Strengthening
New York

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INSIDE THIS REPORT

Introduction	1
Executive Summary	3
Part One: Employment, Birth, and Being a Mom	4
Part Two: Imagining Job-Protected, Paid Family Leave	12
Appendix A - How the Focus Groups Were Conducted	17
Appendix B - New York State Temporary Disability Insurance	18
Appendix C - Explanation of Proposed Paid Family Leave Legislation Provided to Focus Group Participants	20

Community Service Society

Fighting Poverty
Strengthening
New York

The Community Service Society of New York (CSS) is an informed, independent, and unwavering voice for positive action on behalf of more than 3 million low-income New Yorkers. CSS draws on a 172-year history of excellence in addressing the root causes of economic disparity. We respond to urgent, contemporary challenges through applied research, advocacy, litigation, and innovative program models that strengthen and benefit all New Yorkers.

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About the Authors

Nancy Rankin is Vice President for Policy Research and Advocacy for CSS, where she leads the work on labor, housing, youth, and income inequality. She is the founder of the Unheard Third survey and has written and spoken widely on issues affecting upward mobility of low-wage workers and the challenges of meeting work and family responsibilities. Nancy Rankin is a graduate of Cornell and Princeton. She directed this research project.

Margaret Mark is President of Margaret Mark Strategic Insight. She conducted the focus groups, distilling and reporting on the key findings. Margaret's firm integrates best practices from the marketing world with concepts and tools from the social sciences and humanities to elicit deeper human insight and to produce more powerful, sustainable results.

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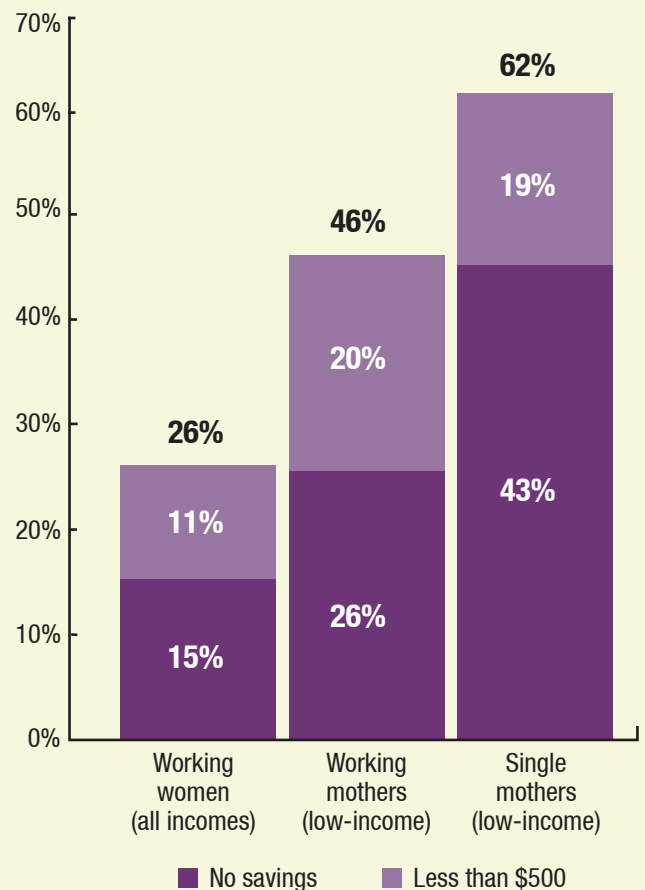
NYC'S LOW-INCOME MOMS DISCUSS THEIR STRUGGLES WITHOUT PAID FAMILY LEAVE AND JOB SECURITY

Paid family leave is an issue that directly affects the lives of nearly 50,000 women in New York City alone, every year.¹ These are the new mothers who worked during their pregnancies and then faced the difficult calculus of how long they could afford to stay at home caring for their new infants. Here is how the numbers break down: over 120,000 women gave birth² in New York City in 2013. Most (57.5 percent) were employed during their pregnancies, and of those who were working over half (52.1 percent) were back on the job within months and another 18 percent said they would be returning to work. In other words, seven out of ten new mothers who had been employed prior to giving birth soon returned or planned to return to work.³ Almost 30 percent left the labor force.

How are these women and their families faring? Are they able to take any unpaid or paid leave from their jobs, or are they forced out? Do they feel they are able to have a reasonable amount of time to recover from childbirth and bond with their newborns? Or do they feel pressured to return to their jobs well before they are ready? During the time they are not working, how are they managing financially? Do they experience economic strains or hardships? Are they benefiting from the limited laws we do have on the books, like the federal Family and Medical Leave Act or New York State's meager⁴ Temporary Disability Benefits? And what about their own and the baby's health? Did they experience emotional stress that affects their well-being? For those who returned to work, what were their experiences? Did not having paid leave or job security affect their attitudes towards their employers and job motivation? And how do they think things would have been different for them if New York

Nearly half of low-income working mothers in NYC have \$500 or less to fall back on in an emergency.

If you're earning the minimum wage, 7 days lost pay would wipe out your savings.



Source: CSS 2014 Unheard Third Survey

¹ In addition to new mothers, paid family leave proposals being considered by the New York State legislature would provide paid leave for new fathers and employees caring for a seriously ill family member. This report, however, focuses on new mothers. The pending legislation covers private sector workers and allows unions representing public sector workers to opt in.

² Summary of Vital Statistics 2013, the City of New York, New York City Department of Health and Mental Hygiene, p. 7. There were 120,457 live births in 2013 in New York City. <http://www.nyc.gov/html/doh/downloads/pdf/vs/vs-pregnancy-outcomes-2013.pdf>

³ New York City PRAMS (2012) Data on Work and Leave Taking by New Mothers, Bureau of Maternal, Infant and Reproductive Health, NYC Department of Health and Mental Hygiene, April 2015

⁴ Temporary Disability Benefits in New York State are capped at \$170 a week, a maximum that has not been adjusted for increases in the cost of living since 1989. Benefits in New York are substantially below every other TDI state where maximums range from \$1,104 in California to \$552 in Hawaii.

had a paid family leave insurance law to provide job security and some wage replacement?

