

Date: 6-25-19
Submitted in ED Committee
Council File No: 19-0229
Item No.: 3
Deputy: public

TO: Los Angeles City Council
FROM: Signatories
DATE: June 25, 2019
RE: Gender Equity/Reproductive Justice Organizations Support of
LA's Fair Work Week Ordinance

Dear Los Angeles City Council:

We, the undersigned, are gender equity and reproductive justice organizations in Los Angeles that endorse LA's Fair Work Week campaign and urge you to support the proposed Fair Work Week Ordinance.

Approximately 60% of the 21.6 million people who work in low-wage jobs are women.¹ Many low-wage jobs that are primarily held by women—such as jobs in the retail industry—are marked by unfair and unpredictable schedules that vary week to week, with little to no notice of changes. In fact, unpredictable schedules are the norm in today's retail industry: 80% of retail workers report having a schedule that changes week to week, and 77% of retail workers receive *less than one week's notice* of their schedule. Currently, employers are free to schedule workers on-call with no guarantee of work, change shifts at the last minute, and send workers home early without compensation.

These policies and practices pose substantial challenges for workers with personal responsibilities, such as securing childcare, pursuing education, or working a second job.² Because women hold the majority of low-wage jobs and also shoulder the majority of caregiving responsibilities, they are disproportionately impacted by unpredictable schedules.³ Women of color – overrepresented in the low-wage workforce - especially bear the brunt of unfair scheduling practices.⁴

Below, we briefly address eight issues predominantly faced by women in the retail industry, all of which could be alleviated with the fairer schedules and advance notice requirements proposed in LA's Fair Work Week Ordinance.

¹ Nat'l Women's Law Center (NWLC) calculations based on the 2016 Current Population Survey (CPS) using Sarah Flood et al., IPUMS-CPS: Version 4.0 [Machine-readable database] (Minneapolis: University of Minnesota, 2015); Bureau of Labor Statistics (BLS), Occupational Employment Statistics (OES), May 2015 National Occupational Employment and Wage Estimates, http://www.bls.gov/oes/current/oes_nat.htm (last visited Jan. 28, 2017).

² See generally Julie Vogtman & Karen Schulman, NWLC, Set Up to Fail: When Low-Wage Work Jeopardizes Parents' and Children's Success (Jan. 2016), available at <https://nwlc.org/wp-content/>.

³ See U.S. Dep't of Labor, BLS, American Time Use Survey, Table A-1. Time spent in detailed primary activities and percent of the civilian population engaging in each activity, averages per day by sex, 2015 annual averages (2016), available at <https://www.bls.gov/news.release/atus.t01.htm>.

⁴ Anne Morrison & Katherine Gallagher Robbins, NWLC, Chartbook: The Women in the Low-Wage Workforce May Not Be Who You Think (Sept. 2015), available at http://nwlc.org/wp-content/uploads/2015/08/chartbook_women_in_the_low-wage_workforce_may_not_be_who_you_think.pdf.

Exacerbation of Economic Instability

Unpredictable work schedules result in unpredictable and unstable incomes, making it difficult for families to budget and pay the bills.⁵ An unpredictable work schedule with paychecks that fluctuate week to week make it impossible for a worker to ensure that they can provide themselves and their families with basic needs. Individuals and families living on low wages often have to choose between paying rent or utility bills and purchasing nutritious foods and necessary medicine. As women make up the majority of workers in the retail industry, unpredictable paychecks exacerbate income instability and the gender pay gap.

Inability to Access Educational Opportunities

A fluctuating work schedule can make it nearly impossible to attend school. Nationally, almost one-third of working post-secondary students aged 26-32 receive less than one week's advance notice of their work hours, and young people cite conflicts between work and school schedules as the primary reason for leaving college before obtaining a degree, indicating that work schedules can pose an even greater barrier than the cost of tuition.⁶ Working students report that their unpredictable schedules limit the number of classes they take, their access to campus facilities, and their participation in extracurricular activities.⁷

Inability to Access Childcare

Workers in low-wage jobs often face challenging demands both at home and at work. These workers are more likely to be single parents⁸, more likely to have children with special needs⁹, and more likely to care for elderly or sick relatives¹⁰. At the same time, they have fewer resources to pay for child and elder care than other workers, and they are far less likely to have paid sick and vacation days.

