



# Why Gay and Transgender Workers and Families Need Paid Sick Days

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A hundred years of labor organizing have secured vital protections for many of America's workers. But far too many workers across the country still lack access to safe working conditions, adequate wages, and other basic necessities. One such necessity is universal paid sick leave.

Workers shouldn't have to choose between keeping their jobs and taking care of their health or the health of their families. But today more than 40 million private-sector workers—a full 40 percent of the nation's workforce—face this stark choice every day.<sup>1</sup> Without universal paid sick leave, a sick child or a bout of the flu can cost workers—particularly lower-wage workers who receive few other benefits—a day's pay or even their jobs.

For millions of workers, including many gay and transgender workers,<sup>2</sup> the lack of paid sick days threatens their health, the health of their families, and their ability to earn a living.

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## The lack of universal paid sick days magnifies discrimination against gay and transgender workers

Gay and transgender people across the United States face frequent discrimination in fundamental areas of daily life such as relationship recognition, health care, and employment. In particular, pervasive bias against gay and transgender people and a lack of federal employment protections that explicitly include sexual orientation and gender identity leave this population especially vulnerable to discrimination in hiring and firing. Forty-two percent of gay workers have experienced workplace discrimination such as being harassed at work or fired without cause, and 90 percent of transgender individuals who have been able to find employment report harassment or mistreatment on the job.<sup>3</sup>

The lack of universal paid sick days exacerbates the vulnerabilities many gay and transgender people experience in the workplace. Nearly one in four workers nationwide has been threatened with termination or actually fired for taking time off when they or a family member is sick.<sup>4</sup> What's more, it remains legal in a majority of states to fire an

employee simply for being gay or transgender.<sup>5</sup> This places extreme pressure on gay and transgender workers to forgo health care for themselves and requires them to risk losing their jobs when they take care of their children or their partners.

Employment discrimination is also partly why gay and transgender people experience higher rates of poverty than the general population. According to a recent Gallup poll, 35 percent of respondents who identified as lesbian, gay, bisexual, or transgender reported incomes of less than \$24,000 a year—only 24 percent of the general population reported earning the same level of income.<sup>6</sup> Other research also shows that significant income disparities exist across the gay and transgender population: Lesbian and bisexual women are more likely than straight women to experience poverty; transgender individuals make \$10,000 a year or less at twice the national average; and gay men earn on average between 10 percent and 32 percent less than straight men.<sup>7</sup>

Unemployment is not the only cause of poverty in the gay and transgender population. Discrimination frequently forces gay and transgender people to take lower-wage jobs offering few benefits and little job security—exactly the conditions that allow employers to fire workers with impunity for falling ill or staying home with a sick family member.<sup>8</sup> In fact, more than 80 percent of low-wage workers do not have access to any paid sick days.<sup>9</sup>

Mirroring another trend in the general population, gay and transgender workers of color are more likely on average than white workers to lack access to paid sick days. Generally, Latinos are the ethnic group least likely to have access to paid sick leave: Only 38 percent of Hispanic workers have paid sick leave, compared to 60 percent of whites, 57 percent of African Americans, and 65 percent of Asians.<sup>10</sup> In the gay and transgender population, Latinos are also considerably more likely than their white peers to experience discrimination in the workplace. Thirty percent of transgender Latinos, for example, report losing a job due to discrimination, compared to 24 percent of white transgender respondents.<sup>11</sup> This is partly why Latino transgender people have an unemployment rate of 20 percent, significantly higher than the overall transgender population (14 percent) and nearly three times the rate of the general population.<sup>12</sup>

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## The lack of universal paid sick days also harms the children and families of gay and transgender workers

Discrimination imposes heavy burdens not just on gay and transgender individuals but on their families as well. American families headed by same-sex couples, for example, make an average of \$15,000 less per year than families headed by different-sex couples.<sup>13</sup> Similarly, the 2 million children being raised by same-sex parents in the United States today are twice as likely to live in poverty as children being raised by married different-sex parents.<sup>14</sup>