While these are serious issues facing nearly all working parents with a new baby, they pose particularly stark choices for women in low-wage jobs, who still bear most family caregiving responsibilities, have scant ability to save and are the least likely to have employee-provided paid leave. Only five percent of private sector workers in the lowest wage quartile have access to paid family leave from their employers compared to 22 percent of employees in the top quartile.⁵ In New York City, one out of four working women lives in a low-income household at or below twice the federal poverty level. That means making ends meet on less than \$38,000 for a family of three. Of these women, two-thirds are black or Latina.⁶ And among low-income working mothers we surveyed in New York City, nearly half say they have less than \$500 in savings to fall back on; over a quarter had nothing at all.⁷

These are the low-income mothers we wanted to hear from directly. To explore how their lives are affected by the lack of guaranteed paid family leave, we conducted three professionally-moderated focus groups. The participants were all mothers in New York City who had worked during their pregnancies and had given birth within the past 12 months. The incomes of about half the participants put them below the poverty line; the other half had incomes between poverty and twice the federal poverty level. In two groups the women had returned to work and in the third participants had left the labor force. Most were black or Latina. They worked for firms of varying sizes in occupations like hotel and hospital housekeepers, deli and supermarket cashiers, hair stylist, retail sales, security guards, teaching assistants, and administrative support. For example, retail workers were employed by stores ranging from a Harlem boutique to a major national discount chain to a premier luxury Fifth Avenue merchant. The method for recruiting participants and conducting the focus groups is described more fully in Appendix A.

Our goal is to use the findings to inform the current debate in Albany about whether or not to modernize the state's

existing law that requires employers to provide insurance coverage for temporary disabilities to include paid family leave. The New York State Senate is considering a bill—already passed by the Assembly—that would provide up to 12 weeks of job-protected leave to care for a new child, a seriously ill family member, or attend to needs related to a family member's military deployment. While on leave, workers would receive insurance benefits equal to two-thirds of their own average weekly wage, up to a cap of half the statewide average weekly wage. That would bring the maximum benefit to just over \$600 a week. The insurance would be funded entirely by employees through small weekly payroll deductions of 45 cents a week, rising to an estimated 88 cents a week when the program is fully phased in over four years. While the proposed legislation covers a broader range of family care needs and both men and women, this research focuses on the group with perhaps the most at stake: low-income working mothers.

In addition, the focus groups are part of a larger research effort being done in collaboration with Columbia's National Center for Children in Poverty and other partners. Since 2009, neighboring New Jersey has had a paid family leave insurance program very comparable to what's being proposed for New York. This opportunity for "a natural experiment" allows us to compare the experiences of low-income working women with and without state-mandated paid family leave. This second phase of research will include focus groups with new mothers in three New Jersey cities (Newark, Camden, and Trenton) who took advantage of paid family leave benefits as well as with moms who did not seek benefits. So in addition to making comparisons between the two states, the research design will enable us to identify barriers to paid family leave participation by low-income women in New Jersey. Findings about such barriers (e.g., related to lack of awareness, the claims process, adequacy of the level and duration of benefits, concerns about job protection, and other factors) can be used to improve future legislation, as well as outreach and implementation practices. This will help insure that laws passed actually benefit those they are intended to help.

⁵ National statistics for private industry workers from the March 2014 National Compensation Survey, BLS.

⁶ CSS calculations based on US Census ACS 2013.

⁷ Community Service Society 2014 Unheard Third based on a scientific telephone survey of 1,615 New York City residents conducted July 25 to August 21, 2014. The margin of error for low-income respondents is +/- 3.1 percentage points.

EXECUTIVE SUMMARY

This research highlights the risks and negative consequences to low-income women resulting from their lack of access to paid family leave following childbirth. They experienced financial hardships and anxiety about holding on to their jobs, forcing them to return to work quickly, some when their infants were just two or three weeks old. As a result of this premature re-entry into the labor force, the women experienced a great deal of physical distress, emotional distress, and compromises to their ability to create any kind of attachment with their babies, or to establish any kind of acceptable child care routine. In many cases intense pressures from bosses to return to work almost immediately—or risk losing their jobs—undermined previously positive relationships with their employers. Lack of reasonable workplace accommodations and job security meant still others were pushed out of the labor force entirely. The consequences for the new mothers who did not return to work seemed even harsher and may contribute to postpartum depression.

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Because most of these women quickly exhausted their accumulated sick leave or few vacation days, and because they received no other form of compensation, they soon fell behind in their ability to pay their bills—even if they returned to work only a few weeks after having given birth. When employed, these women had lived very close to the edge, so the absence of a regular paycheck, even for only a short time, was enough to put them over the brink. Add to that the additional expense of a new baby—especially the high cost of diapers and baby wipes—and many, if not most, were in situations ranging from difficult to desperate.

When the proposed legislation to create paid family leave in New York State was described to them, the women responded enthusiastically that it would ease their stress, enable them to bond with their children, and provide a

huge financial relief. Even though it was explained that employers would not be paying for it, but rather it would be an employee-funded insurance program, the women said having paid family leave would make them feel appreciated as employees, grateful to their employers, and return to work more highly motivated.

The women seemed largely unaware of the limited labor laws already on the books that could have protected them from being unnecessarily forced out of jobs during their pregnancies, provided at least minimal disability benefits for recovery from childbirth, and given those working for large employers job-protected, unpaid FMLA leave. With only one exception, the few who had heard something about disability or medical benefits were too daunted by the complexity of the claims process to actually seek benefits. Shockingly, their employers did nothing to inform them of their rights, even though some women were employed by large, well-known companies. This was true despite the fact that contributions to pay for Temporary Disability Insurance were almost surely being deducted from their paychecks and state law requires employers to inform disabled workers of their eligibility for benefits.

