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Building on Health Reform Momentum, NYC Workers Push for Paid Sick Days

By Michelle Chen

Now that newly passed healthcare reform legislation in Washington promises to extend coverage to tens of millions nationwide, activists in New York City want to make sure sick workers aren't prevented by their bosses from taking care of their health.

As we've reported before, on [the local](#) and [national level](#), the struggle for paid sick leave runs parallel to the health care reform movement, merging workplace justice with the right to universal access. [The policy](#)—yet another area where the United States differs from its Western industrialized counterparts—would allow some time off from work for sickness or to care for an ill child, without being penalized in lost wages. The initiative has [evoked wincing of pain](#) from New York's business lobby, who feared the impact on employers in the midst of a recession.

[The City Council bill introduced this week](#)--a modified version of a legislation that died last year-- would offer up to five paid sick days per year, based on hours worked, for employees at small businesses, and nine paid sick days at large firms. The legislation would also bar employers from retaliating against an employee for using the paid leave time. Spearheaded by a coalition of grassroots groups and [progressive city councilmembers](#), the bill dovetails with a [similar ordinance passed in San Francisco](#).

This year, the passage of health care reform—and growing awareness of the [massive gaps that remain](#) in ensuring equitable, comprehensive care for all—has [reinvigorated the campaign](#).

At a rally announcing the introduction of the New York bill, Gabino Hernández a Brooklyn resident who immigrated from Mexico and is now an activist with the grassroots group [Make the Road New York](#), recalled running the harrowing gauntlet between an unsafe workplace and an inhumane employer:

I have never had a single paid sick day at any job— from working in a factory to making deliveries for restaurants. Two months ago, after I was assaulted on the job, I spent a night in the hospital and a week recovering at home, on my boss's advice. But when I got back to work, my boss told me I had been replaced... Without paid sick days to protect me, I lost the job that put food on the table for my four kids.

The facts side with Hernández. [Various studies](#) have shown that paid sick days do not significantly harm employers or [lead to job loss](#), but do make a critical difference in households where health problems currently force parents to choose between health and a paycheck.

The business community is right about one thing, however: the law would have a big impact on the city. [A survey conducted by the Community Service Society](#) estimated that "between 1.65 million and 1.85 million working New Yorkers have no paid sick leave."

The lack of this basic benefit, which is [enshrined in plenty of laws on the other side of the Atlantic](#), underscores the stratification of privilege in New York's workforce. "Low-income workers are twice as likely as higher-income workers to report not having paid sick leave," the Community Service Society reports (two thirds of low-income workers versus about one third higher-income workers). Among poor Latino workers, 70 percent lacked paid sick time, possibly "in part because low-income Latinos are more likely than blacks and whites to be working in sectors where union density is low."

Certain sectors are especially likely to squeeze more hours out of workers at the expense of their health. In the city's burgeoning restaurant industry, some 90 percent of workers lack paid sick time, [according to research](#) by worker-led [Restaurant Opportunities Center \(ROC\)](#). For these workers, mostly people of color and mostly immigrants, the pressure to go to work even while sick is aggravated by other social deficits. Indeed, the work itself often poses a health hazard.

In pressure-cooker kitchens rife with unsafe working conditions, both the staff and consumers' health is at risk every time a cook or a waiter muddles through a workday woozy or sneezy. ROC's recent study on the industry noted a dangerous synergy between a lack of benefits and public health.

98% of all workers who sneezed or coughed into the food did not have paid sick days, compared to 91% of all workers surveyed did not have paid sick days....

In total, 65% of all workers who engaged in any dangerous consumer health practice had no access to benefits, compared to 52% of the entire set of respondents who had no access to any benefits.

Aside from the day-to-day harms on the job, [poverty-level wages](#) and [systemic racism](#) in the sector don't bode well for their health, either. (Nor does the fact that many undocumented restaurant workers are excluded in the new federal healthcare legislation).

A few paid days off per year wouldn't cure the many injustices plaguing the city's low-wage labor force, but it would offer a thin layer of relief for the least protected workers. [The Urban Institute's research concludes](#) that "the provision of paid sick leave appears to improve business productivity by limiting "presenteeism," or when employees work while ill, and ensuring that workers are healthier while on the job." Though the long-term implications of mandated paid sick days are uncertain, San Francisco's ordinance does not seem to have dragged down job growth in the city.

Advocates have tweaked New York City's bill to accommodate employers' concerns about the cost of the mandate. But after all the hand-wringing about eating into employers' bottom line, the bill will help expand the concept of workplace rights in an increasingly volatile economy. It may also breathe life into the hobbled federal proposal, [the Healthy Families Act](#).

The best argument for paid sick time isn't that it's good public health policy, or that it doesn't undercut profits; it's just the idea that you should never have trade your right to a fair day's pay for your [right to health](#).