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Lessons Learned

Reflections on 4 Decades of Fighting for Families

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Center for American Progress



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Introduction and summary

Over the past half century, the American family has undergone cataclysmic change. In 1950 only 11.9 percent of women with children under the age of 6 were in the labor force;¹ today 77 percent of those mothers work outside the home.² In 1968 48 percent of children were raised in homes where the father worked full time, the mother was not in the labor force, and the parents were married; 40 years later only 20 percent of children lived in such households.³

Women have gone from making up only about one-third of the U.S. workforce in 1969 to nearly half of the workforce now,⁴ and their earnings have become increasingly essential to families' basic economic stability. Yet while the structure of America's families has changed, their basic needs have stayed essentially the same. Children must be cared for and raised; dinners have to be made, and sick relatives have to be taken to the doctor and attended to at home. Indeed, it could well be argued that the demands of caretaking have only grown in recent years, as an "intensive"⁵ style of parenthood has increasingly become the norm and the care needs of a generation of grandparents with greater longevity have exploded.

American society has consistently failed to adapt to the heightened demands placed upon its families and, in particular, on women. Our workplaces are structured today as though we were still living in the early 1960s. The United States is the only industrialized nation that does not guarantee working mothers paid time off to care for a new child.⁶ We are the only developed country that doesn't guarantee paid sick leave.⁷ The lengths of our school day and school year are grossly insufficient to meet the needs of working families, with the result that 15 million school-age children are unsupervised every afternoon.⁸ What child care "system" we have—Head Start for the most at-risk young children and Child Care Development Fund vouchers for the working poor to purchase what care they can—is both grossly inadequate in the number of families it serves and also chaotic, haphazard, and starved of the funds that could guarantee young children an acceptable standard of care. Even the most fortunate—the better-educated and better-off professionals who tend to have access to paid leave, flexibility, sick days,

and decent child care—find balancing the necessary demands of work and home an increasingly fraught and anxious-making endeavor in our era of “extreme jobs” and 24/7 availability.⁹

“It just doesn’t
have to be that
way, doesn’t have
to be that hard.”

– Michelle Obama, *White House Forum on Workplace Flexibility*, 2010.¹²

The need for policies that can at least begin to ease the massive pressures on American families is indisputable. Nearly three-quarters of Americans now say that they, their neighbors, and their friends experience hardship in balancing work, family, and professional responsibilities at least somewhat often, and nearly 40 percent say that they experience such conflict “all the time” or “very often.”¹⁰ In addition, a whopping 72 percent report that they and their families would be likely to suffer significant financial hardships if they had a serious illness or needed to care for a new child or a family member who was ill.¹¹

It’s long been accepted wisdom that Americans view family matters as purely private concerns and that public policy solutions for families—other than the very poorest—have no place in our culture. Yet polls consistently show that support for family-friendly policies is, in fact, overwhelming. A bipartisan poll of more than 1,200 voters, conducted in November 2012 by Lake Research Partners and The Tarrance Group, found 86 percent of respondents saying that it was important for Congress and the president to consider new laws such as paid sick days and paid family and medical leave insurance, with nearly two-thirds of the respondents saying that they judge such action to be “very important.” This support held up across party lines, with 73 percent of Republicans, 87 percent of Independents, and 96 percent of Democrats in agreement.¹³ Other polling has found that more than two-thirds of Americans agree that the government or businesses should be doing more to help fund child care for working parents;¹⁴ three-fourths of Americans believe that employers should give workers more flexibility in their schedules and work locations;¹⁵ and three-quarters of Americans support a policy guaranteeing employees a minimum number of paid sick days.¹⁶

Despite this very robust support, there has been remarkably little progress in family policy over the past several decades. And the few victories achieved have been hard fought, partial, and constantly challenged:

- **The Family and Medical Leave Act of 1993**, which provides workers with 12 weeks of unpaid, job-protected leave to recover from a serious illness, care for a new child, or care for a seriously ill spouse, parent, or child, was passed with such onerous eligibility limitations that 40 percent of all workers in the United States are now excluded from coverage.¹⁷

- **The Child and Dependent Care Tax Credit**, which allows qualifying families to deduct from their taxes up to \$3,000 for the costs of care for one dependent or \$6,000 for the care costs for two or more, is nonrefundable and excludes low-income families who do not owe taxes.
- **The Child Care And Development Block Grant**, which created a voucher system for needy working families or mothers transitioning from welfare, was created with virtually no federal standards and has funding levels so low that today only one in six children eligible for assistance receives it.¹⁸ In 2011 22 states had waiting lists;¹⁹ in Florida alone in 2012 that list contained the names of 75,000 children.²⁰

In the past decade, some points of light have emerged from some states and cities. State funding for public pre-kindergarten programs more than doubled nationwide between 2001 and 2011, with nine states passing legislation to provide universal pre-K programs to all 4-year-olds. Only a handful of those states, however, had allocated sufficient funding to reach all eligible children as of this writing.²¹ Paid family leave became a reality in California and New Jersey in 2002 and 2008, respectively. It also became a reality on paper in Washington state in 2007, but implementation has been delayed repeatedly because of a lack of funding. Four cities—Seattle, Washington, D.C., San Francisco, and Portland—and one state—Connecticut—have passed laws granting at least some workers the right to paid sick days.

Yet even these advances have been very partial and, in the case of pre-K, have come under serious threat in the wake of the Great Recession. Total state funding for pre-K programs decreased by nearly \$30 million between 2009 and 2010 and by \$60 million between 2010 and 2011.²² Four states—Michigan, Minnesota, Missouri, and Ohio—now enroll a smaller percentage of 4-year-olds than they did a decade ago, and Arizona defunded its program entirely for the 2010–2011 school year.²³

Paid leave in California and New Jersey was passed with compromises that sacrificed workers' job security. As a result, a troubling number of those who need it don't take it. A 2011 follow-up study on the effectiveness of paid leave in California found that about one-third of the workers surveyed who had been aware that they had the right to paid family leave didn't apply for it because they feared making their employers "unhappy" and possibly being fired. The survey also found that one-third of respondents who knew that they were entitled to paid leave didn't apply for it because the level of wage replacement was simply too low.²⁴

The growing success of paid-sick-day advocacy has sparked newly energetic and effective efforts by business groups and hostile politicians to turn back the tide, most recently through the use of state-level “preemption” legislation designed to prohibit local governments from passing their own ordinances—such as paid-sick-day measures—that are inconsistent with state law. Lawmakers in Wisconsin were the first to embrace this strategy, passing a law in 2011 that voided a highly popular 2008 Milwaukee paid-sick-day measure. In 2012 lawmakers in Louisiana passed similar legislation aimed at preventing local authorities from taking any future action on paid sick days, and Mississippi, Florida, Michigan, Arizona, Indiana, and Washington state are currently considering similar measures.²⁵

Why has change been so slow to come and so paltry? Why is there such a gap between public opinion and political will? And why has it been possible, at some times and in some places, to achieve at least some positive change? What lessons can be drawn from the few instances of success and the many failures that we’ve seen in the family policy arena? This report seeks to answer these and other pressing questions, with the goal of envisioning a road map for the future.

Throughout its 10-year history, the Center for American Progress has generated an influential body of research cataloguing the challenges facing today’s families and spelling out policy solutions that would better their lives while enhancing the economic strength of our nation. We have long argued that adopting policies that allow all people to realize their human potential are not only the “right” thing for us to do as a society but also the necessary course of action to promote long-term growth and prosperity. Faced with the glaring discrepancy between the urgent need for policies to help families thrive and the sluggish pace of progress, we felt that it was time to take a step back and reflect on both our successes and our failures. We wanted to take stock of our strengths and examine the roadblocks—the attitudes, ideas, and practices of our allies as well as our opponents—that have stood and continue to stand in our way.

This report does not seek to give an encyclopedic account of the battles of the past, nor does it delve into the intricacies of policy analysis or potential legislation. (For this, please see the following among CAP’s most recent policy papers: “Investing in Our Children: A Plan to Expand Access to Preschool and Child Care,” “Our Working Nation in 2013: An Updated National Agenda for Work and Family Policies,” and “Comprehensive Paid Family and Medical Leave for Today’s Families and Workplaces: Crafting a System that Builds on the Experience of Existing Federal and State Programs.”) It is instead a work of reflection. It’s based

on interviews with more than three dozen veterans of the fight for family-friendly policy in America representing a variety of perspectives, generations, and stakeholder groups. Our goal has been to distill hours of wide-ranging conversation down to the essence of what that aggregate experience has taught.

The first part of the report covers the positive lessons learned about messaging and messengers, timing, coalition building, an ideal scope of legislation, and fighting the opposition. What has worked in the battle for family-friendly policies is relatively straightforward:

- Recruiting and engaging powerful, high-profile champions
- Conceiving policies that affect the largest number of people possible
- Building broad and diverse coalitions, including members of the business community
- Being flexible and creative
- Using language that corresponds to widely shared American values
- Driving home to elected leaders that supporting family-friendly policy pays off politically
- Recognizing when the stars are aligned and seizing the moment
- Remembering that successful legislation requires follow up
- Taking the long view

The second part of the report takes up the more challenging problem of examining what didn't work and what still isn't working. This discussion turns around three central questions:

- Why, despite the persistent, pressing, and long-standing need for support for working families, hasn't there been a strong public demand for policy change?
- Why hasn't the push for policies such as paid sick days or paid family and medical leave—measures which could benefit everyone at some point in their lives—attracted a dedicated constituency?
- Why have families never been able to unite as a meaningful lobby?