So another lesson drawn from this research is that much more needs to be done to raise awareness of existing labor laws. In addition, it underscores the importance of incorporating strong provisions for notification of employees of their rights, as well as requirements and funding for outreach and education in future paid family leave legislation.

While qualitative and small-scale in nature, this research clearly points to a negative cycle of accumulated debt, dependence, poor health, depression, and despair set in motion by the loss of compensation, secure employment, or both when low-income working women have no choice but to take time off to have a baby—behaviors that were not characteristic of them before their work lives were interrupted by becoming mothers. The human and economic toll of this unnecessary downward trajectory needs to be called out and emphasized in order to convince policymakers, influencers, and voters that the absence of paid family leave in New York State is a tragic and unjustified mistake.

PART ONE: EMPLOYMENT, BIRTH, AND BEING A MOM

Life Before Baby

Women in these groups held a variety of jobs before having given birth, from a hairdresser's assistant, to part of the cleaning staff at an airport, to a server at Cosi. While most of their jobs required their being on their feet and working long hours, or difficult night-time shifts, most of the women reported having generally liked their jobs, and the lives they led while still employed.

"I liked the experience [of my job]. I'm good at house-keeping, but in the airport, it was wonderful. I was at JFK."

Most notably, when describing the time they were employed, the women didn't spontaneously mention struggles with poverty, or the often exorbitant costs of living in New York City. Instead, they described how they were able to manage, as a result of either working extra hours, doing without, good budgeting, or otherwise, "doing what you have to do."

"I was able to take on another job...so I managed. And even when I had the one job, I could pull in more hours if needed...I had no problem working."

"I was okay. I lived with a roommate...and I had no trouble paying my bills. I was okay."

"You budget...."

"I like to penny-pinch a bit."

This sense of competence, and confidence in their ability to manage, seemed consistent across the women in this sample, even among those whom one might assume to be living in especially difficult circumstances—e.g., those with multiple children and living without the support of the kids' fathers. As long as they were gainfully employed, these women seemed to have been highly motivated to manage, and confident that they could do so.

Pregnancy Problems

Things began to deteriorate for these women around the third trimester of their pregnancies. The physical demands of their jobs made work difficult if not impossible for many of them, and, in several cases, employers expressed dissatisfaction with their performance. Still others—at least three in each group—experienced some kind of special medical difficulty during their late pregnancies, such as high blood pressure or pre-eclampsia, making work impossible. In any case, these motivated, hardworking women felt they experienced an increasingly hostile work environment as they encountered difficulties meeting work demands, sometimes resulting in their dismissal altogether.

"Basically, I got fired, because I couldn't do the job as I was doing it before they found out I was pregnant. That's how they work..." (airport cleaner)

"I was doing security, and it was just becoming very hard for me to be on my feet for eight hours. Before, I was able to do the eight hours, go up and down the stairs, check everything, and be on point with things, but since I was a high risk patient, it made it harder, and I've got bad knees. I have a broken CLC, so it just made it hard for me to be on my leg with the weight, so they just laid me off."

"I was working, and I had to stop because I had high blood pressure that turned into pre-eclampsia. And my baby was born prematurely." (hospital case worker)

"I was working at Target and this balloon place, and I found out I was pregnant, and then I told the lady at the place I can't lift the helium tank. Then the next day she tells me, 'oh, you don't do good work, so I have to let you go.'"

VOICES FROM THE FOCUS GROUPS

“It was okay. I was high risk. I was always in pain, but I was working until the last two weeks.”

Women in these predicaments were unaware of the fact that based on New York City law their employers are required to make reasonable accommodations for them. As a result, virtually no one pushed back to challenge whether lifting helium tanks or running up and down stairs should have been prerequisites for their continued employment, and accepted their termination with a sense of resignation. Even those with high-risk medical diagnoses felt that they had no recourse or sources for possible compensation, and even if they did, it would be so complicated that they wouldn't be able to navigate the system.

“I've heard of it [TDI], but I'm not sure....”

“When I was going to take my leave, I knew they weren't going to pay me. I was actually trying to do some research about getting disability. Would I have qualified?”

“I could have gone out on medical leave and I just didn't have the patience or the strength to even fight with them about it.”

“It is not just about giving me the paperwork; it is seeing if I get approved for it. It is going to the doctor. Like they messed up my C-Section. They damaged my nerves and all other types of stuff. So, like it is just, who is going to do this footwork?...I don't even have a fax machine. I got to go buy a fax machine to do this back and forth?”

“They weren't very accommodating at all throughout my pregnancy, at all.”

It's worth noting that with the possible exception of one woman, no one in this sample said that their employer informed them of any of the possible benefits they could receive during their time off, including Temporary Disability Insurance, which they had contributed to with weekly paycheck deductions. (See Appendix B for a description of New York State law.)

“I liked the experience [of my job]. I'm good at housekeeping, but in the airport, it was wonderful. I was at JFK.”

“Basically, I got fired, because I couldn't do the job as I was doing it before they found out I was pregnant. That's how they work.”

“I was actually trying to do some research about getting disability. Would I have qualified?”

Lack of Clear Policies About Leave and Job Security

When these women did stop working, either because they had been terminated or let go, or when they elected to do so, it generally came as a surprise to them that their so-called “maternity leave” was simply a label for their option to use accumulated sick leave or vacation days to cover their time off. This was experienced as a kind of betrayal on the part of their employers, and—like their treatment during their pregnancies—fuels a cycle of mistrust and demoralization.

“They said there was maternity leave but it is a lie. It’s not really maternity leave if it is using your own vacation.”

“I feel like I was betrayed because they told me that I would be okay when clearly I wasn’t.”

“Oh, they promised a maternity leave, but basically they wanted me to sacrifice something I had already saved up, which was basically my days.”

“You know what it is. We don’t read the policies when we sign the paper...They give you the application at some fast food restaurant. You fill it out and you are hired. It doesn’t come with a big pamphlet of what you get.”

“You got a week of vacation days and the other week I didn’t get paid at all. I don’t think I got a goodbye.”

