

Responses of BIPOC Workers to Washington's Paid Family & Medical Leave Program

By Marilyn P. Watkins

Introduction and Overview

In January 2020, Washington became the fifth state in the U.S. to provide comprehensive paid family and medical leave (PFML) benefits. As of early 2021, seven states operate fully functioning programs and three more are in the process of implementing programs.¹

With no permanent national paid leave policies yet in place, in states without comprehensive programs paid family leave is typically available only to the highest paid employees.² PFML programs have the potential to boost health and economic security for all families and to greatly reduce health and other disparities by race, gender, and income. These positive impacts could be especially beneficial for Black, Indigenous, and other communities of Color, which have lower levels of wealth and economic security, and higher rates of poverty than white households. Black and Native American women experience much higher rates of pregnancy-related health complications and maternal mortality than women of most other racial groups, and their children have higher rates of preterm birth and infant mortality.

These same factors can also create barriers to fully accessing programs such as PFML. Beginning in the summer of 2019 before Washington's PFML program fully launched and continuing into March 2021, the Economic Opportunity Institute partnered with several BIPOC-led community organizations to conduct eight listening sessions with a total of 70 BIPOC women and men. The purpose of the listening sessions was to identify attitudes toward and experiences with paid family and medical leave, barriers to taking leave, and recommendations for improving program access.

Key themes and takeaways from the listening sessions included:

- **Enthusiasm for the program** – There was strong affirmation across all groups that comprehensive paid family and medical leave is an important benefit that allows workers to cope with health and family situations with much less stress and financial hardship, and much better outcomes, than with the more limited leave generally available from employers.
- **The continued prevalence of gender and racial stereotypes and discrimination in the workplace** – Gender and racial stereotypes in the workplace negatively affected both

women and men. Some women described being shunted into less responsible roles and losing opportunities for career advancement after having a baby. Some men described coworkers questioning their need for paternity leave if the mother was already home with the baby. Participants in every session commented that as Black or Brown workers they were treated differently than white co-workers. Supervisors and co-workers considered them lazy and untrustworthy, sometimes questioning whether they really needed leave and imposing harsher consequences for taking it.

- **The need for strong worker protections to ensure equitable access** – Employer responses to workers needing leave varied widely, both before and after Washington’s program fully launched, from highly supportive to explicit threats of retaliation for taking leave. Given the discrimination many of them had faced, the lack of job protection in Washington’s program for workers in companies with fewer than 50 employees caused real consternation for some, who feared they could lose their jobs – and might have a hard time finding a new one – if they took all the leave they needed and were entitled to under the program.
- **The importance of clear information, a simple application process, and speedy processing of benefits** –Collecting documentation and navigating the application process in the midst of a health crisis or with a new baby can be challenging, making it all the more important that explanations and the application process are clear and simple. Having multiple forms of communication with the implementing agency available in order to answer questions and troubleshoot would also be a plus. Most low- and moderate-income workers rely on a regular paycheck and face hardship with any delay in receiving benefits. Language access is also important for equity.
- **The need for on-going outreach and education** – Listening session participants were enthusiastic about PFML. They also noted the need for on-going education and cultural change so that workers and employers understood and fully embraced the benefits.

This series of listening sessions affirms the value of universal, comprehensive Paid Family & Medical Leave programs that provide workers with both time and financial resources to heal, care for a new child, and care for seriously ill loved ones. The responses of participants also highlighted continued racial and gender discrimination in the workplace, and the financial vulnerability of many workers and families. These realities need to be front and center in prioritizing improvements to existing programs and designing new state or federal programs.

Washington’s Paid Family & Medical Leave Program

Washington’s PFML program provides workers with up to 12 weeks of medical leave to recover from their own serious health condition, including recovery from childbirth, and up to 12 weeks family leave to bond with a new child, care for seriously ill family, or cope with a family member’s military deployment. There is an annual maximum of 16 weeks combined medical

and family leave, with an additional 2 weeks available if there is a pregnancy-related complication. Both parents may take their bonding leave any time during the first 12 months following the child's birth or placement with the family. Washington's Employment Security Department administers the program.³

Benefits replace 90% of usual wages for low-wage workers, about 73% for middle-wage workers, with a maximum weekly benefit in 2021 of \$1,206. People who have worked 820 hours in the past year in the state are eligible for benefits.⁴ While all eligible workers with a qualifying condition are entitled to benefits, employers are only required to hold jobs and continue health insurance for workers who generally meet federal FMLA eligibility thresholds (working for an employer with 50 or more employees, and have worked at least 12 months and 1,250 hours in the past year for their current employer.)

Washington's legislature adopted the program in 2017 based on a policy negotiated by a table of stakeholders and bipartisan group of legislators, after a multi-year campaign by the Washington Work and Family Coalition.⁵ Employers and employees began contributing payroll premiums to finance the program in January 2019, and benefits launched in January 2020.

