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Publication Date
2009-07-01

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July 2009

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Labor Project *for* Working Families

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Do Unions Make a Difference?

by Jenifer MacGillvary with Netsy Firestein

A joint report of
the UC Berkeley Center for Labor Research and Education and
the Labor Project for Working Families

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Acknowledgements

Our thanks to Dave Graham-Squire, Ken Jacobs, John Logan, Vibhuti Mehra, and especially Andrea Buffa for their help in preparing this report. We also appreciate the advice and assistance provided by Peter Berg, Ellen Galinksy, Naomi Gerstel, and Ellen Kossek, though they are in no way responsible for this report's contents or claims.

Thanks also to American Rights at Work, which provided funding to produce this report.

The views expressed in this report are those of the authors and do not necessarily represent the Regents of the University of California, UC Berkeley Institute for Research on Labor and Employment, American Rights at Work, or collaborating organizations or funders.

EXECUTIVE SUMMARY

This report analyzes the "union difference" in family-friendly workplace policies. It reviews studies that compare union workplaces with nonunion workplaces to determine whether there is a difference in the extent to which these workplaces implement policies that acknowledge their employees' family responsibilities and promote a healthy and viable balance between work life and home life. Family-friendly policies are becoming increasingly important as more and more U.S. households find themselves with all adult household members working while they also have child-care and elder-care responsibilities.

The report finds that in most areas unionized workers receive more generous family-friendly benefits than their nonunionized counterparts. The report's main findings include the following:

- ***Family and Medical Leave Act***: Unionization promotes compliance with the Family and Medical Leave Act. Unionized employees are more likely to have heard of the FMLA and have fewer worries about taking leave. Companies with *any* unionized employees are 1.7 times as likely to comply with the FMLA as companies without any unionized employees

- ***Access to Paid Leave:*** Unionized workers are more likely to receive fully paid and partially paid family leaves. Comparing hourly workers who take leave, 46 percent of unionized workers compared to 29 percent of nonunionized workers receive full pay while on leave.

- ***Flexible Paid Sick Days***: Unionized workers are 1.3 times as likely as nonunionized workers to be allowed to use their own sick time to care for a sick child, and they are 50 percent more likely than nonunionized workers to have paid personal leave that can be used to care for sick children. Private-sector unionized workers are 10 percent more likely than nonunionized workers to have "illness leave," a measure that includes a combination of paid vacation, paid sick leave, paid family leave, and paid personal leave.

- ***Family-Friendly Health-Care Benefits***: Companies with 30 percent or more unionized workers are five times as likely as companies with no unionized workers to pay the entire family health insurance premium. Even when unionized employees are required to pay part of their family insurance premium, they pay a much lower share of the premium than nonunionized workers do—13 percent of the premium compared to 32 percent.

⌘ ***Flexible Work Arrangements***: Flexible work arrangements include job-sharing, part-time work, compressed workweeks, working from home, returning to work gradually after family leave, and atypical schedules. There does not appear to be a union advantage when it comes to flexible workplace policies. In fact, the few studies of this issue that have been done show a negative relationship between unionization and flexible work arrangements. This may be because many types of flexibility are not an option for some occupations: for example, telecommuting for factory workers, or daily change of start time for nurses. Or it may be that flextime for some union workers and unions has a negative connotation in that it could mean employers have the flexibility to require unscheduled, mandatory overtime and shift work. More research is needed that examines the union-nonunion difference in flexible work arrangements within job classes and categories.

⌘ ***Child-Care Benefits***: In the private sector, 19 percent of unionized workers compared to 10 percent of nonunionized workers receive child-care resource and referral services from their employers. Additionally, 37 percent of private-sector unionized workers compared to 31 percent of private-sector nonunionized workers have dependent care reimbursement accounts, in which part of their salary is set aside each month on a pre-tax basis to pay for eligible child-care expenses.

Introduction

The union difference for workers has been amply documented for many dimensions of employment. Compared to nonunionized workers, especially in comparable jobs, unionized workers make more money, have more access to pensions, receive better health insurance, and have safer workplaces (Mishel and Walters, 2003; Weil, 1991).

Less well-documented is the union difference in "family-friendly" workplaces—workplaces that, through policy and practice, promote a healthy and viable balance between work life and home life. This paper looks at the contributions unions make to the promotion of family-friendly workplaces. Most significantly:

- Unions promote implementation and enforcement of family-friendly policies and legislation, including the Family and Medical Leave Act. In addition, the support provided by organized labor has been critical to the passage of such legislation.

- Unionized workplaces are much more likely than nonunionized workplaces to provide fully or partially *paid* family leave, thereby making family leave a real option for lower- and moderate-income families.

- Unionized workers have significantly better health-care coverage for their families than nonunionized workers.

There is still much to be learned. Our understanding of the union difference in family-friendly workplaces is incomplete, as there have been only a few studies that include more than a passing mention of the effects of unionization in this area. Given the historical importance of the labor movement in setting workplace standards, the growing interest in promoting family-friendly workplaces should be reflected in efforts to fully understand both how unions are already making a difference, and the ways in which they can further promote work and family balance.

A "Structural Mismatch"

The old workplace model that is based on the assumption of a two-parent family with dad working and mom at home is no longer viable, if it ever was. In the 1940s, the husband but not the wife worked outside the home in 66 percent of families; by 2005 this had dropped to 19 percent (US DOL, 2007, Table 23). Today, fully 70.6 percent of U.S. women with children under the age of 18 work outside the home (US DOL, 2007, Table 6), and 75 percent of children live in families where all parents work (Spicuglia, 2007).

- Almost 30 percent of all working families with children under 18 are headed by a single mother (U.S. Census Bureau, 2006, Table FG5).
- Nearly one out of every four households provides care to people aged 50 or older (Business and Professional Women's Foundation, 2002).
- Only 14 percent of working women say they would or could hire someone else to care for a child, parent, or other family member, or shift the care-giving responsibility to another member of the family (Working America, 2008).
- Unpaid elder-care providers spend an average of 20 hours per week providing care (National Alliance for Caregiving and AARP, 2004).
- Thirty-three percent of individuals who provide more than 40 hours a week of unpaid elder care also have full-time employment (National Alliance for Caregiving and AARP, 2004).
- Caregivers who are also employed are more likely to miss work and to lose a job or a career opportunity. They are two to three times more likely to become depressed (Business and Professional Women's Foundation, 2002).