The women also experienced a good deal of ambiguity about whether their jobs would be there for them when they returned to work. One woman, for example, was asked to train her replacement, without any discussion of whether the person would be a temporary or permanent substitute. Still others were left with the impression that their jobs would be held for them, which often was not the case.

“They made it seem like I would have the job back, but I guess for some reason, I guess I was out too long, and they just gave my position away.”

“They told me I can come back, but the position was already filled.”

For most, however, there was little or no discussion of their return. Even among those who worked for companies with 50 or more employees, and therefore, would be eligible, under federal law, for 12 weeks unpaid leave and job protection, there was no discussion of this fact. (Just one woman in these groups had heard of the federal Family and Medical Leave Act (FMLA) on her own, though not through her employer, and basically had no idea who it protected or what it entailed.)

As a result, these women began their time off with the realization that their employers would not only provide no compensation during their leave, but might very well discard them at will.

Pressured to Return to Work Too Soon

One of the most striking things about these women's stories was how soon, and with how much intensity, their former employers (if they wanted them at all) demanded that they come back to work after having given birth.

While a few employers were kind and supportive, most seemed to have turned on the pressure to return to work almost immediately after the women had given birth to their babies. The emotional anxiety this induced for many new moms was exacerbated by the fact that several of them had given birth under difficult medical circumstances, or even after having had premature babies who were in the NICU for some time.

"They [twins] were preemie, so they have to stay until they turn a certain amount of weeks. So they came home within two weeks and then it was like, 'are you ready to come back to work now?' They just came home! I had to go back to work. I had no choice."

"[They're asking...] just like, 'why do you have to be out so long?' Stay out so long! I've only been out for one week. You are totally crazy; I just had a baby."

"You sure you don't want to come back? Just come for three days. We need you for three days."

Unless women had a visibly-supportive employer—which few had—even those who did not experience this sort of harassment felt a silent threat to come back to work sooner than later, or else.

"No pay, nothing. You decided to have a kid. Bye. You'll have your job when you come back, and don't take too long, because if you take too long, you won't have a job." [And what would be too long?] "I think anything over a month. I think. They didn't say specifically, you know what I mean? They don't give you a letter saying hey, listen, you have this much amount of time. Just don't take too long."

VOICES FROM THE FOCUS GROUPS

"They said there was maternity leave but it is a lie. It's not really maternity leave if it is using your own vacation."

"[They're asking] just like, 'why do you have to be out so long?' Stay out so long! I've only been out for one week. You are totally crazy; I just had a baby."

“You don’t know if somebody else is going to walk in and be like, hey, I have those credentials. I can do this. And they, you know, somebody could always step over your toes.”

“They made me train someone else, so I think they are letting me go....”

“I’m petrified. Still to this day, if I need to leave for my kids or anything like that, I’m petrified I’m going to lose my job.”

And others just could not afford to go without their paychecks and had no choice but to go back to work before they were ready.

“Because I wasn’t getting paid for maternity leave so I had to go back to work immediately.”

[One week vacation and then how did you manage?]
“That’s when I realized, I just have to go back because I originally was going to take a month.”

“I needed to make sure I wasn’t falling behind on rent, and just kind of being able to live each day. So definitely a paycheck.” [As the reason she went back to work.]

“I wanted to be home. I had no choice. I wanted to be home with the baby. I spent literally three weeks with my baby and I had to go back to work.”

[What was the worst part for you?] *“I feel like I didn’t even get to bond, like I didn’t even get that bonding.”*

As a result of this premature re-entry into the labor force—some as early as a week or two after having given birth—women experienced a great deal of physical distress, emotional distress, an inability to create any kind of attachment with their babies, and an inability to establish any kind of acceptable child care routine. Many were extremely sleep-deprived, as well, as a result of working as many as 40 hours a week, and not being able to rest at home, because they had to go back to work before they could get their babies on a sleep schedule.

“Getting my son [from daycare] is no problem, but my problem is sleep, because as soon as I get home I am with the baby. I don’t have him on a schedule, so it is like, when he sleeps I try to get sleep. About the time he wants to go to sleep, it’s time for me to get up...During the week to be honest, I probably get no more than—I can’t even say five; probably more like four really good hours [of sleep].”

“Because I worked nights, going back home, wanting to sleep, because I worked all night...So it was like, me, a crying baby, and I’m just like devastated and tired. [Until] I started getting familiar with my new baby and knowing how to put her to sleep. But it was terrible at first. I was like a zombie.”

Others just could not afford to go without their paychecks and had no choice but to go back to work before they were ready.

“...going back to work too soon [after my C-section]...I just kept getting leg pains all the time. I ran down the stairs one day and slit all my stitches.”

“I went back three weeks and then I was like, no, I can’t do this, because I couldn’t find a consistent baby sitter.”

“I remember turning back one day and feeling extremely light-headed and I felt cramping, and I felt like I was going to faint. I just felt like not wanting to go to my boss. I felt so mad at the fact that she was pressuring me to come back and I probably shouldn’t have been there because you are bleeding excessively for a while.”

Not surprisingly, these women feel drained and constantly preoccupied, and unable to perform at their optimal ability.

“I’m always thinking of him when I’m at work, and when I’m with him I’m thinking of work. So I’m never quite present enough for anything....”

Falling Into a Hole

Because most of these women quickly exhausted their accumulated sick leave or vacation days, and because they received no other form of compensation, they quickly fell behind in terms of their ability to pay their bills—even if they returned to work only a few weeks after having given birth. Even when employed, these women had lived very close to the bone, so the absence of a regular paycheck, even for only a short time, was enough to put them over the brink. Add to that the additional expense of a new baby—especially the high cost of diapers, formula and baby wipes—and many, if not most, were in situations ranging from difficult to desperate.

“Everything’s budgeted, and all of a sudden, everything is going to come out of the woodwork, because it has. It’s just like I’m in constant fear of waking up in the middle of the night, like hey, what’s going on, what’s happening, make sure everything is done and set up.”

“I was down to nothing in my fridge.”