The lack of demand and a lack of awareness that there might even be something to demand, combined with the related lack of a lobbying constituency, have made it very difficult to mobilize public opinion, much less political will, on behalf of families and children. We explore this problematic lack of demand in the second half of the report. And we argue that what we need to do moving forward is change the national conversation about the struggles of working families in America. We need

to bring new voices to the debate and also shift the debate away from received wisdom and cliché so that the real needs of real families are heard and addressed. To do this, we must:

- Counter the argument that work-family conflict is a purely private concern that individuals need to “work out” on their own.
- Replace the belief that “this is just how it is” with the argument that “it doesn’t have to be this way.”
- Contradict the conventional wisdom that family-friendly policies are bad for business with proof that they in fact boost growth.
- Recognize that while work-family conflict is universal, how it plays out and how people talk about it varies in different communities—and develop messages that take those varied viewpoints into account.
- Undertake an ambitious new body of research to find out what people want, what they feel would be most helpful in making their lives easier, and what words they use to talk about work-family issues. This effort should take the form of a national listening tour that would draw in a wide variety of different communities, including conservatives and people of faith.
- Build a movement to develop a sense of urgency and excitement around these issues.
- Make sure that work-family policy finds its place as part of a broader, inspiring, progressive agenda that seeks to help people meet all of their responsibilities and improve their lives.

This is a promising time to both reflect upon the past and also consider the future of family policy in America. In 2012 our country re-elected a Democratic president with a proven commitment to issues of family economic security, who has signed legislation promoting equal pay for women, hosted a White House forum on workplace flexibility, and expressed a desire to meaningfully expand access to affordable, high-quality child care. President Barack Obama’s call for high-quality pre-K for all children in his 2013 State of the Union address showed that family-friendly policy now has a place at the heart of the progressive agenda. What’s more, the record presence of 20 women in the Senate, as well as a number of female members of the House with a long track record of advocacy on women’s and children’s issues, argues strongly for the possibility of initiating a substantive conversation on family policy in the current Congress. And the passage of health care reform legislation has the potential to prove to Americans at all income levels that government policy—public action—can lead to positive change in their families’ lives.

In addition, demographic changes have given more voice and power to women, Latinos, and African Americans—constituencies with a proven record of greater support for family-friendly policies and greater faith in the role of government—in particular, federal government.²⁶ Furthermore, the growing power of Millennials as a political force heralds the arrival in politics of a generation of both men and women who consider the ability to combine work and family essential to living a good life.²⁷ The Great Recession, which introduced significant numbers of middle-class people to the dislocation and insecurity of life in low-wage, no-benefit jobs, led many Americans to rethink the role that government could and should play in their lives. Bleak though the legislative outlook now seems in our bitterly divided Congress, this is potentially a very fruitful time for thinking creatively and productively about creating a better future for our families.

What works

Many of the advocates involved in the recent state and municipal family-friendly policy victories have been fighting for families for decades. They're now operating within a political culture that is arguably more ideologically hostile to family-friendly policy solutions than when efforts to structurally accommodate America's changing households began. As a result, both veteran advocates and relative newcomers to the policy battlefield shared strikingly similar lessons about what worked, what didn't, and what still needs to be done. We'll now explore what works in greater detail.

Recruiting and engaging powerful, high-profile champions

In 1992 Family and Medical Leave Act supporters approached Hillary Clinton—a longtime advocate for children and families—in the hope that her husband, the Democratic nominee, might be willing to champion the bill as a campaign issue.²⁸ Previous Democratic presidential candidates had either rejected the concept of family-leave policy out of hand or assiduously avoided the subject. The soon-to-be first lady “got” the issue, and the Clinton campaign was willing to conduct polls on it and eventually endorse the legislation, which became the first bill that former President Clinton signed into law after taking office. (Interestingly, former Sen. Bob Dole (R-KS), who ran against President Clinton in the 1996 presidential campaign on the promise of repealing the Family and Medical Leave Act, later emerged to champion one of the only expansions of the measure—granting unpaid family and medical leave for up to six months to families of wounded military personnel.)

Former California State Sen. Sheila Kuehl (D), a savvy legislator from a liberal stronghold who had strong ties to organized labor, was the champion who shepherded paid family leave through the California State Assembly. As a result of her leadership, California passed the Paid Family Leave Act in 2002, providing

up to six weeks of partial pay for the care of a child, parent, spouse, or registered domestic partner with a serious health condition or to bond with a newborn baby or newly adopted or foster child.

Former New Jersey Gov. Jon Corzine (D) became a passionate champion of paid family leave after surviving a near-fatal car crash and recovering with the help of his family, who were free to be by his bedside throughout his hospital stay. New Jersey paid-family-leave advocates also had the support of State Sen. Loretta Weinberg (D), who spoke of caring for her terminally ill husband, and State Senate President Stephen Sweeney (D), whose support was informed by his own experience caring for a daughter with Down syndrome.²⁹ Their advocacy greatly aided the passage of New Jersey’s 2008 family-leave law, which, as in California, built on the infrastructure of an existing state disability-insurance fund to provide six weeks of partially paid family leave.

The current congressional climate is very different from the national political environment of the late 1980s and early 1990s, when a much greater degree of political bipartisanship allowed passage of the only federal child care and family-leave legislation to date. A number of promising family-friendly bills have been introduced in recent years seeking to expand and enhance the Family and Medical Leave Act, provide workers with the right to request flexible working arrangements, legislate the right to paid sick days for the more than 40 percent of private-sector workers who have none,³⁰ and expand the Child and Dependent Care Tax Credit to make it refundable for the lowest-income families. Yet rarely have these bills received a hearing, and none have been voted out of committee for consideration by the full House or Senate.³¹ While a number of committed champions—Reps. Rosa DeLauro (D-CT), Carolyn Maloney (D-NY), and House Minority Leader Nancy Pelosi (D-CA), to name a few—have continued to fight for family policy in the House, advocates mourn the loss of other high-level, high-profile, and long-seasoned national champions—most notably Sens. Hillary Clinton (D-NY), Ted Kennedy (D-MA), and Chris Dodd (D-CT)—who brought star power to issues that so many other members have gladly relegated to the back burner.

The Republican Party has recently begun giving renewed attention to the “pro-family” theme that in the past it successfully branded as its own. In the wake of President Obama’s re-election, Ralph Reed, head of the evangelical Faith and Freedom Coalition, urged House Republicans to “be for middle-class families with children instead of looking like all you care about is a guy’s capital gains tax.”³² Less than two months later, House Majority Leader Eric Cantor (R-VA)

gave a “Making Life Work” speech to the American Enterprise Institute in Washington, in which he promised a resolutely free market, family-friendly party agenda focused on “showing care for the generations ahead while leaving parenting to the parents.”³³

This revitalized rhetorical push has left many progressive family advocates increasingly worried about a Democratic leadership vacuum that they fear will greatly weaken party resolve on work-life issues. Some of the greatest disappointments of recent years, they point out, have come from Democratic mayors—in, notably, Denver, Philadelphia, and Milwaukee—who have either failed to endorse paid-sick-day initiatives or actively campaigned against them. In the case of New York City, Council Speaker Christine Quinn (D) refused to bring paid-sick-day legislation to the floor for a vote for two and a half years before finally striking a compromise deal with supporters in March 2013.

Advocates say that only high-profile national leaders can exert a counterforce to local business leaders who oppose policies such as paid sick days and whose voices hold sway with moderate, local-level Democrats. They also say that an effective way to recruit new national champions is through building up networks of powerful small champions with big voices and compelling personal stories that can capture national attention. This might mean—as was done in Seattle—getting school nurses to talk about sick children waiting around school all day because their parents can’t afford to leave work to take them home.³⁴ Or it might mean having pediatricians share stories of kids with asthma brought to the emergency room in extremis because their parents weren’t able to leave work earlier to take them to the doctor. Or, as Saru Jayaraman, the co-founder and co-director of the *Restaurant Opportunities Centers United*, a nonprofit seeking to improve working conditions and wages for restaurant workers, has found, it might mean bringing restaurant workers to Congress to counterbalance the voices of corporate lobbyists. “It was surprisingly easy to get the ear of people on the Hill,” said Jayaraman. “They’d say: ‘before you, we just never heard from anyone in the restaurant industry other than the NRA [National Restaurant Association].’”³⁵

The power of the personal played a strong role in building support for the Family and Medical Leave Act, and in recent years such narratives have been essential to shifting public and political opinion on marriage equality. Ellen Bravo, head of the Family Values @ Work Consortium, who played a key role in the coalition that worked for the passage of the Family and Medical Leave Act, summed it up neatly: “We have to make it impossible for the ideology of members to outweigh their conscience.”³⁶

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Conceiving policies to affect the largest number of people