Adding further complexity to the picture is the aging of the U.S. population and the concomitant growth in the need for elder care. In 1950, a 65-year old American on average lived another 13.9 years; in 2005, this had increased to an additional 18.7 years (US HSS, 2008, Table 26). The fastest growing segment of the U.S. population is those age 85 and older, half of whom need some amount of care (Marcell, 2005). By and large it is still the family that provides this needed care. In a 2002 survey, 35 percent of workers indicated that they had had significant unpaid elder-care responsibilities in the preceding year (Bond et al., 2002). Looked at another way, 59 percent of unpaid elder-caregivers work outside the home, the majority full-time. The average length of elder-caregiving is 4.3 years (National Alliance for Caregiving and AARP, 2004[1]).

These are dramatic demographic and social changes, yet over the past half century the structure of the American workplace has remained remarkably static. As a result, there is a "growing structural mismatch between the design of jobs and career systems in employing organizations and a transformed work force" (Kossek and Distilberg, 2008, p. 2). From the attempts to address and rectify this mismatch, "work and family" has grown to be a "defined and mainstreamed employment issue" (Kossek and Distilberg, 2008, p. 2).

A workplace is "family-friendly" to the extent that it acknowledges its employees' family responsibilities and creates policies that minimize family/job conflicts. The aim is to create policies and a workplace culture that allow employees to fulfill both work and family responsibilities (Pitt-Catsouphes, 2002). Family-friendly policies have been devised with the needs of employed parents in mind, though other familial responsibilities, especially toward employees' aging parents, have increasingly been brought under the rubric.

Specific family-friendly policies include those concerning child care, elder care, family leave, flexible scheduling, and paid sick leave. The concept of "family-friendly" is increasingly blurring with the broader "work-life" or "quality of life" benefits, which concern such issues as paid vacation and paid personal leave, as well as "health-promoting" benefits like employee

[1] In this particular study, caregivers were defined as anyone providing care to an adult, not necessarily an elderly person or a relative, though a large majority of care recipients were over 50 years and were related to the caregiver.

assistance programs, wellness programs, and health centers. The extent to which existing family-friendly policies are *implemented* also needs to be considered. Family-friendly benefits do no good if employees (and supervisors) are in the dark about their existence and provisions, or if employers and supervisors discourage their use.

Public opinion surveys have found broad support for policies and legislation that promote family and workplace balance. For example, 86 percent of Americans favor a law that would guarantee all workers a minimum number of paid sick days to care for themselves or immediate family members (Smith, 2008), and 76 percent of U.S. voters say they favor expanding the Family and Medical Leave Act (FMLA) to offer paid leave (National Partnership for Women and Families, 2007). Sixty percent of the public think it's actually illegal for employers to not provide paid sick days (AFL-CIO, n.d.).

- Four-fifths of men in their 20s and 30s believe that a work schedule that allows for family time is more important to them than a challenging or high-paying job (Kossek and Distelberg, 2008).
- Similarly, a survey by the American Association of University Women found that 74 percent of men and 83 percent of women would choose a job with lower pay if it provided such benefits as family leave, flexible hours, and help with family care (AFL-CIO, 2008).

How Unions Make a Difference

How might unions promote family-friendly workplaces? To begin with, compared with nonunionized workers, unionized workers enjoy better conditions of employment across the board: they receive higher salaries and more generous benefits packages. Unionized workers take a relatively large share of their total compensation in the form of benefits: voluntary benefits make up 26.5 percent of the total compensation for private-sector union jobs, while they make up just 16 percent of similar nonunion jobs. This union difference in non-mandatory benefits is particularly evident in lower-paying workplaces and small establishments (Budd, 2005).

Unionized employees receive not only *more* benefits, but also benefits that are more *useful* to them. Unions take the collective preferences of their members and communicate this information to the employer, with the result that the mixture of the total compensation package is rearranged to reflect these preferences (Budd, 2005, p. 669). It seems likely that job security, wages, and health benefits will always be higher priorities in contract negotiations, but as family-friendly benefits become more important, this preference will be implemented more quickly (and more generously) for unionized workers.

Unions also play a critical role in actualizing formal workplace or public policies: they turn policy into action. This "facilitation effect" (also described as a "rights-facilitating effect," an "educational role," or an "implementation function") is central to any understanding of the union advantage. Unions educate members on what their workplace rights are and how to exercise them; they monitor the workplace and ensure that policies and rights are being enforced; and they protect workers from retaliation when they exercise their rights (see Budd, 2005; Kramer, 2008; Gerstel and Armenia, 2009; Gerstel and Clawson, 2000; and Budd and Brey, 2003).

Study after study has found evidence of the facilitation effect. Union-represented employees are more likely than nonunionized workers to file workers' compensation claims; they receive more unemployment insurance; and they are more knowledgeable than nonunionized workers about their future social security and pension benefits (see Kramer, 2008, and Budd, September 2005). As explored more fully below, unionized workers are more aware of their rights under the Family and

Medical Leave Act. In unionized workplaces, OSHA enforcement improves, as does compliance with the overtime regulations of the Fair Labor Standards Act (Budd and Brey, 2003). These programs are costly to employers, giving them a clear disincentive to voluntarily provide more than the legally-required minimum notice (Budd, September 2005). Unions fill this information void.

Concerning family-friendly policies specifically, the need for greater workplace and legal policy implementation is easily discerned. In the Families and Work Institute's 2008 National Survey of Employers (NSE), an establishment-level survey in which a company-identified representative answers questions for each randomly selected company, only 21 percent of the respondents said it is "very true" that their company makes a "real and ongoing effort to inform employees of available assistance for managing work and family responsibilities." Just 20 percent said it was "very true" that "management rewards those within the organization who support effective flexible work arrangements" (Galinsky, Bond, and Sakai, 2008, p. 26). As late as 2008, fully 15 years after it was enacted, there was still significant noncompliance with the FMLA (see below).

⌘ A study looking at the provision of leave benefits in California prior to the enactment of Paid Family Leave found that unionized workplaces were 3.6 times more likely to have leave benefits above and beyond those legally required. In fact, unionization had the greatest effect of all variables on the provision of such benefits (Milkman and Appelbaum, 2004).