Paid sick leave is as critical for families headed by gay and transgender people as for any other low-income family. If a parent with two children making \$10 an hour in a single-income family has to take off work for three days to care for a sick child who cannot go to school, the family's income for the year will fall below the federal poverty line—\$11,170 for an individual and \$19,090 for a family of three—without access to paid sick days to compensate for that time.<sup>15</sup> Put another way, just 3.5 unpaid days out of work can cost a family its average grocery budget for an entire month.<sup>16</sup>

The widespread absence of laws allowing gay or transgender people to establish legal ties with each other and with their children is another reason why strong universal sick leave protections are so important for gay and transgender people and their families. If employers are given free rein to deny that the bond between same-sex partners and their children constitutes a family, the likelihood increases that they may punitively fire a gay or transgender person who takes time off from work to care for a sick child or same-sex partner. Like members of any family, gay and transgender people should be able to look after their children and significant others without jeopardizing their family's financial future by gambling against the risk of sudden unemployment.

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### A minimum nationwide paid sick day standard is necessary to protect all workers

There are many reasons why Congress needs to establish a nationwide minimum standard for paid sick days on behalf of the 40 million workers who currently lack this protection.<sup>17</sup>

First, the consequences of the lack of a standard for national paid sick days fall disproportionately on lower-income workers who are already struggling to make ends meet. Ninety percent of private-sector workers whose earnings are in the top 10 percent in their occupation enjoy this protection, but only 23 percent of workers in the bottom 25 percent have access to paid sick days.<sup>18</sup>

Second, though three out of four U.S. adults support policies giving employees a minimum number of paid sick days, the United States remains the only developed country that does not guarantee paid sick leave nationwide.<sup>19</sup> One state (Connecticut) and three municipalities (San Francisco, the District of Columbia, and Seattle) have passed laws requiring employers to provide a minimum number of paid sick days for their employees.<sup>20</sup> The current patchwork of laws, however, leaves millions of workers still facing lost wages or at the risk of being fired simply for trying to care for themselves or their families.

Finally, the financial evidence points overwhelmingly toward the benefits of paid sick leave. Encouraging employees to go to work and children to go to school even when they are ill and contagious is not just bad public health practice—it is also a substan-

tial drain on productivity. Research shows that having ill workers on the job instead of recovering at home costs employers \$160 billion per year in lost productivity.<sup>21</sup>

Paid sick leave thus actually results in cost savings for employers. Consider the following:

- Workers with paid sick days are nearly one-third less likely to be injured on the job, resulting in lower health care costs for employers.<sup>22</sup>
- Universal paid sick leave in the United States would result in 1.3 million fewer emergency room visits per year, saving \$1.4 billion in medical costs annually.<sup>23</sup>
- Workers with access to paid sick days are more likely to utilize health screenings that can prevent illness or detect conditions such as such cancer early, when treatment is easier and less expensive.<sup>24</sup>

Moreover, no evidence exists that universal paid sick leave results in workers gaming the system by taking unwarranted time off. Half of workers who have paid sick days do not take any at all, and those who do take time off only take an average of 3.9 days per year to recover from illness and 1.3 days to care for sick family members.<sup>25</sup>

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## The Healthy Families Act would protect all workers, including gay and transgender workers

Proposed universal sick day legislation already exists in Congress. The Healthy Families Act would establish a paid sick days standard that would guarantee nearly all workers the ability to take time off work to care for themselves or a loved one without having to sacrifice a day's pay or run the risk of termination. The act applies to employers with 15 or more employees and would allow workers to earn up to seven paid sick days each year that may be used to recover from illness, seek medical care, or care for a child or other family member.<sup>26</sup> In March 2010 the congressional Joint Economic Committee estimated that the act would allow an additional 30 million workers to earn paid sick days, expanding the proportion of the private-sector workforce that enjoys these protections from 60 percent to 90 percent.<sup>27</sup>

Importantly, the Healthy Families Act, like most other paid sick day laws passed by various states and municipalities, would allow gay and transgender workers to use their paid sick days to care for immediate family members, even in cases where state or federal law does not recognize family relationships between same-sex partners or their children. According to the Family Equality Council:

*The [Healthy Families Act] ensures that all families are eligible for paid sick days. Employees can use it to care for spouses; domestic partners; biological, foster, or*

*adopted children; stepchildren; children of domestic partners; legal wards; or children for a person standing in loco parentis (a parent without a legal or biological relationship to his or her child).*<sup>28</sup>

The Healthy Families Act reflects the fundamental principle that no one, including gay and transgender people, should face an unconscionable choice between caring for their health and keeping their job. But until Congress enacts a federal standard for paid sick days, far too many American workers will continue to face that choice every day. Economic times are tough enough in the United States today without cruel policies exacerbating job instability and income insecurity. Congress should pass the Healthy Families Act to protect all workers and their families.