Judith Lichtman, former president of the National Partnership for Women & Families, notes that the Family and Medical Leave Act, or FMLA, could have been passed much earlier had the bill only focused on maternity leave. Despite considerable political pressure and with much trepidation, advocates held out for broader legislation—and they now believe that a considerable part of the law’s enduring popularity stems from the fact that men are enthusiastic leave takers.³⁷ In 2011 44 percent of workers who took leave with FMLA protection were men.³⁸

Netsy Firestein, founder and executive director of the Labor Project for Working Families, who led the coalition that successfully advocated for the passage of paid family leave in California, also feels that framing the legislation in universal terms was key to its passage. She argues that even though many higher-income workers in California already did have access to some paid family leave, it was essential to make legislation applicable to all to avoid stirring up resentment about “entitlements” for the poor.³⁹

Many advocates note that the one undeniably positive trend in family policy since the 1980s is the spread of state-funded pre-K programs, which by 2011 had enrolled more than 1.3 million children, or 28 percent of 4-year-olds, nationwide. If you combine general and special-education enrollments, 32 percent of 4-year-olds and 8 percent of 3-year-olds were served by state pre-K on last count.⁴⁰) What has worked for public pre-K programs, these advocates say, is precisely what has worked against government policies that provide child care to children younger than 4 years old: The pre-K programs—conceived, at least, as serving rich, poor, and the middle class alike—are free of the taint of welfare and poverty that have long been associated with the notion of government-supported care.⁴¹ Unlike day care, which has for many Americans never shaken off its whiff of child warehousing, preschool has been understood as a desirable educational experience—a privilege that middle- and upper-middle-class children are already getting and for which their parents are already paying. As a result, people want it and are willing to pay for it—one way or the other. As former California State Sen. Kuehl put it: “In terms of framing issues and getting away from the class issue of child care being a poor women’s thing: *universal* preschool lets you shift your ground. Universal education takes away the stigma.”⁴²

Public pre-K polls well among voters of all political persuasions. It is one of the rare areas where Americans increasingly agree upon the need for shared commitment and responsibility. “Somehow, women see ‘child care’ as their individual

responsibility. ‘Education’ is more seen as a government responsibility,” said Helen Blank, director of Child Care and Early Learning at the National Women’s Law Center.⁴³ Housing pre-K in the state public-education system, advocates say, guarantees that the high standards demanded of public-school programs—and the same support structure, services, and infrastructure that public education provides—will carry over to the youngest children in the system.

Advocating for universal programs rather than programs that exclusively target low-income children is risky, as proven by the 2006 defeat of California’s Proposition 82, which would have used a tax on the wealthy to pay for public pre-K for all 4-year-olds. With the issue of pre-K now a more prominent subject of national attention—and opposition to the idea of spending public money on better-off children sure to mount—advocates will need to make the benefits of universality perfectly explicit.

Building broad and diverse coalitions

To help drive home the universal benefits of family-friendly policies, successful campaigns have built broad and diverse coalitions that help move the discussion beyond the easily forgettable silo of children’s issues or the easily trivialized realm of “women’s” issues. The coalition that successfully worked to pass the Family and Medical Leave Act in 1993 had the extra benefit of having come together at a much less contentious and polarized time in American politics. It included not just a broad array of unions, women’s groups, and child-advocacy organizations, but it also counted among its most noteworthy supporters the United States Conference of Catholic Bishops and former Rep. Henry Hyde (R-IL).

What permitted the big-tent coalition to hold together was a careful framing of the legislation as pro-children and pro-family.⁴⁴ What also held it together, recalled Judith Lichtman, was a willingness on the part of pro-choice members of the coalition to “accept listening to antiabortion rhetoric for the cause.” In fact, what secured the support of Hyde, a staunch, antichoice, antibusiness-mandate conservative, was the argument from the Catholic bishops that if women couldn’t stay home with their new babies for fear of losing their jobs, they’d have more abortions.⁴⁵ In the end, nearly two dozen conservative Republicans came on board to pass the legislation.

The successful campaigns for paid family leave in California and New Jersey were also built on the strength of broad coalitions. Paid-family-leave advocacy groups in

“It’s a question of relationships as well as standards... My experience has been if you can do many things informally, you can get a lot done.”

– Ramona Paul, Former assistant Oklahoma superintendent for education

New Jersey were joined by the Lutheran church, the Unitarian Church, the black ministry, and the National Council of Churches. A number of small business owners joined the cause, too, as did supporters from the world of public health, health care unions, and some doctors. Eileen Appelbaum, a senior economist with the Center for Economic and Policy Research, who directed the Rutgers University Center for Women and Work at the time of the legislation’s passage, said that it was difficult at first to secure the support of doctors because most had small offices “and they didn’t want employees taking time off.”⁴⁶

This coalition was further greatly strengthened—in terms of political clout, access to legislators, and lobbying power—by the participation of the American Association of Retired Persons, or AARP, which lent the use of their website resources and provided infrastructure for mailings, as well as a number of New Jersey labor unions. A similarly broad coalition in California permitted some very effective division of labor so that advocacy groups could focus on organizing and coalition building and the trade unions—with their massive membership lists and political clout—could target their efforts toward political strategy and lobbying.⁴⁷

A strong and well-coordinated coalition was also key to making conservative Oklahoma a national leader in universal pre-K. Oklahoma had initially been reluctant to join the early-childhood-education bandwagon; its public schools didn’t even offer universal kindergarten until 1980. Ramona Paul, the former assistant state superintendent for education, who is credited with bringing about Oklahoma’s early-childhood-education revolution, was part of the team that brought kindergarten to the state and launched a free pre-K pilot program for a small number of 4-year-olds. She learned from that experience that the start of a new public program left other providers—both Head Start and private child care operators—feeling “threatened.” And that sense of threat wasn’t productive.

So in 1990, when she was asked to expand the state’s early-childhood-education offerings to 4-year-olds, she made sure to bring all concerned parties to the table, and she involved them in writing the new program’s rules and standards. And in 1998, when Oklahoma’s free pre-K program expanded from serving only Head Start-eligible children to serving all children, the strength of that coalition—and those standards—held up, easing the transition. That infrastructure of relationships, she believes, has been essential to the staying power of the Oklahoma program, which now enrolls 75 percent of all the state’s 4-year-olds, half of whom have access to full-day programs. “It’s a question of relationships as well as stan-

dards,” Paul said. “When we were making changes I’d call up lead people in various agencies and discuss issues. My experience has been if you can do many things informally, you can get a lot done.”⁴⁸

Enlisting the support of small businesses and leveraging their support well

The business community has played a key role in bringing pre-K to a number of states by putting its weight behind public-information campaigns, getting involved in the political process, and helping articulate to lawmakers why pre-K is essential to developing a high-caliber workforce. Former Vermont Gov. Madeleine Kunin (D) writes at length in her 2012 book, *The New Feminist Agenda*, about the work that the Vermont Business Roundtable has done on behalf of public and private early-childhood-education programs,⁴⁹ and she also notes that expanding access to early childhood education is a family issue that even the U.S. Chamber of Commerce has embraced as “the right thing to do.”⁵⁰ The Oklahoma Business Roundtable, a group of 115 CEOs from leading corporations and business organizations, has also helped pressure lawmakers to maintain and expand the state’s pre-K program.⁵¹

Yet big-business lobbying groups such as the Chamber of Commerce or the National Federation of Independent Businesses, which claim to speak on behalf of all business owners, have been uniformly hostile to paid-family-leave and sick-day legislation.⁵² Advocates have had little luck finding champions for such public policies among executives in big companies, even if those companies already provide paid-sick-day and leave policies to their own employees. The fear of “mandates”—and of telling other companies what to do—appears to trump whatever beliefs the heads of these large companies have regarding what is good business practice. Sympathetic members of the small-business community, however, have been very helpful in a number of successful battles for paid leave and sick days.

Members of the progressive business community in Seattle were integral in developing paid-sick-day legislation. In fact, city-council members told advocates that they wouldn’t even consider legislation if it didn’t have business buy-in. Advocates then recruited supporters from a number of high-profile small businesses, and on the day that the paid-sick-day legislation was announced, they made sure to have the owners of some of the city’s most popular restaurants stand with them.⁵³

Similarly, former New Jersey Gov. Corzine instructed paid-family-leave advocates in his state to work with the business community. “Corzine said to us, ‘You said business won’t come along. Did you ask?’” said Eileen Appelbaum. “We were then able to approach businesses and say, ‘The governor wants us to meet with you.’ Then they talked to us.”⁵⁴ A few highly vocal business leaders then came forward and advocated for the paid-family-leave legislation.

