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## **Testimony Submitted to the Senate Study Group on Women, Children and Families September 9, 2022**

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**Now more than ever, we urge you to enact policies that support working women, caregivers, and families.** As we continue to recover from the COVID-19 pandemic, working parents and caregivers are still struggling without the supports they need, like paid family and medical leave, paid sick time, and affordable child care. In order to make sure women are being supported and to promote healthy pregnancy outcomes for mothers and children, we need to examine additional policies such as workplace pregnancy and lactation accommodations and stronger equal pay protections. The Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* has only added further urgency to the already pressing need to implement policies like these to better support women and families. We applaud Lt. Governor Delbert Hosemann for calling for the formation of this committee, and we look forward to continuing to work with you to take the next steps to improve the lives of women, children and families in Mississippi.

A Better Balance is a nonprofit organization working to ensure that all individuals can care for themselves and their loved ones without sacrificing their economic security.<sup>1</sup> We have helped lead the fight for supportive workplace policies such as paid leave and pregnancy and lactation accommodations in states across the country. Our regional Southern Office serves families across the South, including in Mississippi, and we have heard from countless workers who lack adequate paid leave, accommodations, and other supportive workplace policies and are faced with an impossible choice between their family's health and their economic security. Enacting the aforementioned policies would benefit not only individuals and families but also the overall public health and economy in Mississippi.

### **Pregnancy Accommodations**

No pregnant worker should have to choose between a healthy pregnancy and their job, but without passage of a Mississippi Pregnant Worker Fairness Act (PWFA), it is happening all too often. The MS PWFA will ensure that employers reasonably accommodate employees with medical needs related to pregnancy, childbirth, and related conditions, unless it would cause an undue hardship for the employer. Accommodations are often as simple as a stool to sit on, access to water to stay hydrated, or temporary relief from heavy lifting. By providing these minor, temporary accommodations, women, especially those who do physically demanding work, can

continue working to support their families while avoiding increased health risks, such as preterm birth and low birth weight. The health benefits of a MS PWFA are especially significant, as Mississippi currently has an “F” grade in maternal and infant health due to its high preterm birth rate, according to the March of Dimes 2021 Report Card.<sup>2</sup> The MS PWFA would also provide significant benefits to businesses, including much-needed clarity on how to navigate pregnancy accommodations in the workplace, and potentially lowering healthcare costs. On average, each premature/low birth weight baby costs employers and employees an additional \$58,917 in newborn and maternal health care costs.<sup>3</sup> Now is the time for Mississippi to join the 30 states, including Kentucky, South Carolina, Louisiana, and Tennessee, that already require certain employers to explicitly provide accommodations to pregnant employees.<sup>4</sup>

### **Lactation Accommodations**

The benefits of breastfeeding for babies and mothers are well documented and data-supported. Breast milk provides babies with an excellent source of nutrition, helps strengthen babies’ immune systems, and can lower the risk of sudden infant death syndrome (SIDS) and other illnesses and diseases.<sup>5</sup> For mothers, breastfeeding can lessen the chance of developing certain cancers, type 2 diabetes, and high blood pressure.<sup>6</sup> For these reasons, policies that promote breastfeeding can have significant positive impacts on public health. While the current law in Mississippi gives certain employees a right to express milk at work during normal breaks and meal periods, it does not go far enough. Mississippi should look toward other states like Georgia<sup>7</sup> that passed a lactation break law in 2020 that requires employers to provide a reasonable amount of paid break time and a private place to express breast milk that is not a bathroom. Paid lactation breaks are especially crucial for low-income workers who cannot afford to lose any pay. In Mississippi, this would have a great impact on women and babies, since women make up almost 75% of all minimum wage workers in the state.<sup>8</sup>

### **Paid Family & Medical Leave**

1 in 3 U.S. adults under 65 has at least one chronic health condition, yet nearly 80% of workers do not have access to paid family leave throughout the South.<sup>9</sup> People of color and low-wage workers are even less likely to have this critical protection. Paid leave promotes improved health outcomes for individuals and families. For example, paid medical leave helps cancer patients and survivors determine a course of treatment, follow through with that treatment, afford treatment, and manage side effects. Additionally, paid family and medical leave is associated with better physical and mental health for parents, and a reduction in infant mortality. This is extremely important given Mississippi’s current infant mortality rate of 9.1 per 1,000 births, which is almost double the U.S. average.<sup>10</sup> Mothers with access to paid family leave are also more likely to breastfeed their child, which has significant and well-documented positive health impacts in infants and children.<sup>11</sup> Paid family & medical leave also benefits businesses and the economy. By providing this important protection, businesses are able to better recruit and retain talented workers, improve employee morale and loyalty, and increase employee productivity, which in turn grows the overall economy. Additionally, families who have access to paid leave are healthier, more economically secure, and less likely to require taxpayer-funded public assistance resources.