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## Endnotes

- 1 “The Urgent Need for Paid Sick Days: By the Numbers,” available at [http://paysickdays.nationalpartnership.org/site/PageServer?pagename=psd\\_toolkit\\_quickfacts](http://paysickdays.nationalpartnership.org/site/PageServer?pagename=psd_toolkit_quickfacts) (last accessed October 2012).
- 2 In this issue brief, the term “gay” is used as an umbrella term to describe people who identify as gay, lesbian, or bisexual.
- 3 Brad Sears and Christy Mallory, “Documented Evidence of Employment Discrimination & Its Effect on LGBT People” (Los Angeles: The Williams Institute, 2011); Jamie M. Grant and others, “Injustice at Every Turn: A Report of the National Transgender Discrimination Survey” (Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011).
- 4 Jane Farrell and Joanna Venator, “Fact Sheet: Paid Sick Days” (Washington: Center for American Progress, 2012).
- 5 Jerome Hunt, “A State-by-State Examination of Nondiscrimination Laws and Policies” (Washington: Center for American Progress, 2012), available at [http://www.americanprogress.org/wp-content/uploads/issues/2012/06/pdf/state\\_nondiscrimination.pdf](http://www.americanprogress.org/wp-content/uploads/issues/2012/06/pdf/state_nondiscrimination.pdf).
- 6 Gary J. Gates and Frank Newport, “Special Report: 3.4% of U.S. Adults Identify as LGBT” (Washington: Gallup, 2012).
- 7 Center for American Progress, Family Equality Council, and Movement Advancement Project, “All Children Matter: How Legal and Social Inequalities Hurt LGBT Families (Full Report)” (2011); Grant and others, “Injustice at Every Turn”; Sears and Mallory, “Documented Evidence of Employment Discrimination & Its Effect on LGBT People.”
- 8 Farrell and Venator, “Fact Sheet: Paid Sick Days.”
- 9 Elise Gould, Kai Filion, and Andrew Green, “The Need for Paid Sick Days: The lack of a federal policy further erodes family economic security,” Briefing Paper 319 (Washington: Economic Policy Institute, 2011), available at <http://w3.epi-data.org/temp2011/BriefingPaper319-2.pdf>.
- 10 Jane Farrell and Joanna Venator, “Fact Sheet: Paid Sick Days” (Washington: Center for American Progress, 2012), available at <http://www.americanprogress.org/issues/labor/news/2012/08/16/12031/fact-sheet-paid-sick-days/>.
- 11 Grant and others, “Injustice at Every Turn.”
- 12 Ibid.
- 13 Center for American Progress, Family Equality Council, and Movement Advancement Project, “All Children Matter: How Legal and Social Inequalities Hurt LGBT Families (Full Report).”
- 14 Ibid.
- 15 Gould, Filion, and Green, “The Need for Paid Sick Days: The lack of a federal policy further erodes family economic security.”
- 16 Farrell and Venator, “Fact Sheet: Paid Sick Days.”
- 17 “The Urgent Need for Paid Sick Days: By the Numbers.”
- 18 Ibid.
- 19 Ibid.
- 20 Caroline Winter, “Is Paid Sick Leave Good for Business?,” Bloomberg Businessweek, July 20, 2012, available at <http://www.businessweek.com/articles/2012-07-20/is-paid-sick-leave-good-for-business>.
- 21 Farrell and Venator, “Fact Sheet: Paid Sick Days.”
- 22 Ibid.
- 23 Ibid.
- 24 Ibid.
- 25 Ibid.
- 26 National Partnership for Women and Families, “The Healthy Families Act” (2012).
- 27 Ibid.
- 28 Family Equality Council, “Health Families Act Fact Sheet” (2012).