When it comes to enlisting the help of small businesses, however, advocates offer one important caveat: Don’t overestimate the potential for their support. Ben Geyerhahn, a political consultant and director of special projects for advocacy group the Small Business Majority, has conducted two large studies with small-business owners to test their attitudes toward paid sick days and paid family and medical leave. He found, encouragingly, that 56 percent of small-business owners supported paid family leave—as long as it was presented as a form of “insurance”—meaning that it was paid for by the employee and managed by government. Less encouragingly, the “overwhelming majority” of small-business owners, he said, was against paid sick days. The only business owners who favored mandated paid sick days were those who already had a written paid-sick-day or family and medical leave policy. This group, which made up less than 25 percent of the total number of business owners surveyed, favored mandates by a slight majority.⁵⁵ Yet even this, the Small Business Majority cautioned in a report accompanying the survey, shouldn’t invite too much hope: “What the numbers don’t wholly capture,” it stated, “is the degree to which PSD [paid-sick-day] and FML [family and medical leave] policies are disassociated with notions about government policy or action—except to the extent that business owners consider it an imposition.”⁵⁶

The common denominator among the vast majority of small-business owners, Geyerhahn explained, was an overwhelming hostility toward faceless government bureaucrats who don’t understand their businesses and don’t understand the damage that their regulations can do. There was an overwhelming sense that these bureaucrats were often “either incompetent or capricious,” he said. Business owners who did provide sick days did so out of a sense of caring for their employees, he said; it was part of their self-concept that they were people who cared about their workers. But that didn’t mean that they wanted the government to tell them how to do it. “You can have a very powerful discussion with folks about how it’s the right thing to do, the place you’re going to fall down is the mandate. It’s just they have this fear of government,” he said.

Because of this aversion to government involvement, Geyerhahn believes that enlisting small-business support for paid-sick-day policies in particular is an effort with a limited potential payoff. An equally important and perhaps more effective effort, he said, would be for advocates to focus on proving to politicians that once such policies are in place, business owners don't really mind them—and won't later punish elected officials for them.⁵⁷ This has proved to be the case in San Francisco, which in 2007 passed the country's first paid-sick-day law for all workers. Four years later a survey of more than 700 employers found two-thirds of them to be in favor of the measure.⁵⁸ Similarly, polling released on the 20th anniversary of the passage of the Family and Medical Leave Act in February 2013 showed that fully 80 percent of small-business owners now support the once-feared federal law.⁵⁹

Geyerhahn's advice to advocates: "Show politicians: You pass the bill, afterwards, business owners didn't vote en masse against someone who backed it. Businesses don't care after the fact. They'll say it's not that bad."

In July 2011 Connecticut became the first state to pass a law giving many workers—in this case, service workers in businesses with 50 or more employees—the right to up to five paid sick days a year. The state's campaign for paid sick days made highly visible and creative use of small-business support. The campaign was launched in a restaurant whose management voluntarily provided paid sick days. It enlisted a progressive bakery owner to send legislators cupcakes and then follow up by email with a pro-paid-sick-day message. In truth, however, Connecticut did not have an infrastructure of progressive small-business owners with political influence, as was the case for the successful paid-sick-day campaign in Seattle.⁶⁰ The secret to successfully harnessing small-business support in the state, said Jon Green, former executive director of the Connecticut Working Families Party, lay in adroitly making maximal use of what support did exist and then framing the need for sick days in terms of the benefits for both workers and consumers.

Advocates in Connecticut made sure to stick to their positive message and not get bogged down in fighting the rhetorical battles that their opponents wanted to wage. "We have to control the frame through which our policymakers view this issue," Green said. "If we use the business community's frame, we can pull out all the left-wing business owners we want, but we can't win. They'll have way more resources. We just had to change the conversation."⁶¹

Other advocates offered some additional words of caution stemming from their efforts to win over business support for paid family leave in New Jersey and California: Don't give away the farm in advance. In retrospect, some now fear that too many compromises were made in those paid-leave battles in the hope of appeasing businesses—compromises, such as losing the guarantee of job protection if paid leave is accessed, that may not have been game-changers for the legislation's passage but that have made life much harder for working families. "It sometimes felt like some of the advocates compromised to neutralize the business argument by anticipating their objections without any commitment that businesses would then come on board. The compromises didn't neutralize the opposition since the business community always had new arguments," reflected Julie Kashen, who as deputy director for policy under Gov. Corzine, was deeply involved in the fight for paid family leave in that state.⁶²

Being flexible and creative

Paid family leave and paid sick days aren't "sexy" issues, and they aren't necessarily topics that easily earn press coverage. Advocates for paid sick days in Connecticut, however, were able to get media attention through the creative use of humor—by protesting, for example, outside restaurants that didn't offer sick days holding placards with slogans such as "No Boogers in our Burgers."⁶³ Momsrising.org, an online grassroots organization, got media attention by hanging onesies bearing slogans in favor of paid family leave outside the state house in Trenton, New Jersey.⁶⁴

It's been helpful when advocates can change their communications strategies quickly in response to negative feedback. Advocates in New Jersey learned early on that "paid family leave" didn't poll well in the state, and they solved the problem by quickly switching to calling it "insurance." Ellen Bravo notes that her organization formerly issued lists of myths and facts to counter arguments by the opposition but stopped doing so when they realized that they were providing free publicity to the other side.⁶⁵ "Listing the myths just gave extra space for restating the argument of the opposition," she said.

Advocates for paid sick days in Denver learned the hard way what can happen when a campaign isn't fast enough or flexible enough in responding to new tactics of their opponents. The paid-sick-days coalition in Denver, Bravo explained, began its campaign with a focus on public health because polling in the past had shown that approach to be most effective. But the fallout from the Great Recession changed

the game. In 2011 opponents to paid sick days went door to door in Denver, saying that the initiative would “kill jobs, and spread the idea that from day one people would use this for vacation time,” Bravo said. “Our folks were not prepared for this onslaught. They didn’t pivot quickly enough to talking about the economy.”

Advocates eventually switched from talking about the public-health benefits of paid sick days to attacking the credibility of the opposition by, in particular, unmasking the big-business interests and right-wing groups behind the negative economic arguments. The new tactic eventually attracted a good deal of media coverage, but it came too late to sway voters. The takeaways from the Denver experience, according to Bravo and others:

- Develop a variety of messages and a variety of messengers, since not all messages will speak to all voters.
- Talk of “earned” sick days so that in a bad economy, there’s no sense that people are seeking a costly new “entitlement.”
- Be ready to respond quickly to the opposition.

Using language that corresponds to widespread American values

Reflecting on the successful passage of the Family and Medical Leave Act, Thomas Shellabarger, former policy advisor on economic issues for the United States Conference of Catholic Bishops, said that, “Republicans were tone deaf. They couldn’t see this issue beyond the business community. We changed that ... [saying] this isn’t about business – it’s about children and families.”⁶⁶ Netsy Firestein, thinking back on the experience of the successful fight for paid leave in California, noted that foundation funding not only permitted advocates to invest in research to assess the costs and benefits of paid leave but also to learn about the finer points of communications and managing public relations. They were highly attuned to how the paid-leave issue was framed in the news media—as one pitting business against labor—and worked hard to reframe it as a family issue.

Firestein has studied successful social policies in America—public education, Civil War benefits, Social Security, and the G.I. Bill in particular—and notes that the latter three have a number of common elements: They are rewards for service, serve broad constituencies that cut across class, and have reliable and expanding public revenue sources to fund them. Public education rests upon a sense of shared responsibility for children. What advocates needed to do with paid family leave, she

“Personal responsibility” plus “opportunity” was a winning message combination. Stressing “equality” or the ending of disparities was a nonstarter for conservatives, but talk of “fairness,” “opportunities,” “choices,” and “tools” were acceptable.

concluded, was frame the measure as one permitting parents to better serve not just their children’s needs but also those of the country—“parents contributing to the common good but raising the next generation.” She also saw that paid leave needed to be framed as a reward for work, not as a perk or entitlement. The slightly raised taxes required to pay for it had to be seen as “contributions to a public piggy bank,” earned by workers and in which they have a stake.⁶⁷ The campaign for paid leave also needed to stress its aim of caring for children and people who were vulnerable. Once paid leave was framed in this way, she said, “It became hard to be against.”⁶⁸

The Robert Wood Johnson Foundation came to very similar conclusions when it set out to explore American attitudes toward health and health care in the late 2000s. It surveyed more than 3,000 Americans through a variety of methods and concluded that all conversations on the tricky subject of health care reform needed to incorporate the nation’s core values. In particular, the survey found that it was critical to stress “the role of personal responsibility” when talking about reform. According to the report, for example, messaging that stated, “We have to take responsibility for our lives and decisions. But all Americans should have an equal opportunity to make the decisions that allow them to live a long, healthy life, regardless of their level of income, education, or ethnicity,” was a far more effective way to lead voters to see health care in a social—or not purely private—context than language that explicitly talked of inequality and blamed social or structural factors for inequities in health care.⁶⁹

The Robert Wood Johnson Foundation survey found that Americans prefer messages that stress commonality of experience, and, with the exception of African Americans, respond very negatively to messages that focus on disparities based on race, ethnicity, or socioeconomic class.⁷⁰ It also found that while conservatives respond negatively to much of the language that resonates with progressives, progressives are likely to cross over to respond positively to some aspects of conservative messaging. “Personal responsibility” plus “opportunity” was a winning message combination. Stressing “equality” or the ending of disparities was a nonstarter for conservatives, but talk of “fairness,” “opportunities,” “choices,” and “tools” were acceptable. The authors wrote that, “Failure to speak to core American values uniformly depressed people’s response to narratives designed to move them toward recognizing the importance of social context or the need to act on disparities.”⁷¹

