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Who Gets Time Off?

Predicting Access to Paid Leave and Workplace Flexibility

By Sarah Jane Glynn, Heather Boushey, and Peter Berg

April 2016

Center for American Progress



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Introduction and summary

In most families today—whether headed by a married couple or a single adult and with or without children—all of the adults are employed.¹ As a result, virtually all families experience days when they have a conflict between work and home responsibilities. Whether it is waiting at home for a repair person to fix the refrigerator, picking up a child when after-school arrangements fall through, or simply being too sick to make it to work, nearly all workers will at some point need time away from work. But while the need may be universal, access to supports that address these conflicts—such as paid leave and workplace flexibility—is not.

It is common for professionals in higher-paying jobs to have benefits such as paid leave and workplace flexibility, but lower- and middle-income workers are often left without the same options. Because there are no federal policies ensuring the right to access paid leave or flexibility, workers are lucky if their employer offers paid sick leave or the ability to work flexible hours. Those who are not as fortunate can lose wages or potentially be fired from their job when they need to care for a sick child or take an elderly parent to the doctor. These basic workplace standards should not be left up to good fortune or to individual employers.

There is growing recognition among policymakers and the voting public that the playing field needs to be leveled: The right to earn paid time off and to request workplace flexibility or a predictable schedule are not simply nice things to have but are necessary for working families to achieve economic security. There is growing momentum for work-life policies. Every year, new pieces of legislation are introduced, more policies are passed into law, and voter support for these policies remains high across political ideologies.² Since 2002, three states have passed laws to provide workers with access to paid family leave;³ 23 cities and five states have guaranteed workers the right to earned sick leave;⁴ and one city and one state have implemented policies to ensure that workers have the right to request flexibility and predictability and that their employers can deny these requests only for valid business reasons.⁵

The progress made in those states and cities, however, is still too slow and uneven to affect the majority of working families: Nearly 40 million workers—39 percent of all employees—still lack access to even a single paid sick day.⁶ Understanding which groups of workers are most likely to have paid time off and workplace flexibility can help inform whether policy interventions are necessary and, if so, which would best help to support workers and their families.

Thanks to the efforts of the Obama administration and advocates, data on workplace benefits that can help address this issue are now available.⁷ The U.S. Department of Labor collects annual information on how people spend their time as part of the American Time Use Survey. In 2011, it included an additional supplement that asked questions about workers' access to different forms of paid and unpaid leave and workplace flexibility.⁸ This marks the first time since 2004 that the U.S. Department of Labor has collected data from workers on their access to workplace flexibility and the first time that data about both paid leave and flexibility have been collected in the same survey.⁹

This report uses data from the American Time Use Survey to explore the characteristics that predict access to paid leave and flexibility. The goal is to answer the following questions:

- Who has access to paid leave and workplace flexibility benefits?
- Is access equitable, or are certain types of workers more likely than others to have the benefits?
- What, if any, policy interventions are necessary?

The findings clearly demonstrate that some workers have access to good benefits, while others have none:

- Surprisingly, parents and workers who have elder care responsibilities are no more likely to have paid sick days or flexibility than identical workers who are not caring for children or elders, highlighting that the need for these benefits is not associated with having access to them.
- Hourly workers, workers with jobs in the service industry, and Latino workers are all significantly less likely to have access to paid sick days than otherwise similar individuals.
- Older workers, full-time workers, and workers with higher earnings are all more likely to have access to employer provided paid sick days than otherwise identical workers.

- While younger workers and those who work part time report higher levels of flexibility, it is likely that this data is capturing unpredictable scheduling practices rather than worker-centered flexibility.

All workers, regardless of their job type or family structure, have the potential need for paid leave and flexibility. Similar to other workplace protections, paid leave and flexibility should not be left up to the generosity of individual employers responding to the forces of supply and demand in the labor market. Rather, all workers should at least have some guaranteed minimum paid time off for things such as illnesses. A better understanding of who currently has access and who does not helps demonstrate the types of policy interventions necessary to ensure that all workers have the ability to care for themselves and their families while staying employed. Doing so is not only important for family well-being, it is also important for the economy.

Current landscape

The United States has a long history of establishing legal regulations to ensure that workers have access to basic rights—the right to form a union if they choose, the right to work under safe conditions, the right to a minimum wage, and so on. However, unlike in other countries and some states, there are no federal policies in the United States that guarantee workers the right to accrue any form of paid leave or the right to request flexible work. As a result, access to paid leave and flexibility is left entirely to the discretion of employers in most instances. The notable exceptions are the cities and states that have passed their own more-generous regulations, as well as the workplaces where unions have collectively bargained for benefits. But 77.8 percent of the labor force lives in jurisdictions without paid sick days laws,¹⁰ and only 11.1 percent of workers are union members.¹¹

At the same time, there is a growing movement around these issues that has resulted in concrete changes at the state and local levels. Connecticut, California, and Massachusetts, as well as 20 localities—San Francisco, San Diego, and Oakland, California; Washington, D.C.; Milwaukee, Wisconsin; Seattle and Tacoma, Washington; Portland and Eugene, Oregon; Newark, Jersey City, Passaic, East Orange, Patterson, Irvington, Montclair, Trenton, and Bloomfield, New Jersey; New York City; and Philadelphia, Pennsylvania—have all passed legislation to guarantee workers the right to earn paid sick days.¹² And most recently, Vermont and the city of San Francisco passed legislation that allows workers the right to request workplace flexibility or predictable scheduling.¹³ Employers are not forced to grant these arrangements but must consider them seriously and provide a legitimate business reason in writing if they deny the request.