Along the same lines, researchers have also found significant numbers of workers who are unaware of the full array of their rights and benefits. In the 2005 National Survey of Employers, 68 percent of the employer respondents indicated that their employees may occasionally change their starting and quitting times; in the companion employee survey, however, only 42 percent of workers indicated they have this option. Thirty-four percent of the employers said they provide elder-care resource and referral services; only 24 percent of employees reported knowledge of this service (Kossek and Distelberg, 2008).[2]

As a final aspect of the facilitation effect, unions can help make it safe for employees to take advantage of the benefits that are offered to them. In addition to facilitating appropriate use of benefits, unions represent workers in grievance procedures in the event of a dispute. One study reviewed 99 union arbitrations involving employees who were fired or disciplined for missing work due to family-care needs. In all but one case, workers' dismissals were overturned or discipline was reduced as a result of the union filing a grievance (Williams, 2006).

Family and Medical Leave Act: A Case Study in the Facilitation Effect

The Family and Medical Leave Act (FMLA) is a federal law enacted in 1993 that requires companies with at least 50 workers (within a 75-mile radius) to allow employees up to 12 weeks unpaid leave per year for the birth or adoption of a child, or to care for themselves, their children, or certain other

[2] The Families and Work Institute conducts separate studies of employers and employees. The employer study is the National Study of Employers (NSE, previously called the Business Work-Life Study), and it has been conducted in 1998, 2005, and 2008. The employee study is the National Study of the Changing Workforce (NSCW), and it has been conducted in 1992, 1997, and 2002. Though these are sometimes called "companion studies," it should be kept in mind that the respondents in the employee survey are not (necessarily) workers at the companies included in the employer survey. Kossek and Distelberg are here discussing results from the 2005 NSE and the 2002 NSCW.

family members.[3] The FMLA is the most recent major federal legislation concerning work and family issues and there have been several studies of its implementation. With a relative abundance of data and analysis, we can get a good picture of the facilitation effect unions provide from this case.

Compliance with the Act

There is widespread noncompliance with the FMLA: as many as 42 to 50 percent of covered establishments ignore one or more of the provisions of the law (Gerstel and Armenia, 2009),[4] including almost a quarter of companies that ignore the maternity leave provision (Kossek and Distelberg, 2008).

Unionization promotes compliance with the Act: Companies with *any* unionized employees are 1.7 times as likely to comply with the FMLA as companies without any unionized employees (Gerstel and Armenia, 2009).

Knowledge of the Act

Unionized employees are more likely to have heard of the FMLA:

- 60.3 percent of unionized workers compared to 54.7 percent of nonunionized workers had heard of the FMLA two years after the law passed (Commission on Leave, 1996).[5]

- Among *hourly* workers,[6] unionized workers were 9.5 percent more likely to report having heard of the FMLA than nonunionized workers two years after the law passed (Budd and Brey, 2003).

- In 1994, just after the FMLA was enacted, 23 percent of eligible unionized workers were unaware of their FMLA rights, similar to the 22 percent of eligible nonunionized workers who were unaware. But by 2000, the "ignorance rate" of unionized workers had fallen to 8 percent, while the "ignorance rate" for nonunionized workers had fallen to 14 percent. In other words, the "ignorance rate" was reduced almost twice as much among union members as among nonunion members (15 percentage point v. 8 percentage point reductions, respectively) (Kramer, 2008, using data from the National Longitudinal Survey of Youth). See Figure 1, page 10.

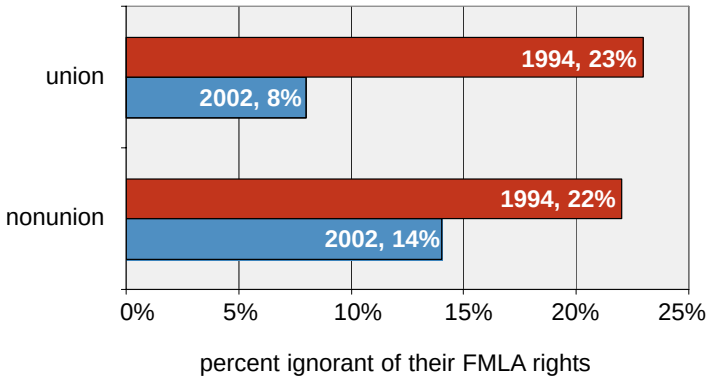
[3] The FMLA does not cover workers needing to care for a parent-in-law, which undoubtedly creates instances in which a more highly paid spouse must take the unpaid leave. It's also worth mentioning that the FMLA does not cover workers needing to care for siblings.

[4] Different results are due to the treatment of missing data.

[5] The bipartisan U.S. Commission on Family and Medical Leave (the "Commission on Leave") was established under the FMLA to study the law's impact. It conducted studies in 1995 and 2000, but the 2000 study did not include a variable on union status.

[6] Controlling for workers' status as either hourly or salaried employees can serve as a rough proxy for class. In their study of labor unions' effect on the implementation of the FMLA, Budd and Brey (2003) found significant differences between union and nonunion *hourly* workers, but not among union and nonunion *salaried* workers.

Figure 1. Workers' "ignorance rates" regarding FMLA rights, by union status,1994 & 2002



source: Kramer, 2008

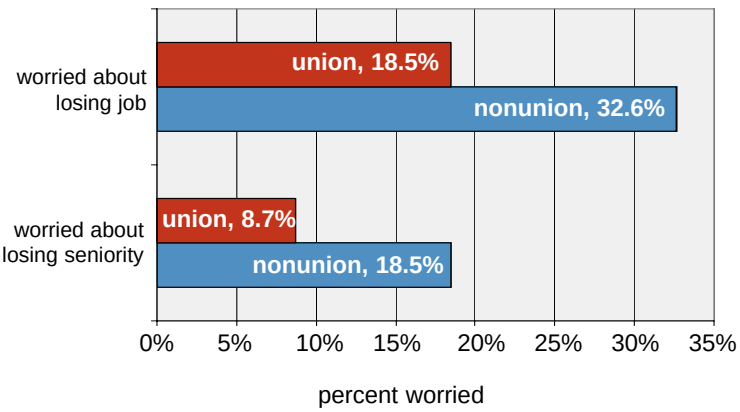
Workplace support for leave-taking

Unionized workers have fewer worries about taking leave, reflecting, perhaps, more concrete knowledge of their rights under the FMLA, or their understanding that their union will promote enforcement of the law.

- Among hourly workers who take leave, nonunionized workers are much more likely to worry about losing seniority than unionized workers, and

- Nonunionized workers are also twice as likely as unionized workers to worry about losing their seniority (Budd and Brey, 2003).[7] See Figure 2.

