



NEW YORK CITY COMPTROLLER  
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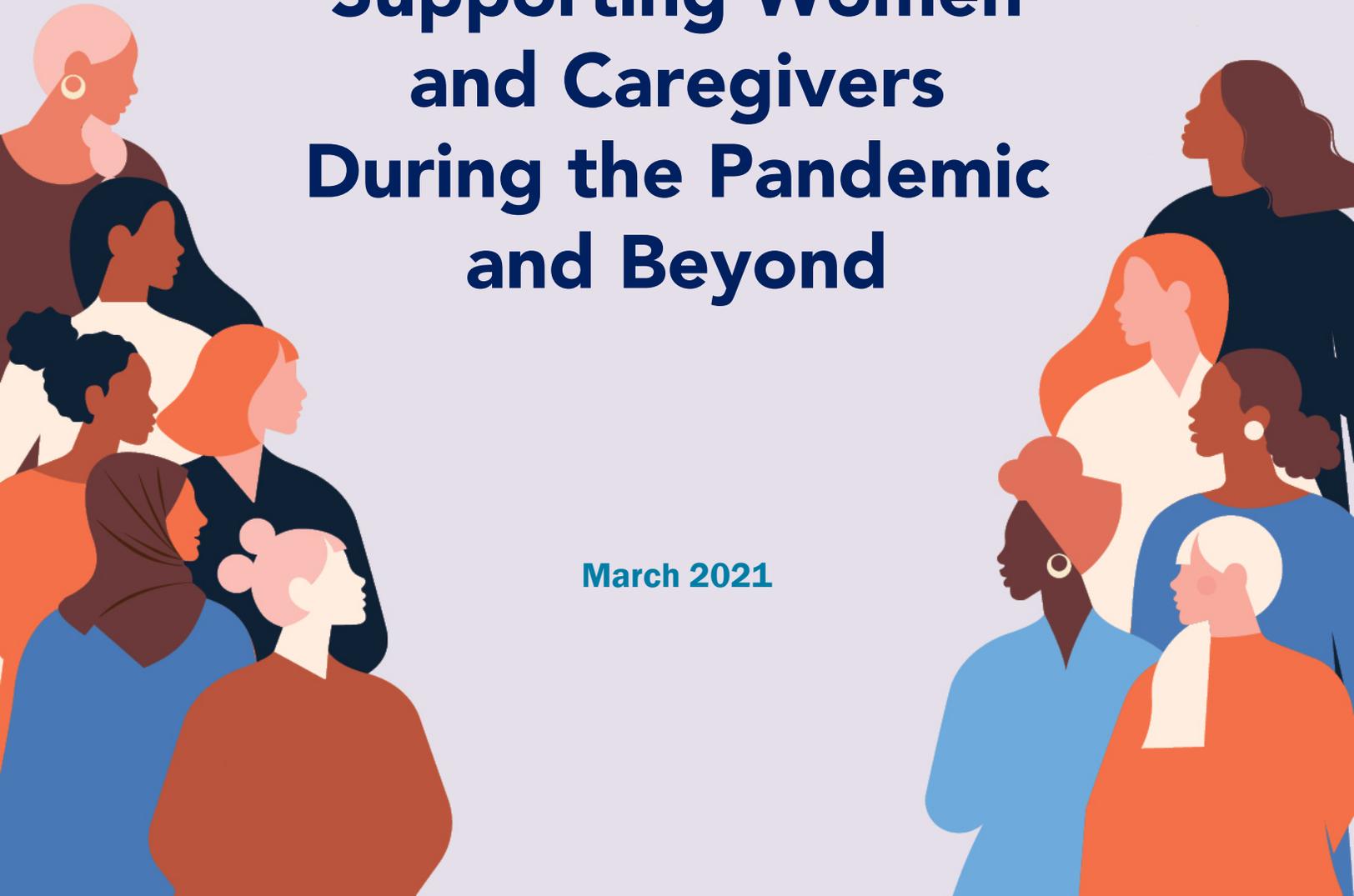
Bureau of Policy and Research

*a better*  
balance

the work and family legal center

# Our Crisis of Care: Supporting Women and Caregivers During the Pandemic and Beyond

March 2021





# Contents

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**Executive Summary ..... 4**

