

Introduction

Mainers work hard to pay the bills and care for their families. But for some workers, a bout of the flu or their child's illness can mean financial hardship or problems at work. Although everyone gets sick, not everyone has the time to get better. Today in the U.S., two-fifths of the private sector workforce and three out of four of the lowest-wage workers have no paid sick days. In fact, for those on the front line of contact with the public, the number is even higher—86% of workers in the food and accommodations industry have no paid sick days at all.¹

In Maine and across the country, the question of what minimum sick leave protections should be available to all workers is under fierce debate. Paid sick day policies have been introduced in more than a dozen states, and in June 2009, the Healthy Families Act received a hearing in Congress. With the onset of the H1N1 influenza virus, the public health dimensions of this question are receiving particular attention.

Because the experiences of Maine workers can and should shed light on this debate, the Maine Women's Policy Center worked with research partners in the field to access and analyze the experiences of workers themselves. Our findings suggest that paid sick leave policies would improve the health and well-being of workers and their families and contribute to improved public health and worker/employee relationships. Specifically, intensive interviews and analysis of findings revealed several key themes from the experiences of workers and their families. First, participants pointed repeatedly not only to the health consequences they personally bore by lack of paid sick leave policies but also to the broader harmful health consequences of their experience with contagion in the workplace. Further, they pointed to lack of access to preventative care, which in some cases resulted in prolonged illness. Several workers identified the difficulty between choosing to provide needed care for a family member versus the stress of missing work and losing pay. Finally, they cited weakened employer/worker relations as a symptom of inadequate sick leave at work.

In order to build a vibrant economy, Maine requires a healthy workforce. It is our hope that the voices of workers cited in this

document will contribute to the analysis as business leaders and policymakers work to identify solutions to the lack of paid sick leave in the workplace.

Context of the report

Currently, paid sick leave policies are at issue in Maine and throughout the country as lawmakers and sick leave advocates increasingly cite the mismatch between workforce needs and current policies and practices. With the emergence of the H1N1 flu virus, workplace policies have taken center stage in the context of flu prevention. For example, the United States Centers for Disease Control and Prevention issued guidance that individuals with flu-like symptoms stay home for 24 hours after a fever resolves.² Further, a letter to businesses from Secretaries Chertoff, Leavitt, and Guterrez, and accompanying business preparation checklist calls for adequate, flexible sick leave compensation policies in order to limit contagion in the workplace.³ But beyond the attention wrought by the potential of pandemic flu, more frequent scenarios such as seasonal flu and foodborne illness can disrupt businesses and contribute to the spread of disease to co-workers and the public.

But what are the experiences of workers—those on the front lines of this debate—with regards to sick leave? The goal of this report is to better understand some of the consequences of sick leave policies through firsthand accounts from Maine workers.

This study was produced in collaboration with Restaurant Opportunities Center of Maine (ROC-Maine), the Maine Association of Interdependent Neighborhoods (MAIN), and Consumers for Affordable Health Care (CAHC) who distributed information about the study to their memberships. Individuals with experience working without paid sick days were invited to participate in the study. Interested workers contacted Dr. Sandra Butler, Professor at the School of Social Work at the University of Maine, and were sent a consent form in compliance with the Institutional Review Board guidelines of the University of Maine. Telephone interviews were conducted following receipt of signed consent forms. Interview questions focused on the study participants' experiences in negotiating

past periods of illness with job obligations. (A full list of interview questions is available upon request.) 15 participants were interviewed in this study, and each research participant was paid \$30 for their participation. The average length of an interview was 20 minutes. The interviews were tape recorded, transcribed, and coded for themes that emerged from the narrative data.

