



AMERICAN CIVIL LIBERTIES UNION

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TESTIMONY OF MEAGAN SWAY, ESQ.

Ought to Pass – LD 1964

**An Act to Implement the Recommendations of the Commission to Develop
a Paid Family and Medical Leave Benefits Program**

Joint Standing Committee on Labor and Housing

May 25, 2023

Senator Tipping, Representative Roeder, and members of the Joint Standing Committee on Labor and Housing, good afternoon. My name is Meagan Sway and I am Policy Director for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions through advocacy, education, and litigation. On behalf of our members, we urge you to support LD 1964.

The U.S. enjoys the shameful distinction of being the only country among its wealthy peers that doesn't guarantee paid sick and family leave to workers. While a growing number of states have some form of paid leave program, the vast majority do not. The small amount of leave guaranteed by the federal and Maine family medical leave acts do not come with any pay. And Maine's Earned Paid Leave law provides just 5 days (40 hours) of paid leave per year.

Paid sick and family leave is nearly universal among higher-paid professional workers, who are more likely to be white. Among the lowest-paid quarter of the workforce, the majority of whom are Black and Latinx workers, only half have any paid sick days¹ and just 7 percent have paid family leave.² In short, low-wage workers – far more likely to be people of color relegated to these occupations due to

¹ Drew Desilver, *As coronavirus spreads, which U.S. workers have paid sick leave – and which don't?*, Pew Research Center, March 12, 2020, available at <https://www.pewresearch.org/short-reads/2020/03/12/as-coronavirus-spreads-which-u-s-workers-have-paid-sick-leave-and-which-dont/>

² Pronita Gupta, Tanya Goldman, Eduardo Hernandez, and Michelle Rose, *Paid Family and Medical Leave is Critical for Low-wage Workers and Their Families*, The Center for Law and Social Policy, available at <https://www.clasp.org/publications/fact-sheet/paid-family-and-medical-leave-critical-low-wage-workers-and-their-families/>

historic discrimination – are often the ones who lack paid sick and family leave. These figures reflect grave racial, gender, and economic inequalities.

Women, who comprise 60 percent of the nation’s family caregivers,³ are especially burdened by the lack of paid family sick leave, because when a family member falls ill it is overwhelmingly women who will stay home with them. Without paid, job-protected family leave at work, women will lose income or be pushed out of the labor force. Such losses have catastrophic economic consequences, given that 64 percent of all families have a woman as the sole or primary breadwinner,⁴ a figure that is even higher in families of color. Women’s exit from work to perform unpaid family caregiving also helps sustain stereotypes about women’s suitability as workers and keeps them from achieving the footholds necessary for on-the-job advancements. Such losses, in addition to assuring women’s continued segregation in lower-status roles and lower-wage fields, are key drivers of the gender and racial wealth gap.

The ACLU has a longstanding commitment to redressing the adverse effects of racism and sexism and other forms of invidious discrimination in American society. That includes decades long commitments to paid leave reflected in our organization’s policies. It includes commitments to defend essential health care coverage to address “harsh economic and social disparities that threaten our country’s democratic foundation and the cohesion of our society.” For these reasons, we urge you to vote ought to pass on LD 1964.

³ Halley Bondy, Caregiving, or career? The choice no woman should have to make, MSNBC, Jan. 29, 2020, available at <https://www.msnbc.com/know-your-value/feature/caregiving-or-career-choice-no-woman-should-have-make-nca1125616>

⁴ Sarah Jane Glynn, Breadwinning Mothers Continue to be the U.S. Norm, Center for American Progress, May 10, 2019, available at <https://www.americanprogress.org/article/breadwinning-mothers-continue-u-s-norm/>