“That’s the scariest thing when you have to look at your kids and tell them you don’t know where their food is coming from. The worst feeling in the world. I don’t wish that on my worst enemy.”

For many of these women WIC and Food Stamps (SNAP) were life-savers. Unlike Temporary Disability Insurance, which they had no way of knowing about without their employers’ telling them (which they did not), most learned of these benefits while giving birth at the hospital. What’s more, they found the process of applying relatively swift and user-friendly.

However, for many without support from a husband, partner, or family members, WIC, SNAP, and other forms of public assistance are not enough to cover expenses when a new baby comes into the picture.

“I have no money on me, except for the \$145 I get bi-weekly, which is not even enough for me or the baby... So I get the food stamps and the welfare, but by the time I buy all the food, and I buy her diapers, wipes, stuff like that, and then it’s gone. So there’s no money left over.”

VOICES FROM THE FOCUS GROUPS

“Because I wasn’t getting paid for maternity leave so I had to go back to work immediately.”

“That’s the scariest thing when you have to look at your kids and tell them you don’t know where their food is coming from. The worst feeling in the world. I don’t wish that on my worst enemy.”

“I was getting a little bit of income from public assistance. It was only like \$200 every two weeks, just enough to kind of get by, but diapers and everything else—I would have to charge it. And now it’s two months’ worth of everything that I’m trying to catch up on.”

“When your child is on formula, sometimes that amount you get from WIC isn’t enough, so you have to buy an extra can, and cans are not cheap, and then you have your diapers, and then your wipes, and stuff like that.”

Losing Pride

Some women in this study were fortunate to have employed husbands, or extended family members who were willing and able to pitch in and help get them through this difficult time, and a couple were the beneficiaries of sympathetic landlords and store-keepers who were willing to cut them some slack. But most had to resort to begging friends, family members, and reluctant boyfriends, leaving them feeling humiliated and compromised—as competent adults, and as parents.

“When you don’t have money, it’s like, uh-oh, the baby needs diapers, the baby needs something, what are we going to do? Oh my God, who are we going to ask? We already asked that person. They’re not going to lend us.”

“Leading up to knowing you might have to ask for something, it’s a huge stress...Just not being yourself for a minute to have to ask. Because for me, I have to put away almost everything I am and hide it.”

“It’s hard to be asking everyone. And you’re a grown person.”

“There’s that feeling that you feel like you’re doing something, taking care of what you brought into the world, which is a kid. But at the same time, it’s like you’re waiting for a helping hand...You don’t want to feel so dependent on someone because you’re a parent.”

Losing Hope: Morale and Motivation

All this hardship and anxiety almost inevitably translates into bitterness toward their employers, and a greatly diminished sense of loyalty, motivation, and morale when these women return to the job.

“They just don’t care about you and your family.”

“I had a really good relationship with the company before. I had a really good relationship with my boss, with my other co-workers. After I came back it is like I don’t even want to be bothered. I didn’t have no consideration when I was out. I didn’t feel like I was on a team anymore.”

“You feel like they don’t care. They want you to do the job, that’s it. They don’t care that your body goes through changes, they don’t care that you’re leaving your baby with a stranger a lot of times, and emotionally you’re a wreck when you go back to work.”

“You want to come back. You don’t want to resent your employer. Because the worst thing is to be at work, and to have people there like, ‘Oh God, I don’t want to be here.’ It’s just not productive.”

“I’ve been back since, but it makes me think twice of staying with them because there are a lot of other people there that were pregnant and they didn’t get any money, nothing.”

For others, the sense of betrayal, disappointment, and defeat becomes so overwhelming, that they seem unable to work up the energy to figure out how to get back into the workforce. These women seem to become derailed from the rhythm of steady employment, and begin to feel that the challenges of getting a job are overwhelming.

“It’s like okay, I got laid off, it’s not my fault. I had a baby....You know, it’s hard to have childcare, get some type of someone to babysit and also work around your schedules. Because if I was going to do retail or anything like that, you got to work around their schedule. It’s not about yours. So it’s tough.” (New Mom; out of work 12+ months)

“I worked as an office clerk for an accounting firm, and I left my job when I was seven and a half months pregnant because I had complications. Unfortunately I didn’t get no unemployment benefits, because I left voluntarily, but I tried to come back, but they said they would call me, and I don’t know. So I’m just waiting in limbo, I guess.” (New Mom; out of work 6 months; living on public assistance and help from family and friends)

Asked about the impact of stress and worries over finances, mothers said it could cause arguments and agitation, loss of sleep, and sadly could even affect a mom’s behavior with her baby or older children.

“...take it out on their baby.”

“Take it out on one of the big ones. The big ones are the ones that give you the headache, and you take everything out on them. And you’re trying to discipline them, but you’re so stressed you over-do it.”

Most had to resort to begging friends, family members, and reluctant boyfriends, leaving them feeling humiliated and compromised—as competent adults, and as parents.

Listening to these unemployed Moms, particularly the ones who had lost their jobs when they were pregnant and who didn’t know where to turn in terms of new employment, it seemed likely that their inability to find a solution to their situations was at least in part fueled by an understandable depression.

“I lost my job when I was pregnant and got really depressed...”

“I get that feeling, depression. I wouldn’t have my job back... Sadness...Helpless.”

VOICES FROM THE FOCUS GROUPS

“I had a really good relationship with the company before. I had a really good relationship with my boss, with my other co-workers. After I came back it is like I don’t even want to be bothered. I didn’t have no consideration when I was out. I didn’t feel like I was on a team anymore.”

PART TWO: IMAGINING JOB-PROTECTED, PAID FAMILY LEAVE

Relieved and Grateful

Upon hearing a description of a proposal for paid family leave in New York (see Appendix C), women's first response was imagining the relief of not being in debt, not being obliged to others, and not feeling the continuous sense of dread that they experience now.

"I wouldn't have to owe money to people and stores and... what I have to do for Con Edison and Time Warner and the people who don't want to hear what's going on with me. I wouldn't have to worry about what I am going to tell them, how long I am going to have to have the bill running until I can afford it."