Paid sick day benefits in the United States

There is currently no federal requirement that employers provide paid sick leave to their employees. While Maine and the federal Family and Medical Leave Laws provide up to 12 weeks for serious health conditions, care of an immediate family member, or for the birth or adoption of a child,⁴ these laws leave a lot of people out. Most importantly, the leave is unpaid, which means that the overwhelming majority of eligible leave seekers are not able to take advantage of the law, simply because they cannot afford to take leave without pay.⁵ Additionally, family and medical leave laws provide no coverage for employees in businesses with fewer than 15 employees. Moreover, existing family and medical leave laws do not provide coverage for occasional and short-term illness such as the cold or flu.

Paid sick day policies, on the other hand, would extend a minimum requirement of paid sick leave for workers to use for short-term needs; to care for a sick child; or in some cases, to access care in cases of domestic violence, sexual assault, or stalking. At least 145 countries require paid sick leave for short-term illness.⁶ In fact, of the nations included in the World Economic Forum's list of 20 most competitive economies, the United States is the only one that does not guarantee paid sick days to all workers.⁷

Political and external landscape

No state currently requires paid sick day benefits. However, paid sick day requirements have been enacted in three municipalities: San Francisco, California; Washington, D.C.; and Milwaukee, Wisconsin (where it was passed by referendum with 69 percent support).⁸

Maine lawmakers have considered paid sick day requirements at various times, most recently in the 123rd Legislature. "An Act to Care for Working Families" would have required up to nine paid sick days for workers in every Maine business with

25 or more employees. After receiving a positive vote in the Labor Committee, it was defeated in the House and Senate in the spring of 2008.

One of the primary assertions by opponents to paid sick days is that such mandates will weaken the business climate and reduce job growth. There is some empirical data to suggest that paid sick day requirements, contrary to these assertions, do not have a deleterious affect on job growth. According to a report by the Institute for Women's Policy Research, job growth in San Francisco has remained strong since the new paid sick days standard was implemented in February 2007. Job growth expanded by 1.1 percent, equal to or greater than the rate of growth in five other California counties. The IWPR report indicates that, "The strength of San Francisco's job market since implementation of the paid sick day policy suggests that, like minimum and living wages, adoption of this minimum labor standard does not adversely affect job growth."⁹

In an economic downturn marked by high unemployment and job loss, labor economists and advocates recognize that such policies can be an essential **job retention** strategy, allowing ill workers to care for themselves rather than lose their jobs. According to report from the Health Impact Partners, about one in six workers in the U.S. report that they or a family member have been fired, suspended, punished or threatened by an employer due to needing time off for illness. Paid sick days are one way to ensure that workers in Maine are protected from job loss.

Worker perspectives

The purpose of this study was to learn about the experiences of Maine workers regarding how they negotiate their illness and those of their family members when they lack paid sick day benefits. Dr. Sandra Butler, Professor at the School of Social Work at the University of Maine and Caitlin Henderson, Masters social work candidate at the University of New England, collected and analyzed the information in this section on worker perspectives. Analysis of interviews with 15 workers without paid sick days identified five key themes: public health, stress of losing money, prolonged illness and lacking preventive care, family concerns, and worker/employer relations. These themes are illustrated with quotes from the interviews with study participants. Unless otherwise noted, participants chose to have their names identified in this report.

Public health

Particularly for those participants whose work included service in restaurant and bars, the issue of public health emerged as a primary concern: one sick worker handling food can easily spread illness. Participants identified that restaurant workers often work in close proximity to one another, so illness can spread quickly throughout an entire staff. Several workers indicated a certain level of awareness of the hazards of working with food when sick, but they also acknowledged that they did not feel that they had the choice not to go to work. As one participant said,

I think when you go to work sick, it definitely affects the people you are working with. I know for a fact, last summer it happened. One girl was sick, and a bunch of people got the same sickness because she went to work sick. (Alie)

Another worker indicated that in addition to illness being passed from worker to worker, it was also a deterrent for restaurant patrons.