The majority of research on access to paid leave and workplace flexibility indicates that income and education are highly correlated with these benefits.¹⁴ Professional workers in management-level positions and those with higher wages are disproportionately likely to have benefits such as paid leave and flexibility.¹⁵ Because there are no federal policies guaranteeing this access to all workers, employers in most U.S. jurisdictions can legally choose to offer these so-called perks to recruit and retain some workers while denying them to others, even within the same organization.

This contributes to a landscape where workers have differing levels of control over their time, with some enjoying higher levels of autonomy than others. Current data suggest that it is the type of job that an individual holds, rather than their need for leave or flexibility, that determines access. For example, an office worker may have generous paid leave while an employee on the shop floor of the same company lacks any paid time off.

Only 15 percent of workers with earnings in the lowest quintile have access to any paid sick days, compared with 78.5 percent of those in the top earnings quintile.¹⁶ The same patterns hold true for other forms of leave: Fewer than one in five low-wage workers—19.4 percent—have access to paid vacation, compared with 78.6 percent of high-wage workers. This means that when low-wage workers need time off, they truly have no options. Low-wage workers are the least likely to be able to afford to lose a day's wages or to outsource care and household tasks to paid professionals; at the same time, they are the most likely to take unpaid leave or risk losing their income completely if illness strikes them or a family member or if they experience some other conflict between family caregiving and paid employment.

More equitable access to benefits that enable workers to balance employment and family responsibilities is not just a moral issue; these inequities have real-life consequences that go far beyond personal hardships within families. Inequality does not simply manifest itself in terms of income; it also plays out in how much time individuals have for themselves and how much time they can invest in their families. This investment in family—both in adults' well-being and in the well-being and, by extension, the future productivity of children—is tantamount to an investment in the economy. Betsey Stevenson, former member of the White House Council of Economic Advisers, has said, “We know that investing more in young children will cause them to be more productive” and “high-income people are able to make investments in their children that lower-income people aren't able to make.”¹⁷ The data have proven time and time again that access to paid leave and flexibility are associated with a host of positive outcomes for all workers and their families.¹⁸

Economic evidence shows that raising labor standards is good for workers; it also shows that it is good for economies and communities and can be good for businesses too. Policies that help caregivers be good workers and good caretakers for their families affect both labor supply and demand, as well as overall economic demand and economic productivity. When people know that they will not lose a day's wages if they have to take time off to care for a sick child or that taking that day off will not cost them their job, they both have more money to spend in their local economy and have more security when spending it. Individual businesses benefit too through reduced turnover costs, increased productivity, and fewer illnesses.¹⁹

Benefits of short-term paid sick leave

Short-term paid sick leave that workers can use when they experience a short-term illness or need to take care of a sick family member also has demonstrable benefits to individuals and society. Workers who can take time off without losing wages are less likely to come to work sick, reducing the spread of infection between co-workers and to the public.²⁰ They also recover more quickly and ultimately require less time away from work.²¹ Paid sick leave also results in greater access to recommended preventive care such as colonoscopies and mammograms, leading to earlier detection of diseases and overall better health.²² Because workers with access to paid sick leave are better able to visit doctors' offices during normal business hours, they make less use of emergency rooms for routine care, resulting in potential cost savings of up to \$1.1 billion per year if the benefit were extended to all workers.²³

Polling by the Kaiser Family Foundation found that roughly one in four women—23 percent—stated they could not obtain medical care because they did not have the time; one in five—19 percent—delayed accessing medical care because they did not have paid leave from their job, suggesting that access to paid sick leave could have a significant impact on their ability to access appropriate medical care when needed.²⁴ And equally importantly, those with paid sick leave are more likely to remain employed; paid sick days make workers 25 percent less likely to separate from their jobs—an effect that is even stronger for mothers.²⁵

But sick leave is not just important for workers when they fall ill, it is also a vital benefit for those who provide care to family members when they are sick. The majority of parents work outside the home, and children who are in child care arrangements with other children are more likely to experience routine illnesses such as colds.²⁶ A 2012 national poll conducted by the C.S. Mott Children's Hospital found more than 6 in 10 parents with a child in child care—62 percent—reported at least one time in the past year when their child could not attend due to illness.²⁷ And nearly one in four—23 percent—reported that their child had been sent home sick from child care at least once in the past year. In addition, half said that finding a child care alternative for a sick kid was difficult, while one-third of parents said that they were concerned about losing pay or even their job because they had to miss work to care for their sick child. Nearly one-third of parents—31 percent—reported that they did not have enough paid leave to cover the time off they needed to care for their children when they were ill.

Paid leave is not the only benefit that can help workers manage the competing responsibilities of work and home. There are times when, instead of taking a day off, workers would be better served by changing their start or stop times or working remotely. This has the added benefit of maintaining productivity because work can still be completed instead of postponed or reassigned. Considerable evidence exists to demonstrate that flexible working arrangements can have multiple benefits for businesses, such as higher worker retention, reduced absenteeism, and healthier, less stressed employees.²⁸ Moreover, workplace flexibility does not decrease productivity but can, along with other factors such as good management, increase it.²⁹ And importantly, many of these practices do not cost businesses anything to implement and are less costly than replacing employees who are pushed out when their lack of work-life fit proves untenable.³⁰

Benefits discrepancies

Regardless of occupation—white or blue collar, entry level or highly skilled—all workers face similar challenges. Everyone gets sick or needs to take care of an elderly parent, a partner, or a child. Yet while nearly all employers report that they offer flexibility to their workers,³¹ almost half of workers report that they do not have access to any form of flexibility in terms of the hours, days, or location where they must complete their work.³² This discrepancy in worker and employer response across surveys raises the possibility that workers are not made fully aware of the benefits provided by their employers or that employers are offering the benefit only to a select group of workers. And even more-privileged workers who do have access to flexible work arrangements often do not use them for fear of negative job repercussions, ranging from losing out on promotions to being fired.³³