Driving home to elected leaders that supporting family-friendly policies pays off politically

Gov. Dannel Malloy (D-CT) ran on his support for paid sick days in 2010—and won. A poll of Connecticut voters commissioned by the National Partnership for Women & Families a month after Connecticut passed its sick-leave law found that voters had rewarded legislators who had voted in favor of the law and thought of them more positively for it. According to the poll, 73 percent of voters supported the law, including 61 percent of Republicans, 70 percent of Independents, and 87 percent of Democrats. The poll showed that voters resoundingly rejected the idea that the new law would be an unfair burden on businesses in a tough economy and showed strong support for the idea that paid sick days were an essential element of families' economic security.⁷²

Another study, conducted by the National Opinion Research Center at the University of Chicago for the Public Welfare Foundation in 2010, interestingly showed that while support for paid sick days did decrease as worries about jobs grew during the Great Recession, the drop was really quite slight. In June 2010, with worries about the economy very high, the survey found that 75 percent of respondents still believed that employers should be required by law to provide paid sick days to workers. Voters also said by a margin of 33 percentage points that they were more likely to support a candidate who favored paid sick days.⁷³ Most recently an analysis of 2012 election results by CAP Chief Economist Heather Boushey found that candidates in both competitive and noncompetitive races who supported work-family or pay-equity legislation on their campaign website or during their prior term in office had a higher probability of winning their elections.

Recognizing when the stars are aligned and seizing the moment

The passage of the Family and Medical Leave Act in 1993 was the result of a set of fortuitous circumstances: Because then-President George H.W. Bush had vetoed the act twice, then-candidate Bill Clinton was able to make it a campaign issue; Hillary Clinton was a prominent child advocate with powerful Washington contacts of her own; there was a Democratic Congress to pass the bill; and because of decade-long efforts by Sen. Chris Dodd (D-CT) and other legislators, there was a bill ready to pass.⁷⁴ California's paid-family-leave law came into being in a similar

moment of political opportunity: Gov. Gray Davis (D), embattled and faced with a conservative Republican opponent, Bill Simon, embraced the bill in 2002 to solidify his support among progressives.⁷⁵

San Francisco's moment of opportunity for paid sick days was a 2006 ballot measure that was passed overwhelmingly by voters, only months after the city's Board of Supervisors had approved a provision guaranteeing access to health care for uninsured adults. The local chamber of commerce, worn out from the battle against health care, wasn't able to mount another fight against the sick-days law.⁷⁶ The Seattle paid-sick-days battle, similarly, benefited from a number of pieces falling into place: the start of the H1N1 epidemic, the passage of sick days in San Francisco, the frustration of Washington state advocates with the stalling of paid family leave—which had been passed in 2007 but had languished without funding—and the presence of a sympathetic mayor and a city council member who were eager to champion the issue.⁷⁷

“It's a question of windows of opportunity, an aligning of the stars, and a leader who sees it and seizes it,” reflected Ann O'Leary, a CAP Senior Fellow and director of the Children & Families Program at the San Francisco-based think tank Next Generation, who participated in many of the family- and sick-leave policy battles in Washington, D.C., and California.⁷⁸

There's a corollary lesson about timing that advocates for paid sick days in Denver learned the hard way: Don't act when the stars aren't aligned.

The defeat of paid-sick-day legislation in Denver in 2011 was unique in having been due to voter rejection rather than political shenanigans. Advocates say that failure was partly due to a tactical error of timing: It was an inauspicious time for a ballot initiative—an off-year election drawing a disproportionate number of voters unlikely to be supportive of progressive measures. Those generally more conservative voters weren't swayed by the messages from paid-sick-day advocates. But what they heard loud and clear were television ads from Denver Mayor Michael Hancock, that had called the sick-day initiative “The Wrong Solution at the Worst Possible Time.” They'd also heard Gov. John Hickenlooper, who entered politics after making a name for himself as a successful small-business owner, put out a strong “wrong time” argument. Both mayor and governor were Democrats, and the utter lack of support from the state's Democratic political elite made overcoming the conservative opposition impossible.

Remembering that successful legislation requires follow-up

Advocates note that the District of Columbia has never conducted follow-up studies to chart the implementation of the city's paid-sick-day law and that it can't therefore determine if the workers meant to be covered by the law are actually receiving its benefits.⁷⁹ Similar worries have long persisted about the reach of California's paid-family-leave law, the 2002 passage of which was followed by only a one-year public-education campaign. After the special gubernatorial recall election of 2003 that ousted Gray Davis and brought Arnold Schwarzenegger into office, the Republican governor scaled back outreach efforts. The paid-leave program changed names—from Family Temporary Disability Insurance to Paid Family Leave—further confusing potential beneficiaries.⁸⁰ It was not surprising, then, when a 2011 survey of California workers found that more than half of those who had experienced a life event that would have qualified them for paid family leave didn't know that the program existed. Those least likely to be aware of their rights were low-wage workers, immigrants, and Latinos.⁸¹ For California paid-leave advocates, the lesson is clear: Build funds into legislation for multiyear outreach in multiple languages, and make sure outreach and education are tied to an existing agency.⁸²

Taking the long view

Progressive policy change in America has never come overnight. Minimum-wage legislation grew out of the progressive movement, and 30 years of state action had to pass before the federal government got involved. It took nine years to pass the Family and Medical Leave Act and 12 years to pass paid family leave in New Jersey.⁸³ Washington state should have offered relatively easy terrain for paid-family-leave legislation: The state had one of the first unpaid-family-leave laws in the nation, dating back to the 1980s, and it had also been an early adopter of legislation allowing the use of accrued sick leave to care for a sick child.⁸⁴ Nonetheless, paid leave legislation only won passage in 2007, and has yet to secure funding.

Marilyn Watkins, policy director at the Economic Opportunity Institute in Seattle, said that the length of the effort came with a silver lining: It gave advocates time to build alliances with both politicians and businesses that then led to collaboration and compromise. “We spent a full year organizing, talking to small-business owners, city-council members, the people who would be on the enforcing agency, the mayor's office, but quietly, so it was not a public campaign,” she said. “Having time permits the building of long-term relationships.”⁸⁵

“To get policy done, you have to have the sense of a problem. I’m not convinced we’re even at that level. Women are working, kids are somewhere. Everybody’s living—where’s the problem? You have to have a group where they decide it’s their problem and they want to get things done.”

— *Edward Zigler, Sterling professor emeritus of psychology and director, emeritus, The Edward Zigler Center in Child Development and Social Policy at Yale University*⁸⁶

What's not working— and what we need moving forward

Why, despite the persistent, pressing, and longstanding need for support for working families, hasn't there been a strong public demand for policy change?

Why hasn't the push for policies such as paid sick days or paid family and medical leave—measures which could benefit everyone at some point in their lives—attracted a dedicated constituency?

Why have families never been able to unite as a meaningful lobby?

The constituency for family policy is, of course, just about everyone. That also means, however, that family policy lacks a unique, self-defined interest group such as gun owners, retirees, or even marriage-equality advocates. Family-friendly policies such as paid family leave, paid sick days, high-quality child care, early childhood education, aftercare, or measures to encourage workplace flexibility, though greatly needed by families at all levels of the income scale, aren't the issues at the top of anyone's agenda. In fact, they're not necessarily on the agenda at all.⁸⁷

Women as a category don't identify family policy as top-priority issues. Even mothers have not, in large, visible, and demographically diverse numbers come together to advocate for family-friendly change. This is a major stumbling block because it means that the natural constituency for family policy—and a group that led fights for social change in the past—isn't present on the political scene. The women who most need the kind of help that family policy could provide don't have the time to fight for it—or, often enough, an awareness of what they could be fighting for. And women who do have the time and resources to devote to volunteering or other community-building activities are not, generally, getting involved in the fight for policy change.

In 2009, intrigued by past examples of mothers who organized for policy changes—those who fought child labor in the progressive era and more recently united against drunk driving and gun violence—Jocelyn Elise Crowley, a professor of political

science at Rutgers University, investigated the attitudes of more than 3,000 women in five mothers' groups to see why they had come together and what they wanted to accomplish. She surveyed members of Mothers of Preschoolers, or MOPS, which stresses Christian values and religious doctrine; Mocha Moms, which was originally conceived to draw together stay-at-home mothers of color; the National Association of Mothers' Centers, which began in 1975 with a social-work agenda; MomsRising; and Mothers & More, a grassroots group that aims to connect mothers and encourage them to "connect with the world."⁸⁸

The women in these groups were generally white—with the exception of Mocha Moms—well educated, and high income. The focus of Crowley's research was to investigate their attitudes toward workplace flexibility and the degree of their willingness to organize and demand measures promoting it. Crowley expected these mothers to be informed about work-family issues and eager to rally for change. She was largely disappointed. "When I initially undertook the project, I thought these policy ideas would be in the forefront of their mind," Crowley said. "These women are highly advantaged, 40 percent have a graduate degree. These are women with all the opportunities to put pressure on the government. Why aren't they doing it?"