You know, you're not doing me any favors if you're about to keel over in somebody's drink. There are definitely health concerns and everything else. If I were a customer, I would not want to see somebody who is about to keel over pouring me my drink. (Paul)

Public health concerns also surfaced to a lesser extent in interviews with non-restaurant workers. One interviewee who worked in a group home noted how difficult it was to avoid catching an illness from co-workers. She said,

Working at a group home, I'm going to affect my consumers – I'm going to get them sick. And we're going to just keep passing it back and forth because we basically live there together, you know. And it does make it hard. And when I get sick, I can't function. And the kind of job I have now, that can't happen. I have to have my eyes and ears open all the time. (Jen)

Another participant cited similar concerns about the spread of illness from a sick co-worker and how one worker's illness can affect everyone's workload.

She just kind of sat at the kitchen table and didn't move. She stays there, so of course that puts more

on the other workers. And she should be home sick. She's exposing the other kids around her, and her co-workers. She's not doing as good a job as she really could be doing. (Patricia)

Infectious diseases can easily spread from person to person and wipe out an entire workforce. Disease transmission is particularly likely to occur in workplaces that have significant direct contact with the public, such as the food service and accommodations industries. Laws require food service employees to wash their hands before returning to work after using the bathroom, coming in contact with food, or covering their mouths when they sneeze. Maine's food code requires that employees exhibiting persistent sneezing, coughing, or a runny nose may not work with exposed food or equipment.¹⁰ However, anecdotal evidence, such as the experiences of participants in this study, illustrates that, because of lack of paid sick days, this regulation is not consistently applied. Spread of contagion may be better prevented if sick workers had access to paid sick days and could take time off to recover rather than coming to work.

Schools are also primary areas for disease to spread; schools in Maine often serve as centers for community interaction. The intuitive solution to this is to keep sick children, teachers, and staff home from school until they are no longer contagious. However, this option may not be possible for workers without paid sick days. Families with sick children will have more difficulty taking time off to care for their children at home when doing so results in lost wages.

Stress of losing money

12 out of 15 workers who participated in the study identified a sense of anxiety around missing work due to illness and consequently not receiving much-needed pay for that day. There was a tendency to adopt the "suck it up" approach, meaning that the worker would do everything in his/her power to go to work when he/she was sick, potentially putting his/her health in further jeopardy. Participants indicated that it was already difficult to live on their low wages, so even if their illness was significant, they chose not to miss out on needed income. One worker stated that,

There's really no getting around it, even if you're pretty sick, you don't want to lose your pay. It was the kind of place where no one really complained, but

you could tell when some people shouldn't have been there that day. But they didn't want to sacrifice their pay, so that's that. (Rocky)

Some workers specifically struggled with having to choose between going to work sick and not receiving pay. This issue was particularly stressful for the workers with family members who depended on them and their income. One participant said,

I mean when you are single and you don't have the help, the sick days. I mean if you have a mortgage and children, you know. You have to work. You can't afford that. You are on a tight budget. If you've got a really, really good job that never happens. (Connie)¹¹

Lack of preventive care

When you're ill, you need time to rest and recuperate. For the workers interviewed in this study, time simply wasn't available. As a result, their workplaces experienced "presenteeism," a term which describes when employees come to work sick.¹² Workers also experienced inadequate preventive care.

Presenteeism can lead to negative health outcomes—perpetuation or worsening of the illness or its symptoms—as well as reduced productivity in the workplace. Furthermore, when illnesses are not treated, they can become more severe and require costly hospitalizations or ongoing care.

A study of health and productivity among American workers by the Commonwealth Fund reported that workers who did not have access to paid sick days were less likely to take time off from work when they were ill. Lack of paid sick days, along with lack of health insurance and adequate transportation, could be identified as barriers to primary care for both workers and their dependents.¹³ Similar barriers to care were cited by many of the study participants. Some participants indicated that they never had sufficient time or money to pursue primary care, and others indicated that they would forgo their own primary care in order to make sure their children and other dependents had access to care.