Americans who are employed in shift work or lower-wage, service-based jobs face the most severe challenges. The nature of their jobs often precludes having access to the kinds of flexibility that can enhance work-life fit. For example, many service workers must be on site during business hours to complete their duties and cannot work from home or make up for lost time on weekends or evenings. At the same time, they are subject to the flexibility needs of their employers, which can change both the duration and the timing of workers' hours at will.³⁴ Often, shift scheduling is unstable and unpredictable: 49 percent of employers cite a worker's availability at odd hours or "whenever the employer needs them" as very important in the hiring decision.³⁵ Beginning and ending times are rigid yet can often change with little notice—a practice known as just-in-time scheduling.³⁶ Without

access to flexibility, shift and low-wage workers can lose their jobs when child care or family health emergencies arise. They also can lose their job if employer demands for flexibility make it impossible for them to set up stable care arrangements for their children, essentially forcing them to stay home.

Workers in professional jobs may have more opportunities for some forms of flexibility—for example, some parents can leave work to pick up children with the expectation that they will work more hours later in the evening. However, choosing this option or similar ones, such as working from home or working part time, can come with harmful repercussions related to caregiving. For example, mothers earn 23 percent less than their male counterparts, in part because women are more likely to end up bearing the brunt of family responsibilities and are perceived as less dedicated to their work.³⁷ Recent research by Harvard University economist Claudia Goldin illustrates that the relationship between hours worked and wages is not linear—in other words, working more hours can result in a disproportionately higher hourly wage. Goldin found that in many occupations, high-earning professionals who work very long hours—exceeding 40 hours per week—receive a wage premium, while lower earners experience a wage penalty when they work fewer than 40 hours per week. Interestingly, in most occupations, this penalty is not directly related to gender. But because women tend to work fewer paid hours than men, they experience the negative effects the most.³⁸ For some families, this may not present an issue. However, the majority of families depend on mothers’ earnings,³⁹ and scaling back can have long-term repercussions in terms of future wages and retirement security and is a major driver of the gender wage gap.⁴⁰

In these instances, it is not that flexibility options do not exist for many professional workers but that expectations and workplace social norms require longer hours or physical presence in an office regardless of whether or not such face time is actually more productive. These expectations about work may help explain contradictory statistics about American workplaces: Although 79 percent of employers say they allow some of their employees to change their work schedules from time to time, only 42 percent of workers report actually having flexibility in their work schedules.⁴¹

Even when employers do offer flexibility to their workers, access is not necessarily equitable, and the repercussions of utilizing flexible arrangements can vary across different groups of employees. Yale University Associate Professor Victoria Brescoll, University of Texas at Austin Professor Jennifer Glass, and Harvard Business School Senior Researcher Alexandra Sedlovskaya found that managers were more likely to give “high-status” men in managerial jobs flexible working arrangements for

career advancement opportunities—such as training—than they were to grant such requests from women for child care or career advancement. However, high-status men were less likely to be given flexible schedules for child care than women. “Low-status” men working in hourly positions were more likely to be granted flexible schedules for child care than women in high- or low-status jobs.⁴²

Other research has shed light on the ways that stereotypical beliefs about certain classes of workers can affect the implementation—or nonimplementation—of workplace policies. Research focused on the stereotypes facing low-wage mothers with work-family conflicts found that managers often spoke of their employees’ need for greater “personal responsibility,” suggesting that workers’ difficulties in balancing work and family were not due to the strictures of their jobs—such as low pay, irregular shifts, inflexible hours, mandatory overtime, and lack of paid sick leave—but rather due to employees’ moral failings.⁴³ Both of these studies highlight how much perception can affect work policies, especially when these perceptions do not align with the lived realities of the workforce.

Data and findings

In 2011, the Bureau of Labor Statistics collected information on workers' access to various forms of paid leave and workplace flexibility as a supplement to the annually collected American Time Use Survey, or ATUS, marking the first time that similar data were collected since 2004. An additional supplement was collected during the same survey period on individuals' elder care responsibilities. The ATUS sample is derived from the Current Population Survey, or CPS, allowing the data sets to be linked on a selected number of variables. As a result, for the purposes of this study, the authors were able to construct a data set that included variables on access to paid leave and workplace flexibility, elder care responsibilities, and select demographic variables collected through the CPS.

We used data on access to paid leave and flexibility in a probit analysis to estimate the marginal effects of various demographic characteristics, caregiving responsibilities, and job quality measures. In other words, we used these data to estimate the comparative likelihood that a worker has access to paid leave or workplace flexibility while controlling for other variables. For example, our model allowed us to isolate the impact of gender on the likelihood of having access to paid sick days while controlling for age, education, type of job, and all the other variables detailed below. This enabled us to test whether or not workers who are likely to have the greatest need for paid leave and flexibility—based on approximations we infer from the data available—are the most likely to have access to these workplace supports. For more information on the methodology used, please see Appendix A.

The independent variables in the model fall into three groups: demographics, job quality measures, and proxies for family caregiving responsibilities. The standard demographic variables include gender, age, race and ethnicity, and educational attainment. Job quality measures include whether individuals are paid on an hourly or nonhourly—such as salaried or project-based compensation—basis, their usual weekly work hours, whether or not they are a government worker, weekly earnings broken down by quintile, and occupation. The proxies for family caregiving responsibilities include elder care responsibilities, the presence of children and the age of the youngest child in the home, whether workers are partnered—either married or cohabitating—and their partner's usual weekly work hours.