In follow-up interviews, Crowley discovered the answer: The women weren't coming together for social change. They joined moms' groups for friendship and to find playmates for their children. One group, MomsRising, did have a membership committed to policy advocacy. But the others steered clear of political activism for the most part. In fact, their members were fiercely individualistic—and deeply resistant to the idea of collective action on behalf of families. The fact that, as Crowley did her research, the economy was tanking and many of the women were feeling the crunch made no difference. "What I found really fascinating," she said, "was that many of them had this belief in free-market capitalism as the way to organize markets, even if they were suffering. Even if they had it hard they would say, 'I signed up for that job. ... I just have to make it work.' There was this personalization of the problem. They were arguing against their self-interest."⁸⁹

The lack of constituency means that families have no lobby. As a result, as we've seen in sick-day battles where Democratic mayors have turned their backs on progressives, proponents of family-friendly policy have no powerful way to exert pressure on politicians who fear alienating the business community. This problem has stymied advocates for families dating back to the failure of the 1971 Comprehensive Child Development Act, when a preponderance of public

opinion in favor of high-quality day care did not translate into a mobilization of families to support it. On the other hand, the New Right, with passionate spokespeople such as Phyllis Schlafly, founder of the conservative Eagle Forum, built a powerful and vocal network of parents to oppose it.⁹⁰

Part of the problem may be that issues such as child care have long been linked with poverty—getting “welfare mothers” back to work—which has stigmatized them and made middle-class voters loath to embrace them. Part of it may be that the media has long trivialized work-family issues as “elite” women’s problems—dividing women and obscuring the common spectrum of need that exists among almost all families. And part of it is that many people appear not to identify with issues such as paid family leave, or flexibility, which they don’t see as relevant to their lives. This apparent lack of relevance seems to stem at least in part from the fact that the words used to talk about the dilemmas of modern family life in the policymaking world are not those that “real people” use to talk about their lives.

On child care, for example, Kristin Rowe-Finkbeiner, the co-founder and executive director of MomsRising, has noted that the phrase “early learning” doesn’t resonate with MomsRising members. It’s too vague, she says, “It could mean anything.”⁹¹ Jodi Grant, executive director of the Afterschool Alliance, has similarly come to see that the excitement that her organization has long expressed for the educational potential of good afterschool programs doesn’t necessarily correspond to the top priorities of the working parents who depend on those programs to keep their children safely occupied in the afternoon hours. Whereas she and other advocates tend to talk about letting children “follow their passions” in the afternoons, the parents using afterschool programs tend to talk about making sure their kids are “less likely to get in trouble.” With funding on the chopping block, Grant said, “perhaps we have to change our rhetoric.”⁹²

Advocates have found that “paid family leave,” “family and medical leave,” and even “sick days” seem like obscure, abstract concepts to many people. Much more real to them, however, is the word “time,” which comes up again and again to describe what’s missing in their lives. Avis Jones-DeWeever, executive director of the National Council of Negro Women, said that the phrase “more time with their children” recurs constantly in her conversations with parents.⁹³ Time to take children to the doctor or to attend parent-teacher conferences, predictable time, and ownership of time are seen as key elements of dignity. Talk of time is a way to make real the devotion to family that’s universal.

“People think of this in terms of everyday life, versus how advocates think, in terms of policy,” said Catherine Singley, senior policy analyst for economic and employment policy at the National Council of La Raza, which in July 2012 commissioned a focus-group study of four groups of low-income and working-class Latinos in Miami and Orlando to talk about jobs, the economy, and measures such as sick days. Singley said:

Thinking of a menu of benefits is really a relic of an older labor market and white-collar market. In the low-wage workforce you're lucky if you get a piece of paper telling you what your wage will be. You don't expect a menu of benefits. It was a surprise for us that continually poses a challenge: All this terminology about workers' rights and respect on the job doesn't resonate unless they've been through a training session by OSHA. People say: "I have a right to be treated fairly. I have the right to be treated like a human being." Not: "I have the right to paid sick days," etc. We need a new vocabulary.⁹⁴

We need to change the national conversation

Public discussion of the challenges of balancing work and caregiving has long been stalled by the persistence of attitudes and arguments that have blocked even the potential of progress on behalf of families. These attitudes include:

- American exceptionalism dictates that we work out things on our own.
- The struggles of families are *private* rather than *public* issues, and as such they cannot be addressed through public policy solutions.
- The only families who do need government support are those who are poor or otherwise lacking the wherewithal to responsibly care for their children.
- Paradoxically, issues of work-family “balance” are “elite” women’s problems.
- Pro-family policies are “job killers” that place a negative burden on businesses.

Changing the terms of the discussion—creating a new national conversation—will mean changing the perception that issues of family well-being are private matters for men and women to shoulder on their own—“their own private hell,” in Judith Lichtman’s words. And it will mean changing the belief that addressing family matters in a purely private way is the American way of doing things.

After all, at least in the area of child care, things almost went quite differently. It was a Republican White House that in 1970 convened a Conference on Children

that identified addressing the need for affordable, high-quality child care as a top priority for the government. “So crucial is the matter of early growth,” said President Richard Nixon in a 1969 message to Congress, “that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years.”⁹⁵ The Comprehensive Child Development Act of 1971, passed by Congress with initial Nixon administration support, would have created a national child care system in the United States with a high level of standards and quality controls.

The act almost became law. But near the very end of the legislative process—and after a lot of political fights over issues that arguably weren’t about child care at all—a burgeoning New Right stirred up conservative outrage so effectively that President Nixon withdrew his support. The terms of his veto—which, as written by speechwriter Pat Buchanan, denounced government support of child care as “communal approaches to child-rearing” with “family-weakening implications”⁹⁶—corresponded with the hard-right tilt taken by his party that continues to this day. George Washington University political scientist Kimberly Morgan has further noted that the day after Nixon vetoed the child care bill, he signed the 1971 Revenue Act, which expanded tax breaks for families who use private day-care services, further advancing the enduring privatization of child care in American political thinking.⁹⁷

The idea, then, that family matters must be handled privately is not inevitably American; it was a specific political development, corresponding to a particular time and a particular political calculus, and it could be better exposed as such now. Indeed, it has to be, for this mythology is bad for women and families, placing an impossible burden on them both financially and emotionally and freeing employers and policymakers of their responsibility to create change.

Tami Kremer-Sadlik, former director of research at the Center on the Everyday Lives of Families at UCLA, spent a considerable amount of time in the early 2000s with 32 middle-class American families, watching how they lived and listening to how they talked about the work-family conflicts in their lives. She also conducted parallel research with similar families in Italy and was struck by the emotional toll—in exhaustion and, above all, guilt—that the particular American penchant for making work-life conflicts a purely private concern exacted from the parents in her sample. “Parents, and mothers in particular, look at the mismatch between work and family as a personal problem, hence the persistent guilt, feelings of inadequacy, and attempts to compensate with personal solutions,” she said. “Not

The idea, then, that family matters must be handled privately is not inevitably American; it was a specific political development, corresponding to a particular time and a particular political calculus.

a single person said: ‘It’s not fair. Something is wrong.’ They’re not aware of it as something that could be different.”⁹⁸

Maureen Perry-Jenkins, a professor in the Department of Psychology at the University of Massachusetts-Amherst, studied more than 370 working-class and poor women, following them from pregnancy until the time their first children were 6 years old. She began by asking them while they were still pregnant what policies they believed would help them once they became mothers. She found that most of the women were not covered by the Family and Medical Leave Act because they were either working for companies with fewer than 50 employees or hadn’t been employed long enough to be eligible.⁹⁹ Unpaid leave was an “empty promise” because they couldn’t afford to take it. They hardly ever had paid sick days or any control over when they could have time off. Yet they didn’t even think about such policies until their first children were born—at which point they were “shocked” by their lack, Perry-Jenkins said. And even then they didn’t think that there was anything that could be done that would have helped them. They immediately embraced the notion that they were on their own. She explained:

Most parents’ first response was to suggest things that they [emphasis added] could do to make things better, like sleep less or be more organized, as opposed to something their employer could do. Even when we followed with a prompt asking them to think about how their employer might be able to help, the majority of our families could not think of one way that their workplace could serve as a support. We were shocked. There’s just not an expectation that work could do anything that could make a difference.¹⁰⁰

We need to raise expectations

In order to change the national conversation, we have to change “the narrative out there that, ‘This is just how it is,’” as Avis Jones-DeWeever puts it,¹⁰¹ and replace that storyline with the argument that, “It doesn’t have to be this way.” We have to draw attention to American solutions that already exist but that aren’t well-known or understood: paid leave in New Jersey and California, for example, or the high-quality preschool programs already in states such as Oklahoma and West Virginia. To succeed, we need more and better research showing how and why these programs have worked. We need to show that they’re not burdensome for employers and that when they are employee funded they don’t require prohibitive new taxes. In California, for example, where there was already a temporary-disability

insurance program in place, workers paid just a 1 percent payroll tax on the first \$95,585 of earned income in 2012 to cover both their short-term disability insurance and paid-family-leave premiums. And in New Jersey the maximum annual contribution to the family-leave-insurance payroll tax in 2011 was \$17.76.¹⁰²

In all, this means building a new narrative of what's possible in America—providing “a new conventional wisdom,” as Lisa Guide, associate director of the Rockefeller Family Fund, puts it.¹⁰³

But it isn't just workers who need to be educated about what's possible. Celinda Lake, conducting focus groups for the Small Business Majority in 2010, found that most small-business owners had never heard of the concept of a “family leave insurance system” in America and considered it “too good to be true.”¹⁰⁴ The onus, then, would be on advocates to make the case that affordable change can—and already has—come true.