"I would probably just feel a little bit more sure of everything, just being able to not be in debt right now."

"If I had this situation it would put me more at ease, less stress. I would be able to bond with my daughter, and financially I wouldn't have had such a burden, and I wouldn't resent my job now like the way I do."

"I think it would give you a lot of mental ease knowing that you're okay. And even if you still have to borrow or charge certain things, it's not two or three months' worth of expenses that you have to now try to dig yourself out of once you get back to work."

The women also saw the benefits to children and greater involvement of dads.

"I think this would be amazing if parents had enough time to bond with their children...."

"If this was available my husband could have spent more time with the kids if he knew he was getting a check."

Another strong response was one of gratitude toward their employers, even though it was repeatedly explained to respondents that this proposal, if enacted, would not be funded by them. It seemed that just the fact of some sort of compensation and the promise of a secure job translated into positive feelings towards their employers in spite of the source of funding.

"I would feel that they appreciate me as an employee."

"I would feel like they're working with you, kind of helping you...."

"For a lot of people that would be a reason to probably want to come back, just that alone. The fact that they're working with you and they're helping you."

"I think productivity will be great. Maybe depression would be less. It's stressful, it's depressing. We're home and we're thinking about being with the baby, now you're thinking about your finances and then you find your body going through changes, and then you have to go to a doctor. I think it's a win-win."

Another strong response was one of gratitude toward their employers.

Feeling better about their employers was accompanied by feeling better about themselves, and feeling renewed energy in terms of going back to work and doing the job.

"It would make me less depressed, thinking like oh great, now I have to ask my Mom all over again, or having my boyfriend ask his friends to borrow like \$100 to help pay a bill. Stuff like that."

"I feel like I'd be less stressed. More positive. Have an optimistic attitude about things...It'll be very good, positive."

"I'll feel better about myself. I'll feel appreciated. And maybe I wouldn't have to depend on other programs like WIC, things like that if I had some type of payment from my job and I could go back and have that security."

[Would you have a different attitude about work?] *"Yes, I would. Upbeat, very upbeat, and spunky and very happy. Like refreshed. I would feel refreshed going back to work. Yeah."*

Willingness to Contribute

When it was explained that paid family leave insurance would be funded by employees through small deductions from their paychecks of less than a dollar a week, virtually all seemed personally willing to contribute.

“One dollar a week for the cause is not bad at all.”

“I don’t see an issue with paying a dollar a week, because even if I don’t use it, a good friend of mine might be pregnant...and she might need it.”

“It’s just a dollar...We spend a dollar in the store buying chips.”

But in spite of their enthusiasm at the prospect of such a law, some respondents expressed concern that some people, especially those without kids, would not want to make the weekly contributions, even if they were less than a dollar.

“I like it for myself and other Moms, but I also added the concern that I have, that for people who don’t have kids, it might cause a rift...I was thinking that it wouldn’t be fair for the people who don’t have any kids.”

“Yeah, even if it’s \$0.75 a week, some people will complain...it’s still money.”

Reminders that paid leave could also be used by workers who needed to care for a seriously ill family member helped assuage this concern, as did pointing out that the leave would apply to new fathers as well as mothers.

“I think that this proposal is considerate towards families as a whole because it is not only an advantage to the mother, but also the father. It...allows him to be involved more instead of just having to hustle and bustle, and like she said her husband has to work so many hours.”

VOICES FROM THE FOCUS GROUPS

“I think this would be amazing if parents had enough time to bond with their children.”

“I would feel that they appreciate me as an employee.”

“I don’t see an issue with paying a dollar a week, because even if I don’t use it, a good friend of mine might be pregnant and she might need it.”

Concerns about fairness were also alleviated when it was explained that paid family leave would cover all employees, regardless of their incomes, something the women saw as desirable. One participant suggested that it should be funded by employers.

“It would be nicer if the employer would pay for it. I wouldn’t mind having 75 cents taken out of my paycheck, but some people would.”

Another concern expressed in one group was the assumption that contributions would inevitably increase over time.

“I don’t know how it will work in the long run. It starts with \$0.75, but maybe in three or five years, it goes to \$1.50 or \$2 or \$3. It’s not going to stay \$0.75 forever.”

This assumption was fueled by a belief that paid family leave would be administered by government, coupled with distrust in the ability of government to properly manage programs and control costs.

“I don’t see them handling money well ever.”

If Forced to Choose Priorities

When presented with the possibility that either the amount of time off, the percentage of wages received, or the promise of job security might have to be compromised to pass legislation, most women stressed that job security was essential, saying they could forgo either time (up to a point) or accept a slightly lower benefit in return for guaranteed employment.

“I mean three months is ideal, but I think two months you could get back. So I think job security would be more important.”

“I would say half pay, job security, and three months.”

Their rationale here was in keeping with the mind-set that enabled them to manage on low incomes before having had their babies and lost a paycheck and or a job; if they need to, over the short-term, they’ll simply make do.

“You know you are going back to work, so I’m going to prepare myself for certain situations....”

Most women stressed that job security was essential.

“I would cut back; sometimes you just have to.”

“Job security because you can try to plan and save...If you have to, you can figure out ways of making stuff to make it, but you’re screwed if you go back and there’s nothing to go back to.”

If They Were Asked to Make Arguments for Paid Family Leave

Finally, these women were invited to imagine what they would say in favor of paid family leave if they had the opportunity to persuade a policymaker. Some pointed to the importance of early childhood development.

“I would argue scientific methods with the babies’ brain.”

Interestingly, most of their arguments were very “big picture” and reflected a strong measure of self-awareness regarding the “trap” of unemployment and its consequences on the individual, as well as its consequences for the economy and the employer.

“I also think this would help the economy too because what happens is you are out of work for X amount of weeks. You may then need public assistance or public health, or some type of government assistance. So if you have a system like this, that person won’t have to resort to that. So it would save in the long run.”