Who has access to paid leave and flexibility?

Before delving into the results of the statistical modeling on the impact of each variable, it is useful to understand overall access to paid leave and various forms of workplace flexibility. Table 1 lists the reported access to paid leave and workplace flexibility for currently employed workers over the age of 18. For the purposes of this report, the data focus on access to paid sick days that can be taken for the worker's own illness or to care for a sick family member and paid vacation. While all workers deserve equal access to paid vacation and leisure time, it is included in this model to see whether it follows the same patterns as forms of paid leave that are intended to address illness and family care.

TABLE 1
Percentage of workers ages 18 and older with access to paid leave and workplace flexibility in 2011

| | Paid leave | | Workplace flexibility | | |
|----------------------|----------------|---------------|-----------------------|----------------|-------------------|
| | Paid sick days | Paid vacation | Flexible days | Flexible hours | Flexible location |
| All | 57.1% | 60.8% | 39.3% | 48.7% | 22.1% |
| Male | 57.9% | 63.8% | 37.6% | 48.8% | 23.1% |
| Female | 56.3% | 57.3% | 41.3% | 48.6% | 21.0% |
| Age 18–24 | 24.0% | 29.7% | 59.1% | 57.3% | 16.9% |
| 25–34 | 59.9% | 63.4% | 41.3% | 50.4% | 23.7% |
| 35–44 | 62.2% | 66.0% | 37.9% | 48.9% | 24.6% |
| 45–54 | 66.1% | 68.8% | 32.0% | 45.5% | 22.9% |
| 55–64 | 62.8% | 64.6% | 32.1% | 44.6% | 20.1% |
| 65 and older | 36.7% | 47.6% | 47.9% | 47.0% | 17.2% |
| White | 60.4% | 63.3% | 40.3% | 51.0% | 23.8% |
| Black | 57.4% | 63.0% | 37.9% | 42.3% | 10.0% |
| Hispanic | 38.4% | 44.3% | 33.6% | 39.2% | 14.1% |
| Asian | 64.7% | 65.0% | 47.4% | 57.7% | 31.8% |
| High school or less | 44.5% | 52.2% | 35.0% | 39.0% | 13.1% |
| Some college | 55.6% | 61.0% | 44.5% | 52.1% | 18.0% |
| Bachelor's degree | 69.5% | 69.1% | 40.7% | 56.6% | 33.8% |
| Post-graduate degree | 74.3% | 69.2% | 37.6% | 54.5% | 35.3% |

| | Paid leave | | Workplace flexibility | | |
|-----------------------------|----------------|---------------|-----------------------|----------------|-------------------|
| | Paid sick days | Paid vacation | Flexible days | Flexible hours | Flexible location |
| Not paid hourly | 72.4% | 70.9% | 38.6% | 54.3% | 32.4% |
| Paid hourly | 46.1% | 53.4% | 39.8% | 44.6% | 14.5% |
| Nongovernment worker | 52.7% | 59.2% | 42.3% | 51.4% | 23.7% |
| Government worker | 77.4% | 68.2% | 25.8% | 36.5% | 15.0% |
| Bottom quintile | 15.2% | 19.4% | 59.9% | 57.0% | 19.8% |
| Second quintile | 43.9% | 49.2% | 35.8% | 39.0% | 11.3% |
| Third quintile | 67.6% | 73.0% | 31.9% | 43.4% | 14.4% |
| Fourth quintile | 73.3% | 76.0% | 33.5% | 47.6% | 23.5% |
| Fifth quintile | 78.5% | 78.6% | 38.5% | 57.7% | 40.3% |
| Low hours | 20.0% | 23.0% | 61.5% | 58.9% | 19.4% |
| Middle hours | 65.8% | 69.2% | 32.9% | 45.8% | 18.9% |
| High hours | 63.1% | 67.0% | 37.9% | 48.1% | 28.6% |
| No partner | 49.2% | 54.3% | 45.0% | 50.7% | 19.8% |
| Full-time working partner | 64.7% | 66.1% | 36.3% | 47.8% | 23.5% |
| Part-time working partner | 61.0% | 64.7% | 36.1% | 51.5% | 25.7% |
| Varies | 77.1% | 70.0% | 40.0% | 46.1% | 22.4% |
| Has no children | 55.1% | 59.2% | 40.2% | 49.3% | 21.0% |
| Youngest child under age 3 | 57.7% | 61.4% | 38.4% | 47.2% | 26.5% |
| 3–5 | 60.7% | 62.9% | 42.4% | 51.7% | 24.4% |
| 6–10 | 60.6% | 63.6% | 38.3% | 50.1% | 24.8% |
| 11–13 | 60.9% | 62.6% | 36.7% | 47.5% | 22.0% |
| 14–17 | 65.9% | 68.5% | 30.3% | 39.8% | 20.3% |
| Does not provide elder care | 56.3% | 60.5% | 39.2% | 48.4% | 22.0% |
| Provides elder care | 60.4% | 61.6% | 40.0% | 50.0% | 22.6% |
| In excellent health | 58.9% | 61.8% | 43.8% | 51.6% | 24.6% |
| Very good health | 61.5% | 63.4% | 40.3% | 51.7% | 24.7% |
| Good health | 52.2% | 57.3% | 36.7% | 45.0% | 17.8% |
| Fair or poor health | 46.8% | 56.1% | 28.0% | 36.7% | 15.8% |

| Occupation | Paid leave | | Workplace flexibility | | |
|--|----------------|---------------|-----------------------|----------------|-------------------|
| | Paid sick days | Paid vacation | Flexible days | Flexible hours | Flexible location |
| Management, professional, and related occupations | 74.3% | 71.9% | 38.6% | 53.9% | 32.7% |
| Service occupations | 33.5% | 38.6% | 48.6% | 47.5% | 13.0% |
| Sales and office occupations | 54.8% | 61.2% | 47.8% | 56.5% | 20.7% |
| Farming, fishing, and forestry occupations | * | * | * | * | * |
| Construction and maintenance occupations | 45.3% | 53.1% | 22.9% | 31.7% | 13.1% |
| Production, transportation, and material occupations | 48.6% | 61.1% | 24.7% | 31.0% | 10.1% |

Source: Authors' analysis of Bureau of Labor Statistics, American Time Use Survey (2012), available at <http://www.bls.gov/tus/>.