Demand for the PFML was higher than projected for the first year of a new program.⁶ As a result, from January through June 2020, wait times to have benefits approved could take up to 10 weeks or more. With additional staffing and improved processing procedures, ESD was usually able to act on an application within two weeks July through December 2020 – even with the adjustment to remote operations due to the COVID-19 pandemic, but processing times in 2021 have averaged around 2.5 weeks. Telephone hold times for people calling in with questions or needing technical assistance remain lengthy, with many calls never getting through.

During the first year of operation, about 170,000 people submitted applications. In 2021, applications are averaging about 3,500 a week, with about 53% for medical leave and 47% for family leave.⁷

The Listening Sessions

The Economic Opportunity Institute (EOI) is a nonprofit policy research and advocacy center based in Seattle with a mission to build an economy that works for everyone. For two decades, EOI has staffed and led the Washington Work and Family Coalition, which developed the campaign and proposal that ultimately resulted in passage of PFML in 2017.⁸

EOI partnered with several community-based organizations to host and recruit participants for eight listening sessions, including four with Black women in 2019, two with Black men in late 2019 and early 2020, and two with BIPOC women who had recently had babies in March 2021.⁹ EOI paid each organization to cover their staff time and other costs. Participants in the listening sessions received \$50 each in recognition of their time and expertise. The five live sessions

included a meal and childcare. The three held after the onset of the COVID-19 pandemic were conducted via Zoom.

Participants responded to a series of questions about their employment and family situations, experiences taking extended leaves, the value of the PFML program, potential barriers to using the program, and recommendations for improvements.

Altogether, 53 women and 17 men participated, ranging in age from early 20s to late 60s, including low-income single moms, people with other family care needs and their own health challenges, formerly incarcerated women and men, military veterans, service sector and professional workers. Almost all participants identified as Black or from other communities of Color.

Listening Session Organizational Partners

Organization and Mission	Location	Participants	Date
Urban League of Metropolitan Seattle – empowers African Americans and underserved communities to thrive by securing educational and economic opportunities	Seattle Central District	6 women	July 16, 2019
Numbers to Names – builds bridges between communities and people who have been incarcerated or impacted by incarceration	Tacoma	9 women 6 men	July 20, 2019 May 30, 2020
Vets Place NW – provides mental health and other support services for veterans and their families	Marysville	7 women	August 20, 2019
Tiny Tots Development Center – provides child care and early childhood education in a nurturing environment	Southeast Seattle	16 women 11 men	September 17, 2019 October 30, 2019
Families of Color Seattle – connects parents in a loving community with a focus on equity and inclusion, led by mothers of color	Seattle and King County	15 women	March 22, 2021 (2 sessions)

Responses to Washington’s Paid Family & Medical Leave Program

Enthusiasm for Paid Family & Medical Leave: Positive impacts on health, financial security, and family well-being

The listening session participants were enthusiastic about the PFML program. Among the responses were: “A godsend.” “It’s a huge win, especially for people who don’t have any kind of benefit.” “Mental health wise, it makes a big difference.” “Where was this 10 years ago?”

Several women who had used the program for maternity leave contrasted the experience with earlier births when they had had to return to work before they were ready and often experienced considerable financial setbacks. They highly valued the additional time to heal and bond with their newborns and felt less depressed and anxious as a result. Those with partners greatly appreciated the longer leaves their partners were able to take, and how that contributed to their own ability to heal from childbirth. The added stresses of the COVID pandemic made PFML even more important. A single mom noted that without the program she would have had to move to another state to be with family.

Participants across all listening sessions saw important value in medical leaves and leave to care for seriously ill family members. Some described having had to postpone surgeries in the past because they lacked the paid leave to recover and could not afford the financial hit, others the pain of not being able to be with a parent who needed their care.

Most of the participants who took bonding leave wanted to maximize the amount of time they had home with their baby. Participants in some of the sessions also noted that while Washington's program was a big improvement from the time before paid leave, the 12 to 18 weeks the program provides really is not enough, especially for new parents and their young children, and is far below the standards for maternity leave in most other wealthy countries.

Need for Strong Worker Protections to Prevent Racial and Gender Inequities

Attitudes of employers varied considerably. Some said their employers were supportive of time to heal and be with family. Several of the women who had used the program reported that their own and/or their partners' employers supplemented their benefits and in some cases helped them with the application. Others encountered push back. The majority of participants in these sessions could not afford to miss a paycheck or take a risk of losing their job.

Participants in every listening session raised the additional challenges they faced as BIPOC workers. They often experienced being stigmatized as lazy by supervisors and coworkers. Any assertiveness on their part could be interpreted as anger. One woman commented: "What Black women face – the retaliation is high. It can be a different kind of treatment than for others."