**Findings from the 2020 Work and Family Survey..... 11**

**Policy Recommendations..... 28**

**Appendix: Survey Methodology & Demographics ..... 38**

**Acknowledgements..... 39**

**Endnotes ..... 40**

# Executive Summary

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Nearly a full year since the arrival of the COVID-19 pandemic first shuttered businesses and schools across the city, much has been written about the economic fall-out caused by the pandemic, and the toll of accumulating caregiving responsibilities as family members battle the virus, child care programs close, and many children transition to remote learning. What has been largely missing from the conversation in New York City until now is real data – not just on the economic burdens, but on how the demands of our changing work and family lives have played out across lines of race, income, and gender.

It is against this backdrop that the Comptroller’s Office and A Better Balance jointly administered a survey to better understand how New Yorkers are navigating professional and personal responsibilities in COVID-19-era New York City. The findings are clear: New York City is facing an unprecedented crisis of care. The COVID-19 pandemic has exacerbated structural inequalities that force too many New Yorkers to choose between their jobs and their own health or the health of their loved ones. And it is low-income New Yorkers, New Yorkers of color, and women—overrepresented in frontline jobs, among part-time workers, and caregivers—who have disproportionately borne the brunt of this crisis.



While many employers in higher-income industries have adopted remote work or telework policies, essential workers—many in low-wage service jobs—have remained on the frontlines, putting their health and the wellbeing of their families at risk. Meanwhile, thousands of New Yorkers have lost their jobs and are seeking work. Still others, overwhelmingly women and disproportionately women of color, facing mounting care needs or having fallen ill themselves, have left the workforce altogether. These local trends are reflected nationally as well. In September 2020 alone, according to Bureau of Labor Statistics data, of the 1.1 million people that left the workforce, 865,000 were women; in December, women of color accounted for all of the jobs lost in the U.S.<sup>1</sup>

Of course, not all of the workplace changes precipitated by the pandemic have been unwelcome. Responses to the survey—representing more than 1,200 New Yorkers reflective of the city’s broader demographics—make clear that New Yorkers of all backgrounds overwhelmingly want more workplace flexibility. The possibility of remote work has been a critical support for many workers who have had that option available to them and some employers have risen to the occasion.

Yet the survey also reveals that access to flexible work arrangements remains highly unequal, with low-income and part-time workers being far less likely to have access to and more likely to experience retaliation for requesting these benefits than higher-income or full-time workers. Paid time off from work has also been a crucial support for many during this time, but many workers remain unable to access paid leave—either because there is no leave available to them, or because they are not aware of or able to exercise their existing rights to paid leave. For many, the frustration with the last year’s upheavals now borders on despondence, as reflected in the many comments that survey respondents chose to leave behind.

Responses also reveal that while New York City and New York State have many critical laws in place to support working families, including paid sick time and paid family leave, the City, State, and federal governments need to do a better job educating workers and enforcing these laws so that all covered workers, especially the most vulnerable, can access them. At the same time, certain gaps in the law remain and further legislative action is required to fill them.

Topline findings from the survey revealed that:

- **The pandemic accelerated seismic changes to the nature of work in New York City. While those with more flexibility were more satisfied with and want to preserve their options, the vast majority of New Yorkers balancing work and caregiving want to see further changes now and after the pandemic ends.**

- More than three in four (78 percent) New Yorkers experienced a change in their employment, work location, or work hours due to the pandemic, with many higher-income respondents transitioning to remote work and lower-income respondents reporting higher rates of job loss.
- Most New Yorkers, across income levels and industries, want the flexibility that working from home offers. The overwhelming majority—roughly nine in ten working New Yorkers (92 percent)—reported that they would prefer to work remotely at least some of the time, if given the option.
- Caregivers, especially those who care for young children, are less likely to report being satisfied with the amount of flexibility they currently have at work than non-caregivers – 55 percent compared to 69 percent.
- Lower-income respondents, who are less likely to have access to flexible work arrangements, are also less likely to be satisfied with their employers’ level of flexibility than higher-income respondents: 71 percent of respondents with incomes over \$100,000 were satisfied with their employer’s flexibility, compared to only 48 percent of those with incomes below \$50,000.
- More than one in four working respondents (27 percent) reported that they would consider leaving their job if their employer denied a request for flexibility.