Overall, rates of access to paid leave are relatively low across the board. Only slightly more than half of all workers report access to paid sick day—57.1 percent—and paid vacation—60.8 percent.

Without controlling for the interactions between any of the variables, the broad distribution of access to paid leave and flexibility can be difficult to parse. Are parents with teenage children and workers who provide elder care to a friend or family member more likely to have access to paid leave because they need it more and thus self-select into jobs that offer the benefit? Or is it because they tend to be older workers and age is associated with greater access? Our probit model allows us to test what are known as the marginal effects of each variable while holding all other variables constant. This lets us isolate the impact of the different factors outlined in Table 1, allowing us to quantify the impact of each individual characteristic on the likelihood of having access to paid leave and workplace flexibility.

Is access to paid leave and flexibility equitable?

Our model compares different groups of workers to each other to determine what is associated with access to paid leave by breaking the variables down into three categories: family caregiving responsibilities, job quality, and demographic characteristics. By testing which variables are statistically significant, we assessed which results are likely due to chance and which represent true correlation. All of the results detailed below are significant at the 0.05 level, meaning that there is at most a 5 percent chance that these results are due to random chance. While the results

are presented in three separate tables for clarity, the model was run including all variables at once. For example, while the results for gender are presented in Table 4, gender is also controlled in Tables 2 and 3.

The tables below list the marginal effects for each variable, which measure the difference in the predicted probability of the dependent variable given a one-unit change in the independent variable, holding all other independent variables constant. In our model, this means that the marginal effect for a particular variable shows the change in the likelihood of having access to paid leave or flexibility compared to a different value for that variable. In concrete terms, this means that the marginal effect listed for women is the comparative likelihood that they will have access compared to men who are otherwise identical on every other variable—age, education, occupation, etc.—while the marginal effect for Hispanic workers is the likelihood that they will have access to a benefit compared to otherwise identical white workers.

Family caregiving responsibilities

There was no single question or set of questions in the paid leave and flexibility survey supplement that directly asked workers about their caregiving responsibilities within the home. However, through a number of questions about individuals' family lives, we were able to create a set of proxies that could help predict which workers were more likely to need to provide care to others in addition to their paid employment. While these approximations are not perfect, they do provide a useful estimation of the competing demands workers are likely to face.

The first set of variables compares workers with a working live-in partner, whether married or cohabitating, and their partner's work schedule to those who do not live with a partner. (see Table 2) We have intentionally included both married and cohabitating couples, as other research finds that 12.7 percent of cohabitating parents are not married and more than half—58 percent—of nonmarital births are to cohabitating parents.⁴⁴ While the presence of a live-in partner can create caregiving responsibilities—most notably the need to provide care for them during illness or injury—it also means that there is another adult in the house who can help when familial or other nonwork related responsibilities arise. Having a partner who does not work or who works part time means that there is another adult within the home who, at least theoretically, has time to help with things such as child care or household tasks. However, the presence of partners and their work schedules are not, in most instances, correlated with access to paid leave or flexibility.

TABLE 2

Access to paid time off and flexibility by caregiving responsibilities

"X's" represent results that are not statistically significant

| | Paid sick days | Paid vacation | Flexible days | Flexible hours | Flexible location |
|--|----------------|---------------|---------------|----------------|-------------------|
| Family caregiving responsibilities | | | | | |
| Partner's work hours: Comparison is no partner | | | | | |
| Partner works full time | x | x | x | x | x |
| Partner works part time | x | x | x | x | 5.4% |
| Partner's schedule varies | 10.8% | x | x | x | x |
| Partner does not work | x | x | x | x | x |
| Age of youngest child: Comparison is no children under age 18 | | | | | |
| Youngest child: 2 or younger | x | x | -4.7% | x | x |
| Youngest child: 3–5 | x | x | x | x | x |
| Youngest child: 6–10 | x | x | x | x | x |
| Youngest child: 11–13 | x | x | x | x | x |
| Youngest child: 14–17 | x | x | -5.4% | -7.2% | x |
| Elder care: Comparison is not providing elder care | | | | | |
| Provides elder care | x | x | x | x | x |

Source: Authors' analysis of Bureau of Labor Statistics, American Time Use Survey (2012), available at <http://www.bls.gov/tus/>.

Surprisingly, workers with a live-in partner who has a variable work schedule are 10.8 percent more likely to have access to paid sick days than workers without a partner, while workers whose partner works part time are 5.4 percent more likely than their single counterparts to have flexibility in the location where they complete their work. The reasons for this are unclear, and further research may be warranted to determine the meaning of this result.

Workers with children are potentially more likely to need access to paid sick days to care for a sick child in addition to addressing their own illnesses. However, workers with children are no more likely to have paid sick days than similar workers without children.