Scheduling instability and unpredictability compound the challenges that parents working in retail have with securing quality child care. Many childcare centers require parents to pay a weekly or monthly fee, regardless of how often the child attends. Therefore, holding a spot in a child care center is often infeasible for workers who do not know if or when they will be scheduled to work. With work schedules and incomes that fluctuate from week to week, many parents have no choice but to find child care at the last minute, forcing the parent to make inconsistent and poorer quality childcare arrangements.¹¹

⁵ Schwartz A, Wasser M, Gillard M, Paarlberg M. Unpredictable, Unsustainable: The Impact of Employers' Scheduling Practices in D.C. DC Jobs with Justice; 2015.

⁶ Johnson J, Rochkind J, Ott A, DuPont. With Their Whole Lives Ahead of Them: Myths and Realities About Why So Many Students Fail to Finish College. New York, New York: Public Agenda; 2009.

⁷ Johnson J, Rochkind J, Ott A, DuPont. With Their Whole Lives Ahead of Them: Myths and Realities About Why So Many Students Fail to Finish College. New York, New York: Public Agenda; 2009.

⁸ Joan C. Williams & Heather Boushey, Ctr. for American Progress, The Three Faces of Work-Family Conflict: The Poor, The Professionals, and the Missing Middle 12 (2010), available at <https://www.americanprogress.org/issues/labor/report/2010/01/25/7194/the-three-faces-of-work-familyconflict/>.

⁹ Lisa Dodson, Stereotyping Low-Wage Mothers Who Have Work and Family Conflicts, 69 J. of Soc. Issues 257, 259 (2013).

¹⁰ Anna Danziger & Shelley Waters Boots, Workplace Flexibility 2010 & Urban Inst., Lower-Wage Workers and Flexible Work Arrangements 3 (2008), available at <http://workplaceflexibility2010.org/images/uploads/Lower-Wage%20Workers%20and%20fwas.pdf>.

¹¹ Wen-Jui Han, "Maternal Nonstandard Work Schedules and Child Cognitive Outcomes," Child Development 76, no. 1 (2005): 137-154, at p. 150

Negative Impact on Children

Parents with unpredictable schedules have less flexibility to engage in regular activities with children such as family mealtime, bedtime, and reading books, all of which have been found to contribute to a child's healthy development.¹² Studies have linked parents' unpredictable work schedules to children's mental health conditions¹³, such as anxiety, depression, and withdrawal in preschool-aged children¹⁴, as well as problems with cognitive development, including lower expressive language ability in early childhood¹⁵ and lower reading and math performance in middle childhood¹⁶. These associations may be due to the increased stress that fluctuating work schedules impose on parents.¹⁷

Rise of Sexual Harassment

As the #Metoo movement strives to strengthen sexual harassment protections and punish perpetrators, we must also address the ancillary workplace practices that facilitate and encourage sexual harassment, like schedule unpredictability that puts workers at the mercy of their supervisors to provide them with sufficient, consistent, and standard hours. We have heard from retail workers that retail managers use scheduling authority as leverage to coerce employees to date them, and an employee's refusal can result in discrimination and retaliation in the form of worse and more unpredictable hours. The retail industry consistently reports high numbers of sexual harassment and gender discrimination, and the deep power imbalances created between managers and workers through the usage of unpredictable schedules only serve to perpetuate these cycles.

Inability to Access Healthcare

Fluctuating work schedules make it difficult to schedule medical appointments for women and their families. Doctor's visits – particularly visits for routine and preventative care – often require scheduling the appointment several weeks prior, which poses a problem for workers who do not have advance notice of their work schedules.

¹² Susan J. Lambert, Peter J. Fugiel, and Julia R. Henly, "Precarious Work Schedules Among Early-Career Employees in the U.S.: A National Snapshot," Research Brief, University of Chicago, Employment Instability, Family Well-Being, and Social Policy Network, August 27, 2014.

¹³ See, e.g., Stephanie S. Daniel et al., Nonstandard Maternal Work Schedules During Infancy: Implications for Children's Early Behavior Problems, 32 *infant behav. & dev.* 195, 203-04 (2009); E. Rosenbaum & C.R. Morett, The Effect of Parents' Joint Work Schedules on Infants' Behavior Over the First Two Years of Life: Evidence from the ECSLB, 13 *Maternal & Child Health J.* 732, 732 (2009); Wen-Jui Han, Shift Work and Child Behavioral Outcomes, 22 *work, emp. & soc.* 67 (2008); Wen-Jui Han, Daniel P. Miller, & Jane Waldfogel, Parental Work Schedules and Adolescent Risky Behaviors, 46 *Dev. Psychol.* 1245, 1261 (2010). See also Vogtman & Schulman, *supra* note 3, at 14-15 & 33 nn. 116-19.