### **Paid Sick Leave**

In the South, nearly 30% of workers do not have access to a single paid sick day.<sup>12</sup> The COVID-19 pandemic underscored the urgent need for all workers to have the ability to take time to care for themselves and their loved ones without sacrificing their income or savings. However, without guaranteed paid leave, many workers simply cannot afford to stay home when they or a loved one are sick. Paid sick leave has broad public health benefits and helps reduce the spread of contagious illness. Further, paid sick leave also provides benefits to businesses without significantly increasing costs.<sup>13</sup> Paid sick leave reduces the risk of “presenteeism”—the widespread phenomenon of workers coming to work with illnesses and health conditions that reduce their productivity—a problem that costs the national economy \$160 billion annually (\$234 billion after adjusting for inflation).<sup>14</sup> Paid sick leave also helps reduce worker turnover, because workers with paid sick leave are less likely to leave their jobs.<sup>15</sup>

### **Stronger Equal Pay Protections**

In Mississippi, women make up almost 50% of the workforce<sup>16</sup> and are the primary or co-breadwinners in almost 80% of families.<sup>17</sup> At the same time, women on average earn \$.77 for every \$1 a man makes.<sup>18</sup> As such, the pay disparity women face has a significant impact on economic stability for the majority of families in Mississippi. Unfortunately, the recent passage of the Mississippi Equal Pay for Equal Work Act has done more harm than good for the women of Mississippi. To truly address the wage gap, legislators must update the current law to acknowledge the core struggles that women are facing in the workplace. In particular, the law must explicitly prohibit pay discrimination based on salary history or continuity of employment history. Parents and caregivers, the majority of whom are women, sometimes have gaps in their employment history most often due to a lack of supportive policies, such as pregnancy and breastfeeding accommodations and paid family & medical leave. Additionally, the law must explicitly ban pay discrimination based on both gender and race, as women of color, and specifically Black women, must contend with both systemic racism and sexism at the same time, which present a unique and difficult challenge.

### **Conclusion**

Now is the time for Mississippi to invest in women, children and families. Working parents and caregivers need access to policies like workplace accommodations for pregnancy and lactation, paid family and medical leave, paid sick time, and stronger equal pay protections. These policies will not only benefit women, families and children but also the overall public health and economy in Mississippi.

Thank you for your consideration.

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<sup>1</sup> *Our Issues*, A Better Balance, <https://www.abetterbalance.org/our-issues/>.

<sup>2</sup> *Peristats: Mississippi*, March of Dimes, (2021)

<https://www.marchofdimes.org/peristats/tools/reportcard.aspx?frmodrc=1&reg=28>

<sup>3</sup> *Premature Birth: The Financial Impact on Business*, March of Dimes, <https://bit.ly/2PCo2Qs>.

<sup>4</sup> *State Pregnant Worker Fairness Laws*, A Better Balance, <https://bit.ly/2yEKL6P>.

<sup>5</sup> *Breastfeeding Benefits Both Baby and Mom*, CDC, (July 2021)

<https://www.cdc.gov/nccdphp/dnpao/features/breastfeeding->

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benefits/index.html#:~:text=Breastfeeding%20can%20help%20protect%20babies,ear%20infections%20and%20stomach%20bugs.

<sup>6</sup> *Id.*

<sup>7</sup> *Know Your Rights: Georgia Lactation Breaks Law*, A Better Balance, <https://www.abetterbalance.org/resources/know-your-rights-georgia-lactation-breaks-law/>

<sup>8</sup> *Women and the Minimum Wage, State by State*, Nat'l Women's Law Ctr., (Jan. 2021) <https://nwlc.org/resource/women-and-minimum-wage-state-state/>

<sup>9</sup> *National Compensation Survey: Employee Benefits in the United States, March 2021 (Tables 17 and 33)*, U.S. Bureau of Labor Statistics, (Sept. 2021). <https://www.bls.gov/ncs/ebs/benefits/2021/employee-benefits-in-the-united-states-march2021.pdf>.

<sup>10</sup> *Peristats: Mississippi*, March of Dimes, (2021)

<https://www.marchofdimes.org/peristats/tools/reportcard.aspx?frmodrc=1&reg=2>

<sup>11</sup> Lawrence M. Berger, Jennifer Lynn Hill, & Jane Waldfogel, *Maternity Leave, Early Maternal Employment and Child Health and Development in the US*, 115 THE ECON. J. F29, F39-F40 (2005).

<sup>12</sup> *National Compensation Survey: Employee Benefits in the United States, March 2020*, U.S. Bureau of Labor Statistics (Sept. 2020), <https://www.bls.gov/ncs/ebs/benefits/2020/employee-benefits-in-the-united-states-march-2020.pdf>.

<sup>13</sup> Zoe Ziliak Michel, *The Business Benefits of Paid Sick Time*, CLASP (Mar. 2017),

<http://www.clasp.org/resources-andpublications/publication-1/Business-Case-for-HFA-3.pdf>

<sup>14</sup> *Paid Sick Days are Good for Business*, Nat'l Partnership for Women & Families, (Oct.

2020), <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-good-for-business-andworkers.pdf>

<sup>15</sup> Vicky Lovell, *Valuing Good Health: An Estimate of Costs and Savings for the Healthy Families Act*, Inst. for Women's Pol'y Res. 7 (Apr. 2005), <https://iwpr.org/iwpr-general/valuing-good-health-an-estimate-of-costs-and-savings-for-the-healthy-families-act-2/>.

<sup>16</sup> *Mississippi is Shortchanging Women*, Nat'l Women's Law Ctr., (2018), <https://nwlc.org/wp-content/uploads/2018/01/MS-Is-Shortchanging-Women-Fact-Sheet.pdf>

<sup>17</sup> Sarah Jane Glynn, *Breadwinning Mothers are Increasingly the U.S. Norm*, Table 4 (2016), Ctr. for American Progress, <https://www.americanprogress.org/issues/women/reports/2016/12/19/295203/breadwinning-mothers-areincreasingly-the-u-s-norm/>

<sup>18</sup> *The Wage Gap, State by State*, Nat'l Women's Law Ctr., (Mar. 2021) <https://nwlc.org/resource/wage-gap-state-state/>