Finally, workers whose youngest child is under age 3 and those with teenagers ages 14 to 17 are less likely to have schedules that permit them to change the days they work, and parents whose youngest is in the older teens are also less likely to have flexible work hours compared to workers without children. The presence of children has no impact on the likelihood of having paid vacation time or to having flexibility in the location where work takes place. And notably, workers who provide elder care to an aging loved one are no more or less likely to have access to any form of paid leave than those who do not have elder care responsibilities.

Overall the presence of a partner, children, or elder care responsibilities is not correlated with access to paid leave or workplace flexibility. And recall that the groups compared here are assumed to be the same on every other variable except for the one in question.

Job quality

Next, the model also tests whether measures of job quality make workers more or less likely to have access to paid leave and workplace flexibility. (see Table 3) While virtually none of the family caregiving responsibility variables had a significant correlation to paid leave and flexibility, nearly all of the job quality variables are statistically significant at the 0.05 level.

TABLE 3

Access to paid time off and flexibility by job characteristics

"X's" represent results that are not statistically significant

| | Paid sick days | Paid vacation | Flexible days | Flexible hours | Flexible location |
|---|----------------|---------------|---------------|----------------|-------------------|
| Job quality | | | | | |
| Hourly vs. nonhourly: Comparison is nonhourly | | | | | |
| Paid hourly | -5.7% | x | x | -6.8% | -10.1% |
| Private vs. public sector: Comparison is nongovernmental worker | | | | | |
| Government worker | 12.6% | x | -16.9% | -19.4% | -14.0% |
| Weekly earnings quintile: Comparison is bottom quintile | | | | | |
| Second weekly earnings quintile | 20.4% | 20.9% | -6.2% | -7.2% | -6.5% |
| Third weekly earnings quintile | 36.5% | 37.7% | -7.7% | x | -7.6% |
| Fourth weekly earnings quintile | 38.7% | 40.7% | -5.4% | x | x |
| Fifth weekly earnings quintile | 42.3% | 45.5% | x | 6.7% | 8.3% |
| Work hours at main job: Comparison is 1–34 hours | | | | | |
| Usual weekly hours: 35–44 | 21.8% | 22.0% | -16.2% | -7.8% | x |
| Usual weekly hours: 45 and more | 14.3% | 15.0% | -14.9% | -9.1% | x |
| Occupation*: Comparison is management, professional, and related occupations | | | | | |
| Service occupations | -10.6% | -5.9% | x | x | -5.9% |
| Sales and office occupations | x | x | x | 4.1% | -3.6% |
| Construction and maintenance occupations | -19.8% | -18.0% | -13.0% | -14.6% | -8.8% |
| Production, transportation, and material occupations | -9.8% | x | -12.4% | -14.5% | -10.0% |

* The category for farming, fishing, and forestry occupations has been omitted from the table due to its limited sample size.

Source: Authors' analysis of Bureau of Labor Statistics, American Time Use Survey (2012), available at <http://www.bls.gov/tus/>.

Hourly workers are significantly less likely to have access to paid sick days (5.7 percent), flexible hours (6.8 percent), and flexible working locations (10.1 percent) than similar workers who are not paid on an hourly basis. In contrast, public-sector government workers are much more likely to have access to paid sick days (12.6 percent) than comparable private-sector workers. Interestingly, public-sector workers are less likely to report access to flexible days (16.9 percent), flexible hours (19.4 percent), and flexible working locations (14.0 percent), which is perhaps because many public-sector workers do not have the types of jobs that lend themselves to working from home or during nontraditional hours.

The higher workers' weekly income, the more likely they are to have access to all forms of paid leave. This supports the notion that paid leave is more likely to be offered as a perk to highly compensated employees as a recruitment and retention strategy. And while workers in the second, third, and fourth income quintiles are more likely to have access to workplace flexibility than those in the bottom quintile, the highest earning workers are more likely to have access to flexible hours (6.7 percent) and locations (8.3 percent). This may reflect two different but overlapping processes. Workers with very low wages may be reporting flexibility that is controlled by employers rather than by the workers. It is possible, if not likely, that what is being reported as flexible days and hours actually reflects variable scheduling in which employers can change an individual's schedule with little advance warning. Previous studies suggest that high-wage workers, on the other hand, are likely reporting scheduling autonomy and have a greater ability to set their own hours and work location.⁴⁵

Working full time is correlated with a greater likelihood of access to paid leave of all forms compared with workers who put in less than 34 hours in an average week, although the effect is less strong for those working 45 hours or more per week than those whose usual weekly schedules are from 35 hours to 44 hours. There are no statistically significant differences related to work hours and having a flexible work location. However, working more hours makes individuals less likely to have access to flexible days or hours. This may be due to the fact that when work must be completed during relatively narrow windows of time, employees who are scheduled for fewer hours overall have more opportunities to shift their start and stop times. For example, a salesperson can complete their duties only when the store is open. Even if all employees of the store have the ability to change their schedules, workers on a part-time schedule would have a greater ability to change their work days and hours than someone who works more than 40 hours per week.

Finally, occupation is statistically significantly correlated with access to paid leave and workplace flexibility in most cases. Compared with workers in management, professional, and related occupations, individuals who are employed in service work, construction/maintenance, and production/transportation/material occupations are all less likely to have access to paid leave and workplace flexibility. Sales and office occupations do not differ significantly in most instances, although employees in these types of jobs are slightly more likely to have access to flexible hours (4.1 percent) and slightly less likely to have access to flexible working locations (3.6 percent) compared with management.

On a whole, the characteristics that are associated with job type are much more likely to be associated with access to paid leave and workplace flexibility than an individual's potential family caregiving responsibilities.