“The argument for me would be there would be a cost-effective measure.”

“Because then it’s like a cycle if you’re not getting this [paid family leave], then you’re getting unemployment. So either some way the government is helping you...If you’re already having your job security, then you don’t have to go on unemployment or you don’t have to go on welfare because you have your job. So keep the cycle going.”

“I think you also kind of kick it back to them and let them know that it’s beneficial to their companies as a whole. It’s beneficial to the morale of the company knowing that your employees want to come back.”

VOICES FROM THE FOCUS GROUPS

“This would help the economy too because what happens is you are out of work for X amount of weeks. You may then need public assistance, or some type of government assistance. So if you have a system like this, that person won’t have to resort to that. So it would save in the long run.”

“I think you also let them know that it’s beneficial to their companies as a whole. It’s beneficial to the morale of the company knowing that your employees want to come back.”

Conclusions and Recommendations

- While qualitative and small-scale in nature, this research clearly points to a negative cycle of accumulated debt, dependence, poor health, depression, and despair set in motion by the loss of compensation, secure employment or both when low-income working women have no choice but to take time off to have a baby—behaviors and ways of being that were not characteristic of them before their work lives were interrupted by becoming mothers. The human and economic toll of this unnecessary downward trajectory needs to be called out and dramatized in order to convince policy-makers, influencers, and voters that the absence of paid family leave in New York State is a tragic and unjustified mistake.
- The research suggests that low income women who lose their jobs, either as a result of having been fired during pregnancy or having been replaced during their time off, are especially vulnerable to depression. While this might be true of any segment of society experiencing loss and hardship, hormonal changes play an amplifying role, and the fact that these women have new life in their care compounds the problem and its consequences. These findings are consistent with several larger studies that have found that an adequate amount of maternity leave can help prevent maternal depression and stress.⁸
- This study revealed that employers did not appear to be informing women about benefits and protections for which they might be entitled even though these laws include some requirements for notice (e.g., TDI, NYC Pregnant Workers Fairness Act, FMLA), exacerbating an already untenable situation for many low-income workers. New York State and City should develop outreach campaigns to raise awareness about these laws and better educate employers of their responsibilities. Special efforts should be targeted to expectant women early in their pregnancies, perhaps by encouraging or requiring notice to pregnant patients. In addition, this finding underscores the importance of including robust outreach and education efforts, with funding to support it, in paid family leave laws going forward.
- Women envisioning job security and paid maternity leave—regardless of its funding source—reflexively feel appreciated by their employers, which translates into greater loyalty, commitment, and motivation on their part toward their employers. These findings are consistent with other research showing that paid leave increases the likelihood that workers will return to work after childbirth and improves employee morale.⁹ Communicating these benefits to business groups and policy-makers can allay concerns and increase support for paid family leave.

⁸ Several of these studies are summarized in *Paid Parental Leave in the United States: What the data tell us about access, usage, and economic and health benefits*, by Barbara Gault, Heidi Hartman, et. al., Institute for Women's Policy Research, March 2013. See p. 15.

⁹ Gault, Hartman, et. al., pp. 7-12.

APPENDIX A

How the Focus Groups Were Conducted

Objective:

To explore the circumstances of new mothers, at or near the poverty level, who live in New York City and have no access to paid family leave when they give birth.

Approach:

Three focus groups including a total of 21 women were held in mid-town Manhattan on March 31 and April 1, 2015.

Respondents were invited to participate by professional, independent recruiters, working from a carefully designed screening questionnaire. Apart from knowing that the groups would somehow involve a discussion of their having recently had babies, the screener was deliberately designed to mask the intention of the groups, and the qualifying criteria for participation.

All of the women had had babies within the past 12 months and presently live with those babies. Half of each group consisted of women living at or below the poverty level and half between poverty and 200% of poverty, based on the 2014 U.S. Census poverty thresholds by family size. (For example, the poverty threshold for a family of three is \$18,853 and twice the federal poverty level would be \$37,706.)

All of the women (with the exception of one) lived and worked in New York City.

All of the women had been employed during their pregnancies. Each group was recruited so that half of them had worked for companies with fewer than 50 employees and half with companies with 50 or more employees, which would make them eligible for FMLA. The women were recruited so that no one received paid leave from their employer.

For two of the groups, women must have returned to work (either to their previous job or a new one) within eight weeks of giving birth. One of these groups was comprised of black women and one of a mix of Latina and white women.

The remaining session consisted of a group of women of various races and ethnicities who did not (yet) return to work after having given birth.

Each group began with an open discussion about the women's babies, their pregnancies, and their general life circumstances. Following this, women told the stories of their employment situations, along with the consequences of their not working following giving birth, either temporarily, or in the case of the third group, longer-term. Finally, toward the end of the group, women were read a description of a proposal for paid family leave for New York, and reacted to the proposition; first, individually in writing, and then, in open discussion.

APPENDIX B

New York State Temporary Disability Insurance

What are Disability Benefits?

New York is one of a handful of states that require employers to provide disability benefits coverage to employees for an off-the-job injury or illness. Coverage for disability benefits can be obtained through a disability benefits insurance carrier who is authorized by the New York State Workers' Compensation Board to write such policies. Another option is for large employers to become authorized by the Board to self-insure (WCL §211).

Disability benefits are temporary cash benefits paid to an eligible wage earner, when he/she is disabled by an off the job injury or illness. The Disability Benefits Law (Article 9 of the WCL) provides weekly cash benefits to replace, in part, wages lost due to injuries or illnesses that do not arise out of or in the course of employment (WCL §204). Disability benefits are also paid to an unemployed worker to replace unemployment insurance benefits lost because of illness or injury (WCL §207).

Disability benefits include cash payments only. Medical care is the responsibility of the claimant. It is not paid for by the employer or insurance carrier. Cash benefits are 50 percent of a claimant's average weekly wage, but no more than the maximum benefit allowed, currently \$170 per week (WCL §204).