Figure 2. Worries of leave-taking workers (hourly), by union status, 1995



source: Budd and Brey, 2003

[7] Note that these data include workers both with and without FMLA coverage. Controlling for covered status, union workers are 10.5 percent less likely to worry about losing their jobs and 6.8 percent less likely to worry about losing their seniority.

⌘ In the 1995 Commission on Leave study, 1.58 times as many nonunionized workers as unionized workers found it difficult to arrange to take a leave—8.2 percent compared to 13 percent (Commission on Leave, 1996, Table 7.B).

Despite the fact that the Family and Medical Leave Act was a major piece of federal legislation, signed and delivered with much fanfare, the mechanisms by which the law was meant to be enforced are ineffectual in theory and practice alike.[8] Noncomplying companies face unlikely detection and minimal punishment, and not surprisingly the law is routinely ignored. As seen from the previous results, unions have stepped into this policy void to play a critical role in the implementation of the Family and Medical Leave Act. Unions educate workers about their leave rights and promote workplace cultures that allow workers to feel protected when they utilized the benefit. "Unions are a major tool for insuring the Act's implementation … and [they] provide a means to spread information about the Act that is required by law but missing in so many workplaces" (Gerstel and Armenia, 2009, p. 31).

Paid Leave: Making Caregiving Leave Feasible

The fact that the FMLA provides for *unpaid* leave severely limits its usefulness for many workers. In its study on the impact and effectiveness of the FMLA, the Commission on Leave identified workers who stated that they had needed to take a leave but didn't. Among those workers, 63.9 percent said they didn't take the needed leave because they "couldn't afford it" (Commission on Leave, 1996, Table 5.H). In the same study it was found that, among workers who took an unpaid or partially paid leave, 40.3 percent cut their leave short to help cover their lost wages (Commission on Leave, 1996, Table 5.12).[9]

Unionization makes leave-taking more feasible for workers by providing better *paid* leave benefits (in addition to providing better wages in the first place, which indirectly facilitates leave-taking).

⌘ Among hourly workers who took a leave, 47 percent of unionized employees compared to 61 percent of nonunionized employees said that they returned to work when they did because they "couldn't afford financially to take more time" (Budd and Brey, 2003).[10]

[8] Essentially, covered companies are required to post information about workers' rights under the FMLA, and face a fine of $100 for failure to do to.

[9] In addition, it's worth mentioning that 90 percent of U.S. establishments —employing 40 percent of the workforce—do not meet the criteria for being covered by the FMLA. At covered establishments, almost 20 percent of workers are not eligible (due to requirements covering such things as hours worked since beginning the job). Overall, 53 percent of the U.S. workforce is not eligible for coverage under the major federal legislation addressing work and families concerns (Gerstel and Armenia, 2009). Less than one-fifth of new mothers are eligible for leave under the FMLA (Milkman and Appelbaum, 2004).

[10] This result disappeared when income was controlled.

Unions Bargain for Family-Friendly Benefits

Unions have used collective bargaining to address work and family issues to great effect. These may include negotiating child-care services, elder-care programs, flexible or alternative work schedules, and a range of family leave options.

Family Leave

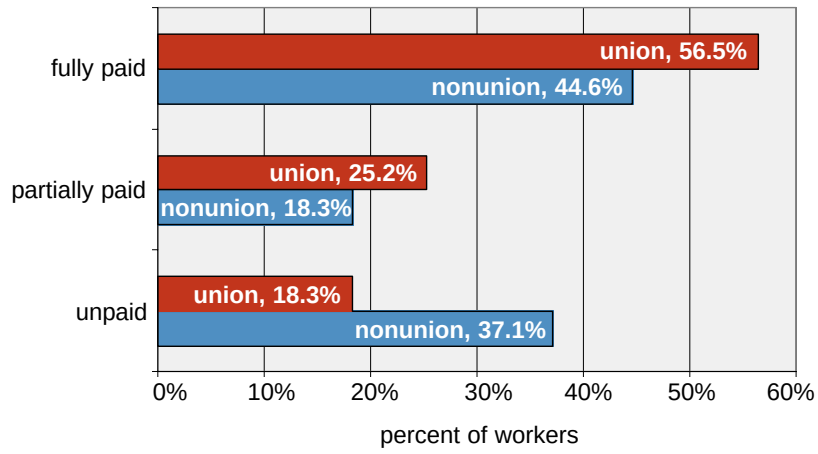
Taking paid leave allows workers to care for their families, deal with an emergency, care for a family member with a serious illness, or have time with a new baby.

Contract Example

State workers in Ohio negotiated for four weeks of paid adoption/child birth leave at 70 percent of regular pay, after a two-week waiting period for all employees who work 30 hours or more (AFSCME Local 11 and State of Ohio).

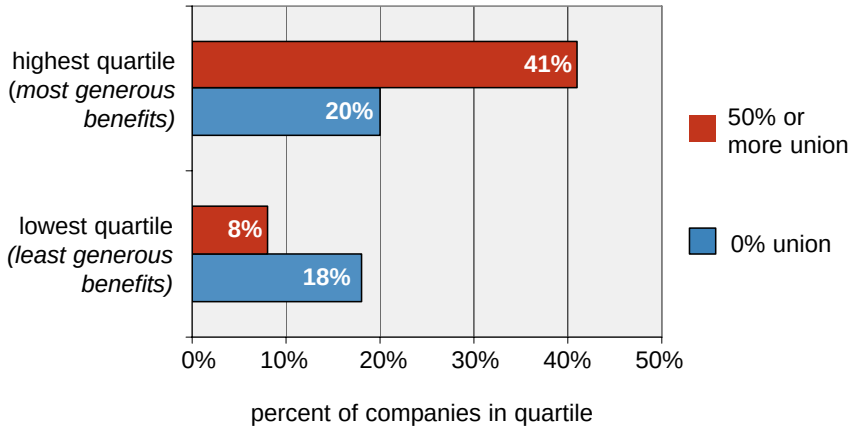
Unions have negotiated many other forms of leave, such as paid leave for parent-teacher conferences, donated leave, and expanding the Family and Medical Leave Act (FMLA) through the union contract.

Figure 3. Extent to which leave-taking workers' leave was paid, by union status, 1995



source: Commission on Leave, 1996

Figure 4. Generosity of caregiving benefits—Quartile ranking of highly unionized and nonunionized companies, 2007



source: Galinsky, Bond, and Sakai, 2008

⌘ What do the United States, Liberia, Papua New Guinea, and Swaziland have in common? In a study of 173 countries, they were the only ones that provided no guaranteed paid leave for childbirth in any segment of the workforce.