When asked whether or not they were able to pursue preventive care, several workers identified two barriers: lack of time to schedule and attend appointments during the day and lack of health insurance to pay for the appointments. Workers who had to deal with chronic or persistent illnesses indicated that they were unable to take time off from work to fully recover.

Instead, they pushed through the illness and risked the illness progressing into something more serious. In some cases, the illness did go away by itself, but in other situations, it got much worse before it got better. Instead of taking the time off to see a doctor, workers sometimes resorted to more affordable, over-the-counter remedies and had to endure their illness for a prolonged period.

I'm in school right now, and I'm working these two jobs to cover my rent, and I don't really have any time to go to the doctor if I need to. So, I guess it makes me rely more heavily on over-the-counter stuff whenever I feel myself starting to get sick. I usually just try to take extra vitamins. It's just really simplistic solutions because I don't really have time or money. Working two part-time jobs doesn't really leave room to pay for a co-pay at the doctor's when I've got a scratchy throat or whatever. You know, it just doesn't happen. I think it's hard because it definitely prolongs sickness, generally. (Paige)

This experience also points to the stress caused by balancing illness with additional job and family responsibilities. Instead of taking time to treat illness at the onset, workers like Paige relied on over-the-counter remedies and other strategies that did not involve seeing a doctor. This approach was cited by many participants. More than half believed that their inability to treat the illness in its early stages led to prolonged or worsened sickness.

I don't get sick that often, but when I do, I really get sick. And, it usually is something contagious like strep throat. I've had pneumonia once. And, that is what happens to me if I let it go too long without being able to get it checked out. (Jen)

Participants also mentioned that the lack of paid sick leave at work made it difficult or even unrealistic for them to pursue preventive care, such as routine doctors' appointments and seasonal immunizations like flu shots.

I don't personally go for physicals regularly, or even annually. (Alie)

Well, I have glaucoma ... so, I guess I had to take care of it ... let me think. I remember that I was supposed to see the doctor every six months, but I could only ever do it once a year. And, he would

have to pull me in by saying he wouldn't give me my eye drops unless I came in. I didn't have insurance, and my eye drops were expensive. I guess this isn't just a paid sick day issue, but it was hard for me to get to the doctor's for a bunch of reasons, including not having the time off. (Julie)¹⁴

Family concerns

According to the Bureau of Labor Statistics, 70% of mothers with children under the age of 18 are in the workforce.¹⁵ This statistic represents a fundamental shift in the make-up of the American workplace in the past 50 years. Now, more women are in the workforce than ever before, and they are often the primary source for household income. The experience of participants in this study suggests, however, that this shift in family care realities are not yet reflected in workplace policies. For workers, particularly women workers, a child's illness means one must choose between staying home to care for a dependent family member and losing much-needed pay or leaving a sick family member without adequate care.

Health agencies recommend that parents keep their sick children home from school or day care until they have been without fever for more than 24 hours. Otherwise, risk for spreading infection and increasing vulnerability is heightened.¹⁶ Moreover, children are not the only dependents who need care. In fact, 35% of working Americans are taking care of someone over age 65,¹⁷ and two in seven families care for a family member with disabilities.¹⁸

Many of the workers with young children or other dependent family members in this study indicated that they would be more likely to take a sick day to care for a family member than for themselves. One single mother said,

I would have to be pretty sick not to come in. I try to always go in. I have a little boy now, he's about to be five. I try to save my days in case he gets sick, and I need to be with him. Not that I get paid sick days, but just that I try to work it out so that if I need to stay home, it's going to be for him instead of for me. (Julie)

Workers indicated that they wanted to be responsible employees, but sometimes they had to make the decision to stay home and risk losing their job entirely. Jen said,

To me, you know, money is very important, but my family is more important. I have put myself out on the line because of family illness before. I had to walk out. If you are not going to let me go, I'm just going to have to go anyway.