Demographics

Finally, our model tests whether demographic characteristics are correlated with access to paid leave and flexibility. With the exception of education, these are factors that individual workers have no control over, such as race and ethnicity. Many demographic characteristics are significantly associated with access to paid leave and workplace flexibility, indicating a highly unequal playing field for workers. (see Table 4)

TABLE 4

Access to paid time off and flexibility by demographic characteristics

"X's" represent results that are not statistically significant

| | Paid sick days | Paid vacation | Flexible days | Flexible hours | Flexible location |
|---|----------------|---------------|---------------|----------------|-------------------|
| Demographics | | | | | |
| Gender: Comparison is male | | | | | |
| Female | 4.1% | x | -3.0% | -3.8% | x |
| Age of worker: Comparison is those ages 18–24 | | | | | |
| 25–34 | 8.3% | 10.0% | -9.7% | 8.1% | x |
| 35–44 | 9.3% | 10.2% | -11.9% | -10.1% | x |
| 45–54 | 11.9% | 13.7% | -15.7% | -11.4% | x |
| 55–64 | 11.4% | 12.4% | -18.8% | -16.5% | x |
| 65 and older | x | x | -11.3% | -14.7% | x |
| Race/ethnicity of worker: Comparison is white | | | | | |
| Black | x | x | -5.3% | -7.2% | x |
| Hispanic | -11.5% | -12.4% | -6.7% | -6.3% | x |
| Asian | x | x | x | x | x |
| Education of worker: Comparison is high school or less | | | | | |
| Some college | 2.9% | 3.1% | 5.2% | 6.0% | x |
| Bachelor's degree | x | x | x | 7.3% | 8.0% |
| Post-graduate degree | x | -6.3% | x | 5.7% | 7.3% |

Source: Authors' analysis of Bureau of Labor Statistics, American Time Use Survey (2012), available at <http://www.bls.gov/tus/>.

Women are 4.1 percent more likely to have access to paid sick days compared with otherwise comparable men. While previous research has shown that women are more likely to have access to maternity leave than men are to have paternity leave, the finding that women are more likely to have sick time comes as a surprise and is not consistent with previous studies.⁴⁶ Because these data rely on individual's self-reporting whether they have access to various forms of paid leave, it is possible that women are more likely to know when their employer offers paid sick leave because they are more likely than men to utilize this benefit to care for sick children.⁴⁷ Further investigation into this finding is warranted to determine whether women are more likely to have paid sick days or if they simply have higher levels of awareness.

Age was also a significant predictor—older workers were progressively more likely than younger workers to have paid sick days, with the notable exception of workers who are age 65 or older. Because all other factors are held constant when examining each variable within our model, this cannot simply be attributed to the fact that older workers are more likely to be in certain types of jobs that offer better benefits. However, that does not mean that the results are entirely the result of age discrimination. It may be that age is serving as a proxy for a different factor in the model; for example, what may be captured here is that older workers are more likely to have longer job tenures and more work experience, which may be the real driver behind increased access to a benefit such as paid sick days. However, the data are clear that older workers are more likely to report access to paid leave, even when controlling for other factors such as education and occupation.

While increasing age is positively associated with access to paid leave, it is negatively linked to access to flexible work days and hours and has no statistically significant connection to having a flexible work location. This finding, when coupled with age's positive correlation with access to paid leave, lends further credence to the theory that some of what may be captured by the survey as access to flexibility is really unpredictable and variable scheduling practices. More research is necessary to determine the full relationship between workers' age and their access to benefits such as paid leave and flexibility.

Arguably, the most alarming finding is the relationship between race and ethnicity and access to paid leave and flexibility. Because our model includes all of the other variables discussed here, race and ethnicity should have no statistically significant relationship with workplace policies because the analysis controls for issues such as occupational segregation. However, race and ethnicity do have a statistically significant correlation with access to paid leave and flexibility. Black workers are less likely than white workers to have access to flexible days (5.3 percent) and flexible work hours (7.2 percent). But the effects were the strongest for Latino workers, who are significantly less likely than white workers to have access to paid sick days (11.5 percent), paid vacation (12.4 percent), flexible days (6.7 percent), and flexible work hours (6.3 percent). The only benefit that did not have significant relationship with race and ethnicity was having a flexible work location.

Finally, education—one of the relationships that might initially seem to be among the most straightforward in relationship to positive workplace policies—did not have as clear an impact as originally assumed. Surprisingly, while workers with some college were more likely to have access to paid sick days than those with only a high school education or less, having completed college or post-graduate studies did not have a significant impact. And a worker with a graduate degree in our model is 6.3 percent less likely to have access to paid vacation compared with an otherwise comparable worker with no more than a high school diploma. Completing college was not associated with access to flexible days, although it did have a significant relationship with access to flexible work hours and a flexible work location.

Recommendations

The findings of our probit model indicate why policy interventions are necessary to address unequal access to workplace policies such as paid leave and flexibility. While the need to occasionally take time away from work or to rearrange a work schedule or location due to caregiving demands or an illness is nearly universal, the ability to do so is not. Perhaps even more importantly, the characteristics associated with access to paid leave and flexibility highlight the inequity of the current system.

Workers who presumably need paid leave and flexibility the most, such as those with young children and elder care responsibilities, are no more likely to have access to the policies they need than comparable workers without the same family obligations. In fact, when controlling for all the variables in our model, measurements of job quality and demographics are the overwhelmingly significant predictors of access. The data indicate that, overall, access to paid leave and flexibility benefits are not rationally distributed to the workers with the highest levels of need but rather are concentrated among white, highly compensated workers in managerial positions.

The notable differences between access to paid leave and workplace flexibility indicate that the two issues need to be carefully considered on their own terms. Job quality is more strongly positively associated with access to paid leave than with workplace flexibility, although neither benefit shows a correlation with caregiving need.