⌘ The United States compares quite favorably with other countries in its protections against workplace discrimination, but its public policies promoting work and family balance "lag dramatically" behind other wealthy countries, and even behind many middle- and low-income countries.

Source: Council on Contemporary Families, 2007.

⌘ Unionized workers are more likely to receive fully-paid and partially-paid leaves. Conversely, nonunionized workers are *twice* as likely as unionized workers to receive *no pay* while they are on leave (Commission on Leave, 1996, Table 5.Q). See Figure 3.

⌘ Comparing hourly workers who take leave, 46 percent of unionized workers compared to 29 percent of nonunionized workers receive full pay while on leave. In other words, more than one and a half times as many unionized workers as nonunionized workers are fully paid while on leave (Budd and Brey, 2003).

⌘ Compared to nonunionized workers, unionized workers are less likely to go on public assistance during leaves from work (Commission on Leave, 1996).

⌘ The 2008 National Study of Employers created an index with which to rate companies on the basis of the generosity of their caregiving benefits. The index was based on length of job-guaranteed leave for maternity, paternity, new child, and seriously ill family member, as well as the extent to which these leaves were paid and the sources of the wage replacement. The NSE found that companies' caregiving benefits packages become more generous as union membership increases (Galinsky, Bond, and Sakai, 2008). See Figure 4.

Flexible Paid Sick Days

What do working parents do when their child wakes up with a bad cold or the flu? The FMLA is designed to help employees deal with more serious health conditions and is not typically used for one- or two-day leaves when a mild unexpected illness hits a family. As it turns out, children get sick six to ten times a year, and most working families prefer to have a parent stay home with the child when illness strikes. In fact, 40 percent of parental absenteeism from work is due to the need to care for a sick child. This parental instinct is sound: sick children recuperate more quickly when they are in the care of a parent (Capozza, 2008).

Yet more than two-fifths of U.S. private-sector workers do not have paid sick days, including three-fourths of the lowest-wage workers (Kramer and Zilberman, 2008). And most workers who do have paid sick days are allowed to use this benefit only for their own illness—not to care for a family member (Lovell, 2004).

Unions Bargain for Family-Friendly Benefits

Paid Sick Time for Families

Paid sick time can allow workers to recover from their own illness and to care for a family member, defined broadly.

Contract Example

School employees in Lynn, Massachusetts, can use their paid sick leave to care for their immediate family, including parent, husband, wife, child, brother, sister, or other relationship determined by the Superintendent of Schools (AFT and Lynn Schools, Massachusetts).

While a minority of workers have paid sick days that can be used to care for children, it's even worse for workers with elder-care responsibilities. As with sick children, the FMLA is an inapt mechanism for workers who need to do such things as take an elderly parent to a doctor's appointment or care for an elderly relative with the flu. Yet more than a third of workers who provide unpaid elder care have had to take some time away from work to provide needed care; 13 percent of all workers need to take at least some time off each year to provide elder care (Bond et al., 2002).

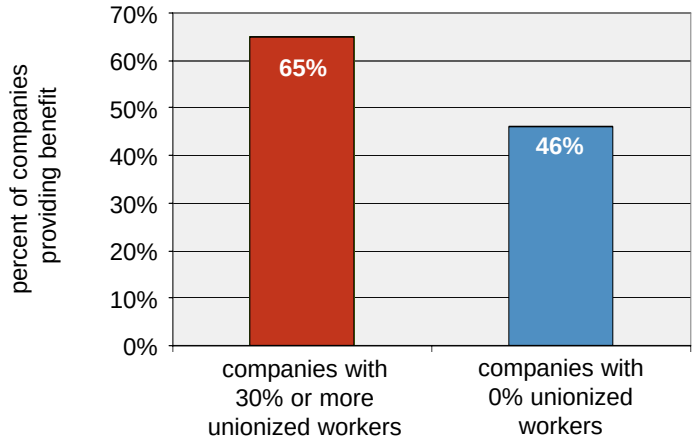
Mild childhood illness is a normal part of family life, and caring for an elderly relative is increasingly becoming so. Yet many workers face the prospect of losing wages or facing disciplinary action if they miss work to provide care. Often they go to work and send the child along to school or daycare, or hope they can find someone to check in on the ill parent or aunt or uncle left home alone. Workers with paid sick-day benefits are 5.2 times more likely to stay home with a sick child than those without this benefit (Capozza, 2008; data regarding elder care is unavailable but presumably would be similar). Workplaces that provide paid leave to care for mildly ill children or adult dependents, and especially those that include coverage for their doctor's appointments, are providing one of the most used and useful of family-friendly benefits. Unionized workers are far more likely than nonunionized workers to have this benefit.

- In the 1998 National Study of Employers,[11] the Families and Work Institute found that 65 percent of companies with at least 30 percent unionized workers provided paid time off to care for mildly ill children, while 46 percent of companies with no unionized workers did so (Galinsky and Bond, 1998; data not available on elder care). See Figure 5, page 14.

- Of 173 countries studied, 145 provide paid leave for short- or long-term illnesses, with 127 providing a week or more annually. More than 79 countries provide sickness benefits for at least 26 weeks or until recovery. The U.S. does not guarantee any paid sick days for common illnesses (Council on Contemporary Families, 2007).

[11] Then called the Business Work-Life Study.

Figure 5. Percent of companies providing paid sick days for employees to care for children, by percent of workers unionized, 1998



source: Galinsky and Bond, 1998

- Similarly, a study using 2004 U.S. Department of Labor National Compensation Survey data found that unionized workers are 1.3 times as likely as nonunionized workers to be allowed to use their own sick time to care for a sick child—37 percent compared to 28 percent (Lovell, 2004).[12]

- Unionized workers are 50 percent more likely than nonunionized workers to have paid personal leave, which can be used to care for sick children—57 percent compared to 38 percent (AFL-CIO, 2009).

- The U.S. Department of Labor Bureau of Labor Statistics has created an "Illness Leave" measure, which includes any combination of paid vacation, paid sick leave, paid family leave, and paid personal leave. Each of these benefits can be used as paid sick leave,[13] so combined they provide a better indication of the availability of paid sick benefits. Here too we see a union advantage, with private-sector unionized workers 10 percent more likely to have "Illness Leave" (Díaz and Wallick, 2009).