This kind of employer/employee interaction can cause stress or other difficulties in the workplace. Some workers cited that it was difficult to perform well at work knowing that a dependent family member was sick at home. Adam said,

It's definitely made things a lot more difficult, not being able to have time to take care of a sick family member. The stress and worry and concern...needing to be there to provide comfort and support make it very hard to be at work. Knowing that somebody you care about is sick and you're not there...it's massive. It's a massive mental distraction.

Worker/employer relations

In an economic downturn, losing a job can be catastrophic for many Mainers. For businesses, inadequate sick day policies can lead to turnover as workers are terminated or must leave work to take care of themselves or their families.

The experience of workers in this study highlighted the importance of maintaining a good relationship with their employer and the stress resulting from lack of paid sick leave. Study participants suggested that when they feel valued by their employers, they perform better in the workplace. Receiving paid sick days as a benefit would contribute to improved employer/employee relations. As Connie said,

I just think it is really important, the more that an employer can offer. A lot of the employees are going to work better for the company. They are going to work more and put their hearts into it. You know, just be better employees.

Rocky had similar feelings,

I just think employers should give a little. You know, if someone is a dedicated worker and just wants to go to the dentist regularly, he shouldn't be punished for it. If you're a good employee, you expect your employer to be good to you in return.

Workers who did not feel valued by their employers often felt that being sick just wasn't an option and that they would go to work regardless of how ill they were.

I'm very dedicated to my work, and I go to work sick, you know, but sometimes stuff happens, and it gets serious if you can't take care of it. You know, it is definitely affecting yourself, your workplace, your work, your children, your family. But, I think most jobs really need to realize, the way the economy is, you can't afford anything. What if I were to get really sick? (Jen)

Patricia described a job she had at which she was literally not allowed to be sick,

I worked for a day care provider in Augusta. When I went to work for her, her first thing was, 'Do you have children?' And at that time, my son was about 11. I said, 'Yes, I have one' and she goes, 'Well, I hope you are never going to call in sick...because I can't hire people that can't work.' She just made it really specific that she didn't give paid sick days, and if you don't work, you don't get paid. And she said that if you decide to call in, that is not acceptable.

Conclusion

The findings from this study suggest that paid sick days would improve the lives of Maine workers in three major ways. First, study participants indicated that with paid sick days they would be better able to take care of themselves and their sick family members. Second, participants reported that with the option to take paid sick days when needed, they could maintain their health and mental health and therefore be more productive. Third, participants anticipated that having paid sick days would make them feel more valued by their employers. When participants were asked what they would do differently if they had access to paid sick days, they said:

If I had paid sick days, I'd take them and get myself checked out. (Jen)

It's just nice to know that the benefit is there if you need it. I don't think I would have done anything differently, but I would have liked that reassurance if anything did happen. (Rocky)

I'd do what you should do, which is stay home and rest and don't give your sickness to other people and go in when you feel better. I mean, within reason. (Frank)

What would I do differently? I would worry less. (Kristalyn)

In summary, as evidenced by the experiences of workers in this study, paid sick day requirements could have benefits for individuals, their families, businesses, and the public health in the following ways:

- Preventing the spread of illness in the home and the workplace.
- Reducing gaps in income and financial stress.
- Enabling preventive care for workers and their dependent family members and reducing presenteeism in the workplace.
- Improving worker/employer relations.

Some employers have always provided paid sick days for their employees because for them, it makes good business sense. Even though these employers are not required to give their employees paid sick days, they feel that the benefit pays for itself by preventing the spread of illness in the workplace and honoring the employee/employer relationship, thereby establishing their business as a good place to work. Feeling valued was identified by study participants as one of the key elements in quality worker performance and dedication.

Ultimately, everyone can benefit by having access to a minimum number of paid sick days per year. Individuals benefit by being able to take time to pursue preventive care and stay home and recover from illness when it does occur. Businesses benefit by having workers who feel valued and who want to keep their jobs. Communities benefit by preventing the spread of illness, maintaining job security, and promoting growth through strong business practices. In the end, paid sick days make good sense for Maine workers, families, and businesses.

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