One man stated: "African American males are looked at differently. They already feel like we're lazy. If you're sick, they wonder are you really sick. You've got to prove so much. You can have documents, but you don't get the benefit of the doubt."

A woman who used the PFML program after her son was born felt forced to return to work early. She was a supervisor when she had her baby and was one of the few BIPOC women in her department. Her employer told her she would have to return from maternity leave before she used all her leave if she wanted to keep her supervisory position, while a white woman was able to stay out longer and retain her position.

Some women also reported gender discrimination and a “motherhood penalty,” being given less important work and losing out on promotions beginning as soon as they announced their pregnancy.

Need for Clarity and Simplicity

Most participants had some basic familiarity about Washington’s program even before it was implemented. Participants in sessions that were held after PFML was implemented in 2020 or 2021 reported that larger employers with HR departments tended to be knowledgeable about the program and helpful in navigating the application process. Workers in small companies were often the first to use the program and had to do all of the leg work themselves – and in some cases educate their employers about the program.

Many workers found the PFML program website (paidleave.wa.gov) full of useful information. The amount of information and sometimes overly technical or inconsistent language could also be confusing. The system requires two separate applications for medical leave for pregnancy and childbirth recovery and for bonding leave, forcing birth parents who want to maximize their leave or need additional recovery time to take extra steps. Collecting documentation and navigating the application process in the midst of a health crisis or with a new baby can be challenging, but most low- and moderate-income workers rely on a regular paycheck and face hardship with any delay in benefits.

Recommendations for Washington’s and Other PFML Programs

This series of listening sessions affirms the value of universal, comprehensive Paid Family & Medical Leave programs that provide workers with both time and financial resources to heal, care for a new child, and care for seriously ill loved ones. The responses of participants also highlighted continued racial and gender discrimination in the workplace, and the financial vulnerability of many workers and families. These realities need to be front and center in prioritizing improvements to existing programs and designing new state or federal programs.

Protecting worker and family financial security requires:

- Progressive benefits that replace most or all of wages for low-wage workers and a significant portion of wages for moderate-wage workers;
- Speedy processing of applications, quick resolution of problems, and weekly benefit payments;
- Leaves of sufficient length to fully support worker and family health.

Overcoming racial and gender biases that restrict access to leave requires:

- Strong job protection and anti-retaliation measures for all workers, with enforcement teeth;

- On-going education campaigns directed at employers and employees, both detailing worker rights to access leave benefits and promoting cultural change to understand the value of paid leaves for businesses and the broader community;
- Access to the on-line application and weekly claims form in a variety of languages, as well as assistance in a variety of formats (phone, online, in-person).

Endnotes:

¹ Washington’s Employment Security Department administers the program.¹

² U.S. Bureau of Labor Statistics, “National Compensation Survey: Employee Benefits in the United States,” Table 31, Leave Benefits, March 2020,” <https://www.bls.gov/ncs/ebs/benefits/2020/home.htm>

³ See paidleave.wa.gov

⁴ The regular qualifying period is four consecutive quarters out of the previous five completed quarters. A recently passed 2021 law will allow people who lost work due to COVID qualify for leave based on 2019 or early 2020 hours, <https://app.leg.wa.gov/billsummary?BillNumber=1073&Year=2021&Initiative=false>

⁵ Marilyn Watkins, “The Road to Winning Paid Family and Medical Leave in Washington,” Economic Opportunity Institute, Nov. 2017, <http://www.opportunityinstitute.org/research/post/the-road-to-winning-paid-family-and-medical-leave-in-washington/>

⁶ See Marilyn Watkins, “Preliminary Lessons from Implementing Washington’s Paid Family & Medical Leave Program,” Economic Opportunity Institute, Aug. 2020, <https://www.opportunityinstitute.org/research/post/preliminary-lessons-from-implementing-paid-family-medical-leave-in-washington/>

⁷ For more program statistics, see Advisory Committee [presentations](#) and Washington Employment Security Department, “Washington Paid Family & Medical Leave Program Annual Report,” Dec 2020, <https://esdorchardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/newsroom/Legislative-resources/2020Paid-Leave-Program-Report.pdf>

⁸ Marilyn Watkins, “The Road to Winning Paid Family and Medical Leave in Washington,” Economic Opportunity Institute, Nov. 2017, <http://www.opportunityinstitute.org/research/post/the-road-to-winning-paid-family-and-medical-leave-in-washington/>

⁹ For more detailed reports on the listening sessions, see: Marilyn Watkins, “Responses of African-American Women to Washington’s Paid Family & Medical Leave Program,” Economic Opportunity Institute, Nov. 2019, <https://www.opportunityinstitute.org/research/post/responses-of-african-american-women-to-washingtons-paid-family-medical-leave-program/>; and Marilyn Watkins, “BIPOC Women’s Experiences Using Washington’s Paid Family & Medical Leave Program,” Economic Opportunity Institute, May 2021