¹⁴ Pamela Joshi and Karen Bogen, "Nonstandard Schedules and Young Children's Behavioral Outcomes Among Working Low-Income Families," *Journal of Marriage and Family* 69, no. 1 (2007): 139-56.

¹⁵ Erika C. Odom, Lynne Vernon-Feagans, & Ann C. Crouter, Nonstandard Maternal Work Schedules: Implications for African American Children's Early Language Outcomes, 28 *Early Child. Res. Q.* 379 (2013); Wen-Jui Han, Maternal Nonstandard Work Schedules and Child Cognitive Outcomes, 76 *Child Dev.* 137, 137, 152 (2005).

¹⁶ Wen-Jui Han & Liana E. Fox, Parental Work Schedules and Children's Cognitive Trajectories, 73 *J. OF Marriage & Fam.* 962, 962 (Oct. 2011).

¹⁷ Anna Gassman-Pines, Low-Income Mothers' Nighttime and Weekend Work: Daily Associations with Child Behavior, Mother-Child Interactions, and Mood, 60 *Fam. Rel.* 15, 26 (2011); Pamela Joshi & Karen Bogen, Nonstandard Schedules and Young Children's Behavioral Outcomes Among Working Low-Income Families, 69 *J. of Marriage & Fam.* 139, 139 (2007).

Negative Health Outcomes

Research on retail workers in the United States has found that unstable schedules and last-minute changes to posted schedules are associated with higher rates of stress and poor mental health outcomes.¹⁸ Studies have also shown that, as predicted, workers who receive at least two weeks' advance notice of their schedule experience less stress than workers who do not.¹⁹ Erratic work schedules contribute to both chronic and acute illnesses. The chronic stress associated with unpredictable schedules and similar policies is strongly linked to the development of hypertension, obesity, type 2 diabetes, cardiovascular disease, and sleep disorders.²⁰ With unpredictable schedules, workers are more likely to fall sick and spread sickness to fellow employees, worsening the overall health of the public.

Detrimental Impact on Reproductive Health of Pregnant Workers

Unpredictable work schedules can have a negative effect on the reproductive health of pregnant workers. Many studies have shown a correlation between nonstandard work schedules and negative maternal and infant health outcomes. For example, one study indicated that irregular work schedules carry a statistically significant increased risk of preterm delivery and low birth weight.²¹ Another study linked sleep deprivation, which can result from unpredictable schedules, to decreased production of Melatonin, which can negatively impact fetal development.²² The Fair Work Week Ordinance would help stabilize schedules and could have a positive impact on reproductive health.

¹⁸ Henly JR, Lambert SJ. Unpredictable work timing in retail jobs: Implications for employee work–life conflict. *Ind Labor Relat Rev.* 2014;67(3):986-1016.

¹⁹ Daniel Schneider & Kristen Harknett. *Schedule Instability and Unpredictability and Worker and Family Health and Wellbeing* (Wash. Ctr. for Equitable Growth Working Paper 2016-09, 2016), <http://equitablegrowth.org/working-papers/schedule-instability-and-unpredictability/>.

²⁰ Garrido M, Hash-Converse J, Leventhal H, Leventhal E. Stress and chronic disease management. In: Contrada R, Baum, eds. *The Handbook of Stress Science: Biology, Psychology, and Health*. New York: Springer; 2011.

²¹ *It Shouldn't Be A Heavy Lift: Fair Treatment for Pregnant Workers* (NWLC and A Better Balance, 2013), https://www.nwlc.org/sites/default/files/pdfs/pregnant_workers.pdf.

²² Voiculescu, S. E., Zygouropoulos, N., Zhiu, C. D., & Zagrean, A. M. (2014). Role of melatonin in embryo fetal development. *Journal of medicine and life*, 7(4), 488–492.

Today's workweek is badly out of sync with the needs of today's working families. We ask that you stand with us in support of LA's Fair Work Week Ordinance to protect working families by ensuring stable and predictable work hours.

Signed,

ACLU of Southern California, LGBTQ/Gender/Reproductive Justice Project

BreastfeedLA

California Work and Family Coalition

Child Care Law Center

Hand in Hand: The Domestic Employers Network

Hollywood NOW

Human Impact Partners

League of Women Voters of Los Angeles

Los Angeles Coalition for Reproductive Justice

National Council of Jewish Women

Public Counsel, Audrey Irmis Project for Women and Girls Rights

9to5 Los Angeles