Union jobs, more often than nonunion ones, provide benefits that allow workers to perform the ordinary and normal responsibility of tending to mildly ill family members. It is not in the interest of the child or elder, or society, or ultimately even the employer[14] to keep workers from staying home with their ill dependents.

[12] Union workers are also more likely than nonunion workers to be able to use sick leave for their own routine doctor's appointments, 42 percent to 31 percent (Lovell, 2004).

[13] However, data were not collected on whether or not the paid sick leave could be used to care for a sick child.

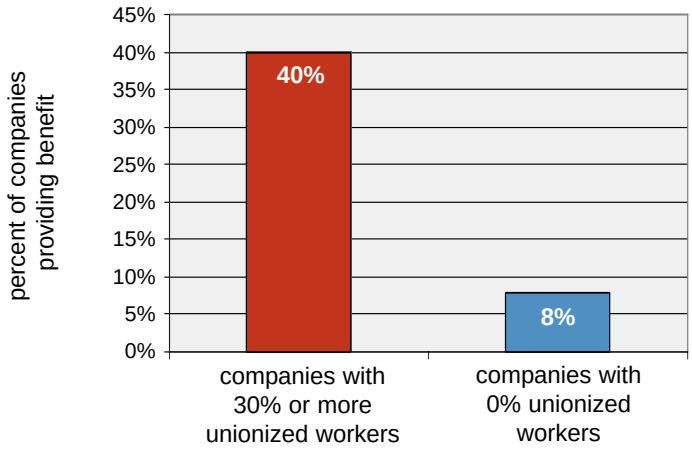
[14] Several studies have found a net savings when companies implement a paid sick leave benefit. See Value Families at Work, 2009.

Family-Friendly Health-Care Benefits

The union advantage in the provision of quality health-care benefits has been well-established. This advantage holds up when examining the health benefits provided to employees' *families* as well. Though characterized here as a "family-friendly" benefit, the provision of quality affordable health care for dependents might more appropriately be called a "societal benefit," since the cost of lack of insurance is borne by all citizens.

⌘ As a company's unionization rate increases, so does the likelihood that the entire family health insurance premium will be paid by the employer. Companies with 30 percent or more unionized workers are a full five times as likely as companies with no unionized workers to pay the entire family health insurance premium (Galinsky and Bond, 1998). See Figure 6.

Figure 6. Percent of companies paying entire premium for family health insurance, by percent of workers unionized, 1998



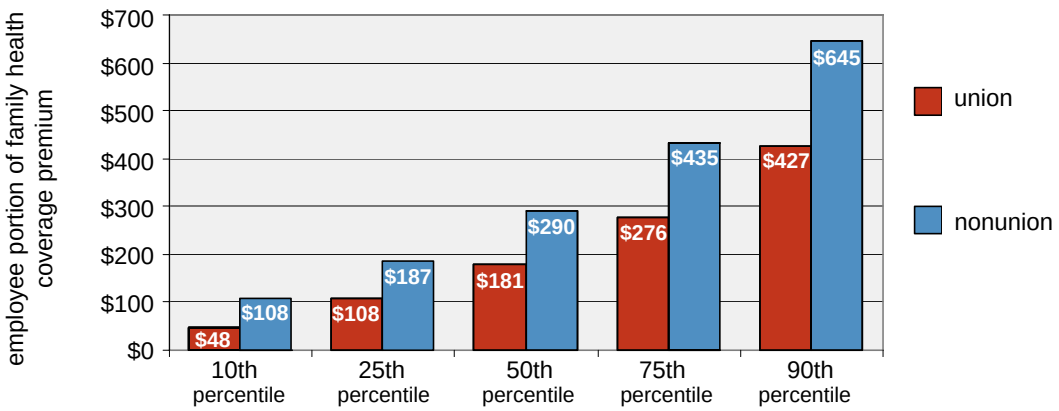
source: Galinsky and Bond, 1998

⌘ Even when unionized employees are required to pay part of their family insurance premium, they pay a much lower share of the premium than nonunionized workers do—13 percent of the premium compared to 32 percent. (US DOL, 2008, Table 6, private sector).

⌘ In addition, the actual dollar amount that unionized workers pay for their share of their family health premium is significantly lower than that paid by nonunionized workers, despite the fact that unionized workers have more generous packages. At the median, private-sector unionized workers are paying 38 percent less for family coverage than private-sector nonunionized workers (US DOL, 2008, Table 11). See Figure 7, page 16.

⌘ Finally, an indirect family benefit is the availability of job-based health insurance for part-time workers. Though data on coverage for part-timers' families are not available, the data on individual coverage show that part-time unionized workers are two and a half times as likely as part-time nonunionized workers to be covered through their own job—59 percent compared to 22 percent. To the extent that the ability to work part-time is a family-friendly policy, the availability of health insurance makes this option more realistic (Employee Benefits Research Institute, 2005).

Figure 7. Employee monthly contributions for family health coverage, by union status, 2008



source: US Department of Labor, 2008, Table 11

The provision of generous health benefits has long been a major source of the union advantage, and this advantage holds up extremely well in the provision of health benefits for workers' families.

- In the United States, 92 percent of workers say they don't have enough workplace flexibility to meet the needs of their children and families.
- More than 40 percent of parents in the U.S. report that their working conditions negatively affect the health of their children—the children miss doctor's appointments or don't receive treatment in the early phase of an illness, for example.
- Working parents who have a difficult time arranging after-school care and other child-care experience significantly more stress than other workers.

Source: McGuire, Brashler, and Kenney (n.d.).

Flexible Work Arrangements

Flexibility has traditionally referred to workers' ability to periodically change the time they begin and end their workday, but with new technologies and creative thinking, a variety of new forms of flexibility have been devised and implemented in some workplaces. Flexible work arrangements now include job-sharing, part-time work, compressed workweeks, working from home, returning to work gradually after family leave, and atypical schedules (e.g., working six hours at the worksite and two hours at home in the evening, with family time in between).

Flexible work arrangements have been found to go far in decreasing job and family conflicts, and promote workers' job satisfaction and even their good health. The 2002 National Study of the Changing Workforce compared workers with higher levels of flexibility in their work arrangements to those with lower levels.[15] They found that workers with higher levels of flexibility were more likely to report *no* interference between job and family life than workers with low levels of flexibility (32 percent compared to 19 percent). From the same study, 50 percent of those with highly flexible work arrangements reported high

[15] The "flexibility index" was created from 11 measures that included occasional flextime, daily flextime, paid sick days for child care, some ability to work from home, being able to work part-time, and being able to work a compressed workweek. See footnote 13 in Bond et al. (2002) for a full description of the index.

levels of life satisfaction, compared to 31 percent of those with low levels of workplace flexibility.