We need to debunk the argument that family-friendly policies are bad for businesses

It is not difficult to poke holes in the many arguments put forth by business lobbying groups that claim that policies such as paid sick days are “job killers.” In February 2013, for example, the Employment Policies Institute, or EPI, a self-described “non-profit research organization” in Washington, D.C., that gets 95 percent of its funding from corporate sources, reported that Connecticut's paid-sick-days law had hurt state businesses. CAP Senior Policy Analyst Sarah Jane Glynn quickly pointed out that the EPI's research was derived from surveys distributed to business owners in the months before most employees were even able to make use of their rights under the new legislation. “Rigorously collected data from the Connecticut Department of Labor shows employment growth in the Leisure and Hospitality and Education and Health Services sectors since the law went into effect—two sectors that had the largest numbers of workers without paid sick days prior to passage of the law,” Glynn noted.¹⁰⁵

Instead, the argument must be made that family-friendly policy is good economic news, both for individual businesses and for society at large. The tactic has worked extremely well over the past decade in the area of pre-K, where governors, economists, and business leaders have come together to compile a body of research that builds the case that state money for pre-K is a long-term investment that will

prove extremely profitable for our labor force and tax revenues in the future. The same can and must increasingly be done now to build the case for other sorts of family supports. And research already exists to buttress that argument. A sample of it regarding sick days follows:

- A 2003 analysis of data from the American Productivity Audit, a telephone survey of almost 29,000 U.S. workers, determined that employers lose \$160 billion annually due to the lowered productivity levels of employees who come to work when they're ill.¹⁰⁶ A 2011 study of Connecticut's new sick-leave policy, however, found that full use of the leave would cost an employer only 0.4 percent of sales revenue on average per year.¹⁰⁷
- A 2011 study by the Institute for Women's Policy Research on the effects on employers and employees of San Francisco's 2007 paid-sick-day law found that despite the fact that workers in that city had the right to either five or nine paid sick days per year depending on the size of the businesses they worked for, they typically took only three, and fully one quarter of those with access took none at all. Six out of seven employers in that study reported that the paid-sick-day law had had no negative effect on their profitability. The report also found that employment grew twice as fast in San Francisco as in neighboring counties that had no sick-leave policy in the five years after the law was passed.¹⁰⁸
- The small-business owners surveyed in 2012 by the Small Business Majority who had their own paid-sick-days policies said that there were "low or no costs" associated with the policy, "little or no administrative cost" and only "modest utilization." A few even said that the policy "created value" in terms of employee loyalty, and others said they thought they "made money" on it due to employee retention.¹⁰⁹ On average, it costs about 20 percent of a worker's salary to replace them, which is considerably more than the cost of providing paid sick days.¹¹⁰ Furthermore, they reported that nearly all employees took only 1 to 3 sick days per year.¹¹¹

Paid family leave has also had positive effects on business: In 2009 and 2010 Eileen Appelbaum and Ruth Milkman surveyed 253 employers to gauge the effects of paid family leave in California. They found that for many employers paid family leave had brought savings, due to either reduced turnover or the ability to—if employers already offered employees paid sick days or vacation days—reduce the costs associated with those benefits by coordinating them with the state paid-family-leave program. Some employers reported higher costs due to hiring replacement workers, but most said that they covered the work of those out

on leave by reassigning it to other workers at very low or no cost.¹¹² In fact, nearly all employers reported that paid family leave had either had a “positive effect” or “no noticeable effect” on productivity (89 percent) profitability/performance (91 percent) turnover (96 percent) and employee morale (99 percent), and that small businesses were even less likely than larger ones to report negative effects. In addition, 91 percent said “no when asked if they were aware of any instances in which employees abused the state paid-family-leave program.”¹¹³

“Paid family leave was a major boon in California for small businesses,” said Appelbaum. “It helps them offer benefits they can’t.”

In the most recent U.S. Department of Labor Survey on the use of the Family and Medical Leave Act released in February 2013, 90 percent of employers reported that complying with the law had either had a positive effect or no noticeable effect on employees and their business. Three-quarters of employers reported that administering the act had been easy, and only 2.5 percent said that they suspected that there had been any employee misuse of the law.¹¹⁴

Flexibility also has a body of great research behind it. According to a 2010 review of that research by the White House Council of Economic Advisers, flexible workplace practices have translated into reduced worker absenteeism, less turnover, an increased ability to attract and retain workers, and greater worker productivity.¹¹⁵ The report estimated that wholesale adoption of flexible workplace schedules by the nation’s employers could save businesses about \$15 billion a year.¹¹⁶ The Council of Economic Advisers also made note of research that had tracked the announcements of new work-life balance policies, such as flexible arrangements by Fortune 500 companies in *The Wall Street Journal*, and found that, on average, firms’ stock prices rose 0.36 percent in the days following the announcements.¹¹⁷

Family policy, advocates say, has to be reframed so that measures such as paid sick days or paid family leave aren’t viewed as “benefits” but rather as central to the economic well-being of all Americans. Part of this, Judith Lichtman said, will involve shedding trivializing language such as “balancing act” and “juggling.” “Sometime in the 1980s,” she said, “Hillary [Clinton] and I were on a panel and I talked about women and men juggling family and work, and she said, ‘don’t say *juggle*, say *struggle*,’” she recalled. “*Juggle* conjures balls in the air and clowns.”¹¹⁸ That sort of language not only minimizes the substantial struggles of American families, but it also diverts potential talk of policy change into sterile “having it all”-style debates. A reframing has to show that the well-being of families is inex-

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– Eileen Appelbaum

trically entwined with the health of our economy. Focusing on children—our nation’s collective future—would also be a great deal more productive.

We need to build positive arguments on our own terms

We must move beyond the terms of the argument set by the business community and show that the case for family-friendly policy rests upon goals and values that no one can afford to be against. Consider the following points:

- **Paid sick days save health care dollars.** A 2011 report from the Institute for Women’s Policy Research found that paid sick days could, by reducing emergency room visits and allowing people to see their primary doctors when ill, save the country \$1.1 billion in health costs each year.¹¹⁹
- **Paid family leave builds a better, more able future workforce.** A 2012 report by Donna Cooper and Adam Hersh of the Center for American Progress and Ann O’Leary of Next Generation noted that parents’ time at home with infants in the first year of life results in significant benefits to the children that can have long-lasting effects on their future academic performance and ultimately on their ability to succeed in the workplace. Leave policies that make such time possible, they argued, “will ultimately boost human capital economy-wide.” This lesson, they wrote, has not been lost on China, which now includes as part of its economic growth policies a provision that women employed in public enterprises get 98 days of paid maternity leave.¹²⁰
- **Paid family leave keeps women in the workforce and off of public assistance.** A 2012 study conducted by the Center for Women and Work at Rutgers University found that women who use paid leave are much more likely to be working nine months to a year after a baby’s birth than are those who don’t take any leave.¹²¹ The study also found that women who took paid leave were 39 percent less likely to receive public assistance and 40 percent less likely to receive food stamps in the year after a child’s birth.
- **Paid family and medical leave helps keep families out of bankruptcy.** In 2001 25 percent of dual-earner couples and 13 percent of single-parent families who filed for bankruptcy did so due to missing two or more weeks of work when they had been sick or when they had to care for an ill family member.¹²²

- **Paid family leave strengthens families by allowing mothers and fathers to be better parents.** A survey of California workers five years after the passage of paid leave found that having paid leave allowed workers to better care for their newborns and also make better child care arrangements.¹²³ Both men and women reported bonding better with their babies.¹²⁴ And to the extent that paid leave allows workers to take longer leaves—which has been the case in California, where the length of maternity leaves has doubled since the paid-leave program came into being—it increases the likelihood that children will receive immunizations and regular medical checkups.¹²⁵

Maureen Perry-Jenkins of the University of Massachusetts-Amherst has written of an additional important benefit of good family policy: It can strengthen families by reducing financial and emotional stress, which translates into better mental-health outcomes for both parents and children. In her research with low-income parents, she discovered that having the ability to take time off for a doctor’s appointment without fear of job or income loss predicted less depression in mothers a year after their child’s birth. Stable hours and consistent pay and benefits, she also found, appeared to be protective of mothers’ mental health,¹²⁶ whereas the instability from ever-changing work schedules led to a lack of control, which was related to poorer mental-health outcomes.¹²⁷

“It appears that even relatively limited perceptions of workplace supports are related to enhanced mental health for mothers,” she concluded.¹²⁸ The effects held for fathers, too: Perceptions of greater child care support, she found, were linked to less depression in fathers, and mothers’ longer maternity leaves were linked to less anxiety in fathers over time.¹²⁹ These findings deserve widespread notice, given the considerable evidence that now exists about the toxic effects of parental depression and poor mental health on the well-being of children.