However, workplace flexibility presents a more complicated picture. White male managers are the workers most likely to have flexibility, but there is no clear story to the data beyond that. This discrepancy in access to flexibility is likely due to two factors. First, it is possible that workers do not have a singular understanding of what survey researchers mean when they ask about flexibility. For example, many lower-income workers have a great deal of variability and unpredictability in their scheduling, although control over their work hours belongs to their employers rather than to the workers themselves. These individuals may be

reporting flexibility for their employers, rather than for themselves. Second, differences across occupations alter what kinds of flexibility are feasible, as options such as working remotely are not possible in all types of work. It is possible that the measure used here is too broad to capture meaningful differences in determining which types of workers are more or less likely to have access to flexibility.

Workers cannot necessarily choose the ideal jobs offering the benefits they need but often must take the jobs that are available to them. Their choices are constrained by factors such as education, geography, gender, race and ethnicity, age, and the presence or absence of a working partner who also contributes to household income. While it is theoretically true that workers who have family caregiving needs may self-select into positions that offer paid leave and flexibility, it is also possible that access is driven less by need and more by the characteristics of the worker and/or the job itself. This is particularly true in the still-struggling labor market. For example, the majority of jobs lost during the Great Recession paid middle-class wages, while the majority of jobs created in the recovery pay far less.⁴⁸ These low-wage jobs are less likely to offer benefits, such as flexibility and paid leave, but finding better employment is often difficult if not impossible for many workers, even among those who previously held higher-quality jobs.

As a result, public policy solutions are needed to address inequities in access to paid leave and flexibility. These include:

- **Guaranteeing all workers the right to accrue paid sick days:** Federal legislation such as the Healthy Families Act would enable workers to earn up to seven paid sick days per year that could be used if they or a family member were ill, needed to seek preventive care, or needed to address the aftermath of sexual or domestic violence.⁴⁹
- **Ensuring access to paid family and medical leave:** Every worker will likely need time to provide care during their working lives—to care for a new baby, tend to a seriously ill or injured family member, or recover from their own serious illness. A number of viable options for developing a national paid family and medical leave program currently exist.⁵⁰ Legislation such as the Family and Medical Insurance Leave, or FAMILY, Act would create a universal, affordable national program to provide wage replacement to workers who need family and medical leave.⁵¹

- **Protecting workers with the right to request workplace flexibility:** Right-to-request laws would allow workers to request the type of workplace flexibility they need while protecting them from employer discrimination or retaliation. Federal legislation, such as the Schedules That Work Act, would protect workers while compelling employers to seriously consider flexibility requests and only deny them for valid business reasons.⁵² It would also require that schedules be posted two weeks in advance, which would allow workers to request needed changes and enable them to plan things such as child care arrangements.

Conclusion

While the data presented here help dispel the notion that workers who have caregiving needs can find jobs that provide access to the paid leave and flexibility benefits that they need, further research is needed to explore these findings. Why do levels of workers' self-reported access to paid leave and flexibility differ from data collected from employers? Why are demographic variables that should have no bearing on workplace policies so strongly correlated with access to paid leave and flexibility? And what exactly is being captured when workers are asked about workplace flexibility? While our research helps to shed light on the question of who has access to work-life policies, further studies are necessary to more fully answer the questions raised here.

It is clear, however, that certain groups of workers—namely hourly workers, workers in the service industry, and Latino workers—are less likely to have access to paid sick days than their otherwise identical counterparts, while older workers, full-time workers, and workers with higher earnings are all more likely to have access. And having elder care or child care responsibilities has no correlation to access to paid leave or flexibility, even though these workers may need to use these supports in order to care for others in addition to themselves.

The need for paid leave and flexibility cuts across all groups of workers, but access does not. Policy interventions are necessary to level the playing field and ensure that access to basic workplace standards and protections are not restricted to the most fortunate workers.

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Acknowledgments

The authors wish to sincerely thank Danielle Corley and Kaitlin Holmes for their research assistance and Matt Piszczek and Kate Bahn for reviewing code and offering technical assistance. The authors also wish to thank Elaine McCrate for her thoughtful comments on an earlier draft of this report.

The Center for American Progress thanks the Ford Foundation for its support of our programs and of this report. The views and opinions expressed in this report are those of the Center for American Progress and the authors and do not necessarily reflect the position of the Ford Foundation. The Center for American Progress produces independent research and policy ideas driven by solutions that we believe will create a more equitable and just world.

Appendix A: Methodology

In this research, we use the 2011 American Time Use Survey’s Leave Module microdata⁵³ to run a probit analysis in order to analyze a dichotomous dependent variable—namely access to paid leave or access to workplace flexibility.⁵⁴ The data from the Leave Module was linked to selected variables from the Current Population Survey and the American Time Use Survey, including age, race, ethnicity, income, family type, and elder care responsibilities.⁵⁵

The Leave Module asked respondents questions about whether they had access to a variety of paid leave and workplace flexibility options, which we used to create the dependent variables for the probit model. For example, in this study, workers were coded as having access to paid sick days if they answered yes to the following question: “Employers offer different types of paid leave plans. Does your employer offer you separate paid sick leave?”⁵⁶

To establish which variables were most highly correlated with either paid sick days or workplace flexibility, a probit model was run that included demographic variables such as gender, age, race/ethnicity, and education; variables pertaining to job quality, including usual work hours, Fair Labor Standards Act exempt status, weekly earnings quintile, and occupation; and variables that serve as proxies for caregiving responsibilities, including marital status and partner’s employment, the presence of children and their ages, and elder care responsibilities. While the results are shown broken down into separate tables, all the results were derived from the same model.

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