There is very little data on unions and workplace flexibility, and at first glance, the data that is available indicates a negative relationship. The National Compensation Survey found that 2 percent of unionized workers, compared to 5 percent of nonunionized workers, had a "flexible workplace" (March 2008, Table 24, private sector only). It's important to note that this survey used a very restricted definition of "flexible workplace," and considered only measures that allow workers to work from home several days a week (Kossek and Distelberg, 2008). Given the nature of much unionized work, which precludes working from home, such a definition of flexibility is extremely limited in the union context.

The National Study of Employers (2008) looked at the availability of many types of flexible workplace options, including allowing employees to periodically change work hours; change work hours on a daily basis; work a compressed workweek; work some hours at home occasionally; work some hours at home regularly; control when breaks are taken; control which shifts to work; have access to various part-time options; and many more (see Table 3 in Galinsky, Bond, and Sakai, 2008, pages 13-15, for a full list of questions). In addition, the survey asked employers if just *some* employees had access to these policies, or if *all or most* employees had access to them.

The NSE's analysis of unions and flexibility is cursory (though the data are available to other researchers wishing to conduct more thorough analyses). Rather than reporting the union-nonunion difference for each of the individual flexibility variables, the report included an overall flexibility index which was correlated with each establishment's percent of unionized workers. The study found that the percentage of employees who are union members was inversely related to the extent of flexibility in work arrangements: only 16 percent of workplaces with high unionization, compared to 27 percent of workplaces with no union workers, were among companies with the most flexibility. See Figure 8, page 18.

But there are important caveats. In the area of workplace flexibility, more than any other family-friendly benefit, the type of job must be considered in an analysis of the union-nonunion difference. There are many types of flexibility that simply are not an option for some occupations: telecommuting for factory workers, or daily change of start time for nurses, for example. The union-nonunion difference in flexible work arrangements must be examined within job classes and categories, not across them. It would also be important to see the union-nonunion difference for specific flexibility policies.

In addition, future research will need to examine workers' understanding of their flextime options. The NSE is an employer survey, and as discussed above

Unions Bargain for Family-Friendly Benefits

Flexibility

The flexibility to control work schedules and hours allows workers to meet their responsibilities outside of the workplace. Workers may need flexible working hours to manage caregiving responsibilities such as a sick family member, an older relative, or a child. It is imperative that flexible working time arrangements offer opportunities to work while safeguarding workers' needs for security (i.e., wage, benefits, job security, etc.).

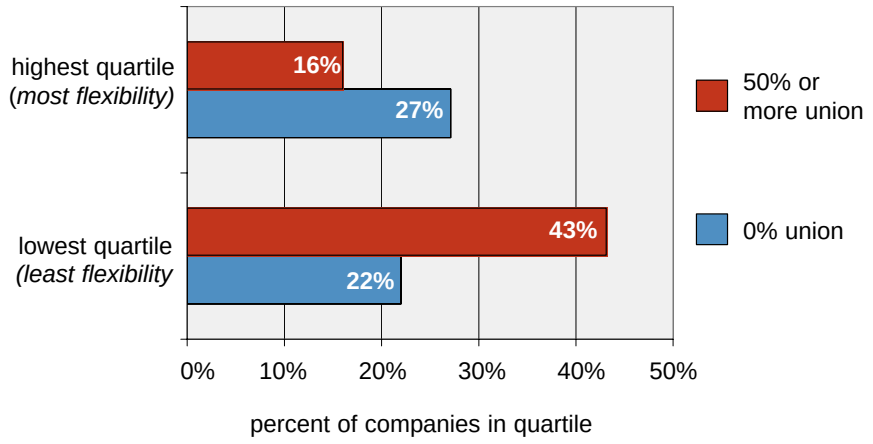
Contract Example

Vermont State Employees Association negotiated to establish alternative work schedules in which starting and quitting times, as well as length of meal breaks, for individual employees may vary. Alternative work schedules may include job sharing, four-day workweeks, alternative schedules with core time, and actual flex time (Vermont State Employees Association and State of Vermont).

Other types of flexibility that have been negotiated include shift swaps, part-time work with benefits, limits on mandatory overtime, shorter work week, and time off in short increments.

⌘ In the U.S., half of all low-income working parents face barriers to becoming involved in their children's education. Thirty-nine percent of low-income working parents find it hard to get time to participate in school meetings, school trips, or school events (Council on Contemporary Families, 2007).

Figure 8. Extent of flexibility in work arrangements—Quartile ranking of highly unionized and nonunionized companies, 2007



source: Galinsky, Bond, and Sakai, 2008

there tends to be a gap between the availability of benefits per the employer's reporting, and the knowledge and use of these policies as reported by workers.

A final note on the history of the "flexible workplace" and unions. Flextime, for many union members, is not about making it easier for workers to balance family and work, but instead is about employers being able to require unscheduled, mandatory overtime and shift work from employees. Union campaigns have been waged to protect workers' right to a set schedule and their rejection of "alternative schedules" (Gerstel and Clawson, 2000). In their qualitative analysis of union leaders' approaches to family benefits, Gerstel and Clawson found that in the union context "flextime" needs to be recast as an issue of control over work hours—the "real issue" is whether the worker makes these decisions or if they are all management decisions. Some unions continue to strongly resist anything other than regular, set schedules, while others are becoming more and more attracted to flextime options. The authors point out that it is impossible to specify "*the* union position on flextime"—different unions have different needs and preferences: "large-scale quantitative analyses that compare union to nonunion workers are likely to find no overall union effect, when the reality may well be strong effects that vary from one union to the next" (Gerstel and Clawson, 2000).

Child-Care Benefits

In the absence of affordable, dependable, quality child care, it becomes virtually impossible for all parents in a household to work. Despite the fact that child care is vitally important to employees with small children, overall neither nonunionized nor unionized employers provide substantial child-care benefits. It is difficult for an employer to provide expensive benefits (e.g., child-care vouchers) when only a subset of workers will benefit, which is typically the case with child-care benefits. However, this is not always the case: sometimes a substantial portion of workers in a company will desire generous child-care benefits. Unions, through their representational function, can present the preference for,

or against, generous child-care benefits to the employer and have the benefits package "rearranged" to fit the workers' priority. Unionized companies with many workers that have a strong preference for generous child-care benefits are in a much better position to achieve those benefits than similar nonunionized workplaces. See the sidebar for one example.