We need to listen well—and speak to people where they are

Changing the conversation in a way that can draw in a broad-based constituency will mean driving home the point that our lack of policy hits families of all types and at all rungs of the income ladder. But getting the words right will also mean remembering that people at different points on the income and education scale think and talk about these issues in very different ways. Perry-Jenkins, comparing the responses of her working-class and poor parents with those of middle-class

parents surveyed in a previous study, found enormous gaps in expectations, awareness, and a sense of being entitled to help in balancing work and family.

“We had the same questions for both samples,” she said. “We asked about flextime and support for onsite child care, vouchers for child care, etc. Middle-class people felt like they definitely should have paid leave, sick time. The second sample had no idea what we were talking about. They would laugh at us. It was almost silly to ask the questions, because they don’t have any of these policies. We’d spend half the time explaining what these things were.”

According to Perry-Jenkins, the lower-income families couldn’t begin to imagine a world where they would get paid for staying home: “The majority really wanted full-time jobs and benefits. They would have just enough hours not to get benefits and have schedules changing every week. They really wanted more structure around their work, set hours, and health care.”

Many other researchers have replicated the finding that lower-income families are so consumed by the stress of simply making ends meet that the thought of more paid time off is almost laughable. Lake Research Partners, for one, drily noted of low-income Latinos, “They are rarely, in fact, thinking about getting paid for time they are not working.”¹³⁰

Language in targeting and communicating with different groups has to take these differences of perception into account. These differences play out in areas other than paid leave and sick days. Flexibility is another concept that changes meaning in different contexts. For middle- and upper-middle-class families, it’s a matter of changing start times or locations, moving to part-time work or to an adjustable schedule; for working-class and working-poor families, it’s a matter of being subject to employers’ whims regarding weekly hours and pay, whether in the form of an unannounced reduced schedule, perpetually changing start times, involuntary part-time work, or mandatory overtime.

Child care, too, is talked about differently by middle-class parents and poor parents, with the former seeing it as an educational experience, which, if delivered in a center rather than at home, allows parents to have a sense of control over what’s happening with their children, whereas the latter see it as permitting them to work and often consider center-based care a necessary evil, given the dismal quality of the care available in their communities.¹³¹

To build the most effective vocabulary and have the most meaningful conversations, we need to understand what people believe would be most helpful to them in simplifying their work-family lives. This means listening to how they talk about their needs and tailoring the language used by advocates so that it resonates rather than alienates. Learning what people want—hearing their wants and needs expressed in their own words in open-ended conversation, not surmising them from polls or surveys that ask them preset questions about their views on various policy ideas or phrasing—was identified over and over again by advocates as a crucial—and currently lacking—piece of research. “Otherwise, we’re talking, but we don’t know if anyone is listening in a way that’s going to be helpful to us,” said Vicki Shabo, director of work and family programs at the National Partnership for Women & Families.¹³²

This would mean reaching out to a wide variety of people in different communities, including conservatives and people of faith. This may mean finding language that reinforces rather than challenges Americans’ pervasive individualism and emphasis upon personal responsibility—referring to “earned” sick days, for example, as opposed to a calling them a right or an entitlement to time off—and also addressing the overwhelming concern in people’s lives for job security.¹³³ In other words, this will mean stressing that policies such as sick days or paid family leave let people do what they need to do to meet their personal responsibilities.

We need to build awareness and a sense of possibility

Advocates speak of a need for a mass “consciousness-raising,” a national “coming-out” on these issues. Creating demand, they say, will mean targeting populations who are already likely to support the idea of family-friendly policy issues with education about what’s possible. A number of groups who played a key role in the last presidential election—Millennials, Latinos, African Americans, and, of course, women—are well-inclined to be interested in and supportive of these policies.

According to Kathleen Gerson’s 2010 book, *The Unfinished Revolution: How a New Generation is Reshaping Family, Work and Gender in America*, both men and women aged 18 to 32 tend to feel deeply that combining work and family is central to their identity and to their definition of success.¹³⁴ For now, however, they don’t believe that collective solutions from employers or government could help them reach that goal.¹³⁵ Advocates must step into that potential opening to demonstrate that policy solutions to help people live balanced lives already exist, are working, and

need to be expanded. Latinos, on the other hand, poll as being more likely than white voters to support government as a proactive force in economic security for families and education.¹³⁶ And African Americans, said Avis Jones-DeWeever, have historically been very positively inclined toward the idea of government action:

I think the opportunities for acceptance of this strategy in the black community [are] light years ahead. In a knee-jerk way they understand that for things to be changed you can't just wait for things to happen on their own. To overcome informal practices, there has to be an intervening factor and for us, that intervening factor has been the federal government. It's been in the public sector, not the private sector.¹³⁷

Raising urgency around family issues may mean, at least in part, targeting messages directly to women as women if doing so can tap into and create a more passionate “War on Women”-type reaction. Although advocates have spent at least the past decade shifting the lens from “women’s issues” to family economic security, in the wake of the War on Women and with no dedicated constituency coming up behind family policy, some now believe we ought to think about shifting back—at least some of the time.

“When Gloria Steinem came out and all these women were on the steps of City Hall and women donors in New York City were on a call and saying how important it was—that was the most upset [New York City Council Speaker Christine] Quinn got,” recalled A Better Balance co-president Sherry Leiwant,¹³⁸ of the New York City Democratic mayoral hopeful who long fought to keep paid-sick-day legislation from coming before the Council. Which raises the question: Is a new sort of women’s movement—aiming to complete the unfinished business of second-wave feminism—possible? And what would it look like?

For this, it would undoubtedly be instructive to look at how health care reform became a political reality. How did the need to reform our health care system get positioned as 1) a problem, and 2) as one that the government could help fix? It would be worthwhile too to have a better sense of how groups that traditionally could not speak out strongly—the gay and lesbian community and undocumented workers—came in recent years not only to have a highly effective voice but also to deliver messages that deeply tap into core American concerns about decency and fairness.

We need to present family-friendly policies as part of a broader, inspiring, progressive agenda

Many advocates say that it's been a mistake to separate out child care and education from paid family leave and sick days—"regular" people see them all as part of a whole of struggling to meet the challenges of work and home life. Siphoning off the different issues also leaves each with a reduced constituency. The need for child care and preschool, for example, only lasts a few years, and family and medical leave doesn't seem particularly relevant to young workers.

This means creating a framework for these policies that is larger than any one issue—creating an ideal or plan or hope for our country that can translate into concrete policy. A positive framework, a plan for action, complete with solutions and not just an elaboration of the inadequacies of the opposition. As Vicki Shabo puts it: "You have to get people invested in some kind of long-term vision of what life should be like And then give them concrete steps for how to get there."

Conclusion

The argument can no longer be made that family-friendly policy has no place in America. Public policies promoting caretaking—through paid family leave, paid sick days, and high-quality public pre-K—already exist in some states and cities, and they are proving to be highly popular and successful. Public opinion stands firmly behind making such policy options available nationwide. They're an investment in the future that benefits both families and the economy today.

This report has shared insights from the past and has raised questions that advocates of family-friendly policy must confront as they move forward. Other CAP reports have offered detailed policy prescriptions for lightening the individual burdens on American families, boosting growth, and promoting equitable chances for children of all backgrounds and social classes. We'll conclude with this quick listing of these policy goals, which represent our best hope for helping families build stable, well-connected, and productive lives:

- Make high-quality preschool universally accessible to all 3- and 4-year-old children.
- Enable more low-income families to afford high-quality care for children aged 0 to 3 by increasing funding to promote both wider access and better-quality care.
- Create a system of paid family and medical leave for all workers nationwide by building on our current Social Security program.
- Expand the scope of job-projected leave to cover all types of families.
- Institute the right to paid sick days for every American worker.
- Provide direct support to families to meet their elder care needs.
- Increase access to fair workplace flexibility by requiring employers to limit mandatory overtime and creating incentives for them to provide workers with predictable schedules.

These recommendations are not pie-in-the-sky impossibilities. They are outgrowths of American values, and they are the building blocks of a stable and prosperous future.

About the author

Judith Warner is a Senior Fellow at American Progress. She is also a contributing writer for *The New York Times Magazine* and a columnist for Time.com. She is best known for her *New York Times* bestseller, *Perfect Madness: Motherhood in the Age of Anxiety*, and her former *New York Times* column, “Domestic Disturbances.” Her latest book, *We’ve Got Issues: Children and Parents in the Age of Medication*, received numerous awards, and she is currently a recipient of a Rosalynn Carter Fellowship for Mental Health Journalism.

A former special correspondent for *Newsweek* in Paris, she hosted “The Judith Warner Show” on XM satellite radio from 2005 to 2007 and wrote the 1993 *New York Times* bestseller *Hillary Clinton: The Inside Story*, as well as several other books.

Ms. Warner, 47, grew up in New York City and received her B.A. with honors, magna cum laude, from Brown University in 1987. She received an M.A. in English and comparative literature in 1990 from Columbia University, where she was a Marjorie Hope Nicholson fellow. She speaks frequently on women’s issues and children’s mental health. She lives in Washington, D.C., with her husband, Max Berley, and two daughters.

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