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“It’s been extremely challenging caring for a toddler and working remotely from home. I wish I had better child care options.”

– *Black mom working in education*

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- **Lack of quality, affordable child care is putting many New Yorkers, especially women and people of color, in an impossible position:**
  - More than half (52 percent) of women caring for children cut back on paid working hours, compared to only one in three (34 percent) men.
  - Women were also twice as likely as men (33 percent to 16 percent) to need to take time off from work due to child care responsibilities.
  - Women of color were more likely than white women to have needed to take time off to care for a child (36 percent to 29 percent) and less likely to have paid leave available to them, indicating a great lack of access to safe, affordable child care options and an urgent need for education and enforcement of existing leave laws and additional emergency leave rights.

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“It’s impossible for us to afford childcare and without affordable childcare I can’t make myself available to take work.”

– Mom working as an independent contractor

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- **Fair and flexible work was crucial for New Yorkers struggling to balance the competing demands of work and care during the pandemic, yet access to flexibility remains inequitable:**
  - 58 percent of working respondents reported having a flexible schedule, defined in the survey as the ability to change one's work schedule, reduce or increase work hours, or seek alternative work arrangements such as working from home.
  - While 73 percent of respondents with incomes over \$100,000 reported having access to a flexible schedule, only 41 percent with incomes below \$50,000 did.
  - Women had less access to flexibility than men, with 56 percent of women and 65 percent of men reporting that they had flexible schedules.
  - Women of color had among the least access to flexibility. About half (52 percent) of women of color reported having such access, while 63 percent of white women did.

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“Due to increase[d] child care responsibilities, I asked to rearrange my work hours, which was supported at first, but then was used against me in discussing job performance, responsibilities were reassigned and I was singled out as an employee requiring a lot more support than others because I had to care for my two kids while also working from home.”

– Latina mom working in professional services

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- **Many New Yorkers are facing challenges at work based on their caregiving responsibilities and need for fair and flexible work:**
  - Women were more than four times as likely as men to experience retaliation related to their responsibilities as a caregiver, while individuals who live with someone with a disability were twice as likely as those who do not to have been retaliated against for this reason.

- Caregivers with income below \$50,000 were about twice as likely as those with income above \$100,000 to experience retaliation after requesting more flexibility.
- 11 percent of respondents of color reported that they experienced retaliation during the course of the pandemic, either for requesting more workplace flexibility or because of their caregiving responsibilities, compared to only 6 percent of white respondents. The most common forms of retaliation were being reassigned or excluded from certain job functions.

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“I work for a nonprofit organization. The institution's "flexible work arrangement" policy is woefully insufficient. I live with my mother. She is a senior citizen. She is vulnerable to complications from COVID-19. ... My employer denied me a reasonable accommodation to work from home to safeguard my mother's health, despite the fact that I have an administrative job that can be accomplished 100% on a remote basis.”

– *Multiracial woman working in professional services*

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- **New York City and New York State have passed groundbreaking paid sick and paid family leave laws, yet low-income and part-time workers still report a widespread lack of access to the leave rights they are guaranteed by law. This is especially concerning during a global pandemic when such laws are a key public health tool, ensuring workers can maintain their health and economic security.**
  - Despite the outsized impacts of COVID-19 on low-income workers, their access to paid time off for health needs remains abysmal. While 88 percent of workers making over \$100,000 had access to paid time off to tend to their own illness, only 33 percent of lower-income workers reported the same, indicating that many low-income workers may not be receiving the sick time they have the right to by law.
  - Part-time workers also struggle to access leave, despite clear legal rights to sick leave, a serious concern as the nature of our economy continues to change with part-time work growing more ubiquitous. While 76 percent of full-time workers had access to paid time off to care for their own illness, only 24 percent of part-time workers reported being able to take time off for illness. Only 15 percent of independent contractors had access to paid sick leave.

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“I let my supervisor know of my kids school closure, was told to come back to work when it opened and a few weeks later I received “sorry for your departure from our company” letter from their insurance department.”