In any case, unionized workers overall do receive more employer assistance than nonunionized workers in arranging and paying for child care:

- In the private sector, 19 percent of unionized workers compared to 10 percent of nonunionized workers receive child-care resource and referral services from their employer, which provide information about available child care, licensing and other quality controls, and subsidies (US DOL, 2008, Table 24).

- In the private sector, 37 percent of unionized workers compared to 31 percent of nonunionized workers have dependent-care reimbursement accounts, in which part of their salary is set aside each month on a pre-tax basis to pay for eligible child-care expenses (US DOL, 2008, Table 25).

Other Work-Life Benefits

Work and life balance entails more than being able to care for a sick family member, or successfully managing a life-changing event like the arrival of a new child, or dealing with any of the other unusual family happenings that temporarily eclipse work responsibilities. It's also an ongoing and everyday ability to fulfill work responsibilities while also meeting personal needs, such as the need for rest and relaxation, the need for health-promoting activities, and the need to participate in parental activities that sometimes happen during work hours.

"Leisure benefits" include paid vacation, paid holiday leave, and paid personal leave. For each of these, unionized workers' benefits are more generous.

- Unionized workers receive an average of 15 vacation days per year, compared to the nonunion average of 11.75 days. This amounts to a union advantage of 28 percent (AFL-CIO, 2009). In the private sector, 84 percent of unionized workers receive *some* paid vacation, compared to 77 percent of nonunionized workers, and 85 percent of unionized workers compared to 76 percent of nonunionized workers receive *some* paid holidays (US DOL, 2008, Table 21; the amount of vacation and holiday leave was not specified).

- Eighty-five percent of private-sector unionized workers, compared to 76 percent of private-sector nonunionized workers, receive at least one paid holiday (US DOL, 2008, Table 21). Overall, unionized workers receive 25 percent more paid holidays than nonunionized workers (10 days compared to 8 days; Labor Research Association, 2006).

Unions Bargain for Family-Friendly Benefits

Child Care

Many unions have negotiated for various types of child-care benefits. This might include a center, a fund to help parents pay for child care, emergency child care, a referral service, or after-school care.

Contract Example

1199SEIU–United Healthcare Workers East bargained for an employer paid Child Care Fund in 1989. Multiple employers contribute a small percentage of their gross payroll to the fund. The fund now provides a wide range of benefits for children of all ages including two child-care centers, cash vouchers for child care and after-school care, resource and referral, summer camp programs, a holiday and cultural arts program, college prep and leadership programs for teens, and parenting workshops.

For more information on unions and bargaining for work family policies, visit www.working-families.org, the website of the Labor Project for Working Families.

Unions Fight for All Workers

For over a century, unions have fought in the state and federal legislatures to improve the work and family lives of U.S. workers. From the five-day workweek to overtime compensation, from livable wages to retirement pensions, unions have pushed for and won vital work-family supports. Recently, unions have pushed for laws to limit mandatory overtime for health-care workers, provide unemployment insurance due to child-care responsibilities, expand family leave laws, and use paid sick leave to care for family members.

Today unions are involved in coalitions around the country to advocate for laws for paid family leave, paid sick days, expanding family leave laws, and many other family-friendly policies for all workers. Labor unions were a critical part of the coalition that passed the federal Family and Medical Leave Act in 1993. In 2002, a labor-community coalition in California led by the California Labor Federation passed the first paid family leave law in the country. Unions were instrumental in passing paid parental leave in Washington State in 2006 and paid family leave in New Jersey in 2008. Unions were also critical players in coalitions that helped to pass laws to guarantee paid sick days in Washington D.C., San Francisco, and Milwaukee. Presently there are very active labor-community coalitions in eleven states working to promote legislation to address various work-time issues. Unions are also at the forefront of efforts to pass laws at the federal level for paid family leave, paid sick days, expanding family leave laws, and more.

For more information on policy efforts, visit www.nationalpartnership.org, the website of the National Partnership for Women and Families.

- Unionized workers are fully 50 percent more likely than nonunionized workers to receive paid personal leave, with 57 percent of unionized workers compared to 38 percent of nonunionized workers receiving this benefit (AFL-CIO, 2009).

In several other work-life benefits, we continue to see a union advantage:

- In the private sector, 57 percent of unionized workers compared to 49 percent of nonunionized workers have access to work-related education assistance. Looking at *non*-work-related education assistance, unionized workers are 71 percent more likely to have access, with 24 percent of unionized workers compared to 14 percent of nonunionized workers having access (US DOL, 2008, Table 26).

- In the private sector, 37 percent of unionized workers compared to 24 percent of nonunionized workers have access to wellness programs, and 65 percent of unionized workers compared to 39 percent of nonunionized workers have access to employee assistance programs (US DOL, 2008, Table 26).

- Eighty-two percent of unionized workers in the private sector receive paid funeral leave, compared to 67 percent of private-sector nonunionized workers (US DOL, 2008, Table 21).

- Eighty-three percent of unionized workers compared to 70 percent of nonunionized workers receive paid jury duty (US DOL, 2008, Table 21).

Conclusion

The evolving structure of the American family, reflected in the changing demographic profile of the workforce, has necessitated significant, and as yet largely unaccomplished, changes in institutions of employment. Many (perhaps most) American workers find their "work-life" to be out of balance. Yet as has been the case with virtually all other aspects of employment, labor unions are leading the way in setting new standards. Unionized workers receive more generous family-friendly benefits than their nonunionized counterparts, though undoubtedly these emerging standards have already begun to trickle down to the nonunionized workforce. It's important to keep in mind, though, that most of the research on the role of unions in promoting family-friendly policies has been blunt and largely incidental. Given the importance of work-life issues to America's workers, and given the central role unions play in promoting workers' interests, it is time to more systematically assess the union difference in family-friendly policies. In particular, future research should include appropriate controls for industry and occupation, so that we can gain a more nuanced and detailed understanding of the difference unions make for the workers who have the most to gain from a more balanced work-life.

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Labor Project *for* Working Families

Founded in 1992, the Labor Project for Working Families is a national non-profit organization that educates and empowers unions to organize, bargain, and advocate for family friendly workplaces. The Labor Project builds broad based coalitions that unite labor, community, and advocacy groups to advance policies that put families first.