Benefits are paid for a maximum of 26 weeks of disability during 52 consecutive weeks (WCL §205). For employed workers, there is a 7-day waiting period for which no benefits are paid. Benefit rights begin on the eighth consecutive day of disability (WCL §208). **An employer must supply a worker who has been disabled more than seven days with a Statement of Rights under the Disability Benefits Law (form DB-271S), within five days of learning that the worker is disabled (WCL §229[2]).**

An employer is allowed, but not required, to collect contributions from its employees to offset the cost of providing benefits. An employee's contribution is computed at the rate of one-half of one percent of his/her wages, but no more than sixty cents a week (WCL §209).

If an employee has more than one job at the same time, with combined wages of more than \$120 per week, the employee may request each employer to adjust the contributions in proportion to the earnings of each employment. The combined contributions may not exceed 60 cents per week. The request should be made as soon as the employee enters a second job.

Who is Covered?

- An employer of one or more persons on each of 30 days in any calendar year becomes a "covered" employer four weeks after the 30th day of such employment.
- Employees or recent employees of a "covered" employer, who have worked at least four consecutive weeks.
- Employees of an employer who elects to provide benefits by filing an Application for Voluntary Coverage.
- Employees who change jobs from one "covered" employer to another "covered" employer are protected from the first day on the new job. Generally, an eligible employee does not lose protection during the first 26 weeks of unemployment, provided he/she is eligible for and is claiming unemployment insurance benefits.
- Domestic or personal employees who work 40 or more hours per week for one employer. (Domestic Workers)

Who is not Covered?

- A minor child of the employer.
- Government, railroad, maritime or farm laborers.
- Ministers, priests, rabbis, members of religious orders, sextons, Christian Science readers.
- Individuals that volunteer their services for nonprofit organizations and receive no compensation. Compensation includes stipends, room and board, and other "perks" that have monetary value. (Stipends used solely to offset expenses incurred while performing activities for the nonprofit are not counted as stipends.)
- An executive officer of an incorporated religious, charitable or educational institution, and persons

engaged in a professional or teaching capacity in or for a religious, charitable, or educational institution (Section 501(c)(3) under the IRS tax code), and persons receiving rehabilitation services in a sheltered workshop operated by such institutions under a certificate issued by the U.S. Department of Labor.

- Persons receiving aid from a religious or charitable institution, who perform work in return for such aid.
- One or two corporate officers who either singly or jointly own all of the stock and hold all of the offices of a corporation that employs no other employees.
- Golf caddies.
- Daytime students in elementary or secondary school, who work part-time during the school year or their regular vacation period. (Students)
- Employees who change to jobs in an exempt employment or with a “non-covered” employer, and work in such employment for more than four weeks, lose protection until they work four consecutive weeks for a “covered” employer.
- The spouse of an employer that files a spousal exclusion form (DB-212.5). (Spouse of Employer)
- Note: A “noncovered” employer may elect at any time to provide disability benefits coverage by filing an Application for Voluntary Coverage with the Chair of the Workers’ Compensation Board.

What determines disability due to pregnancy?

Disability can only be determined and certified by a physician or certified nurse midwife through the submission of medical reports. If a claimant becomes disabled more than four to six weeks prior to the anticipated birth date, or is disabled more than four to six weeks after the actual birth date, more detailed information regarding the disability may be required. The medical reports should describe specific symptoms, rather than just general prognosis. Note: An elective sterilization procedure will not extend the payable period of disability, since benefits are not payable for any period an individual is unable to work due to elective surgery.

Can an employee collect disability benefits if on maternity leave?

If she is on a leave of absence without pay (*i.e.*, maternity leave), and becomes disabled within four weeks of the last day she actually worked, she is entitled to benefits from the employer/carrier (if otherwise eligible). If the disability begins more than four weeks from the last day actually worked and she is claiming/receiving Unemployment Benefits, she is entitled to disability benefits from the Special Fund for Disability Benefits (if otherwise eligible).

Source: [New York State Workers’ Compensation Board website. www.wcb.ny.gov](http://www.wcb.ny.gov)

How many weeks of benefits can a woman claim for recovery from childbirth?

It is our understanding from the Disability Benefits Bureau, which administers TDI, that insurers generally consider someone disabled for six weeks after a vaginal delivery and eight weeks after a Caesarian section. In a healthy pregnancy, you may also be considered disabled for a few weeks before your due date if your doctor deems it necessary that you not go to work. Remember that there is a one week unpaid waiting period for all TDI benefits.

Source: A Better Balance Fact Sheet:
Know Your Rights: New York’s Temporary Disability Law
www.abetterbalance.org/web/images/stories/Documents/general/TDIWorkerFactSheet.pdf

APPENDIX C

Explanation of Proposed Paid Family Leave Legislation Provided to Focus Group Participants

PROPOSAL FOR NEW YORK (original, Group 1)

- All working women would be able to take up to three months of paid maternity leave from their jobs.
- Up until a certain income level, they would receive 2/3 of their usual pay each week while they are on leave.
- They would be guaranteed that they could have their jobs back when they return to work.
- Here's how it would be paid for: All workers would contribute by having small deductions from their paychecks of less than \$1 a week.
- In addition, paid leave could be taken by new dads and working people who needed a few weeks to care for a seriously ill family member.

PROPOSAL FOR NEW YORK (revised, Groups 2 and 3)*

- All working women would be able to take up to three months of paid maternity leave from their jobs.
- All workers would be able to get paid leave, typically 2/3 of your regular paycheck.
- They would be guaranteed that they could have their jobs back when they return to work.
- Here's how it would be paid for: All workers would contribute by having small deductions from their paychecks of less than \$1 a week, so everyone contributes; it's not coming out of employers' pockets.
- In addition, paid leave could be taken by new dads and working people who needed a few weeks to care for a seriously ill family member.

*The proposal was revised after the first group because some respondents misunderstood it to mean that only people at certain income levels would be covered.

To learn more about the need for Paid Family Leave in New York State visit:

WWW.CSSNY.ORG/PAIDFAMILYLEAVE

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