– *Latina mom*

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The experiences of New Yorkers who responded to the survey make clear that equitable access to fair and flexible work arrangements that recognize and respect the reality of caregiving are crucial for workers across the boroughs. The survey also suggests that caregivers, in particular, do not want a return to “normal” once the risks presented by the pandemic subside. The status quo pre-pandemic was a culture that largely privileged work at the expense of families’ health – a rigid, unforgiving, and unworkable framework for many. While New York City and New York State lead the nation in guaranteeing time off, many vulnerable workers remain cut off from critical workforce protections. Caregivers in particular are in need of additional emergency leave options and workplace flexibility.

As challenging as it has been and will continue to be, this pandemic presents a unique opportunity to re-envision our relationship to work and caregiving in New York City. The solutions to the problems raised by survey respondents are multifold and will require lawmakers, workers, and employers to work collaboratively, during the pandemic and beyond. As New Yorkers begin to look ahead to what comes next, we must learn from the lessons of the last year. That means guaranteeing support for workers where it is currently lacking, by ensuring that everyone in New York City—regardless of gender, race and ethnicity, income, disability, or immigration status—is able to balance protecting their health, caring for their families, and staying afloat economically. To that end, this report offers the following recommendations:

- 1. Ensure equitable access to quality, affordable child care.**
- 2. Broaden New York City’s right-to-request fair and flexible work law.**
- 3. Strengthen outreach, education, and enforcement of the City’s and State’s human rights laws that support caregivers, pregnant workers, and workers with disabilities.**
- 4. Strengthen the City human rights law so that workers who need to provide care for themselves and their loved ones are able to do so and maintain their financial security and are not penalized at work.**
- 5. Strengthen outreach, education, and enforcement of existing paid leave laws.**

- 6. Expand emergency leave rights in response to the pandemic and expand permanent paid leave rights.**
- 7. Strengthen workforce protections for independent contractors and fight misclassification.**
- 8. Ensure New York City serves as a model employer and supports businesses and workers in this changing landscape.**

New York City has already demonstrated remarkable resilience in the face of COVID-19. As we look towards a post-pandemic future, New York City can continue to lead the way by supporting workers and businesses as they adapt to this new environment and the changing nature of work. New York City can and must work to ensure that the post-pandemic City is a more equitable, flexible, and supportive one for New York City's caregivers. New Yorkers' economic security—and the economic health of the city—depends on it.



# Findings from the 2020 Work and Family Survey

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The Comptroller’s Office and A Better Balance’s 2020 Work and Family Survey shows that more than three-quarters (78 percent) of New Yorkers experienced some change in their employment due to the pandemic, an unprecedented upheaval. While higher-income New Yorkers were more likely to experience a change in their work location and transitioned to remote work arrangements, lower-income New Yorkers were particularly vulnerable to losing their jobs.

The pandemic has highlighted ways that rigid policies and job insecurity were already hurting families, particularly lower-income households and New Yorkers of color. These inequities must guide the City’s policymaking during the pandemic and beyond.

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“Before, I had more time to sell more on the streets or in my friends’ homes, but because of COVID-19 everything changed, now I have my daughter all day at home with remote school. I work for myself and I try to make time for everything, but it’s very difficult.”  
– *Latina mom working in retail (translated from Spanish)*

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## **1. Care needs put NYC women, in particular, into impossible positions, forcing them to cut back on their hours or leave the workplace altogether at much higher rates than men.**

### **Reductions in Work Hours**

Over and over, the pandemic has borne out that child care is essential to ensuring parents can continue to work and provide for their families. As one survey respondent noted, “I’ve had to reduce work significantly to manage remote learning and childcare, impacting both income and career path.” She was far from alone. Nearly half (49 percent) of respondents who care for a child had to reduce work hours, change their schedule, quit, or change their jobs due to child care responsibilities during the pandemic, with women far more likely than men to do so. More than half (52 percent) of women who reported providing care on a regular basis to one or more children cut back on work, compared to about one in three (34 percent) men (Chart 1). Women were also twice as likely as men (33 percent compared to 16 percent) to have needed to take time off from work due to child care responsibilities.

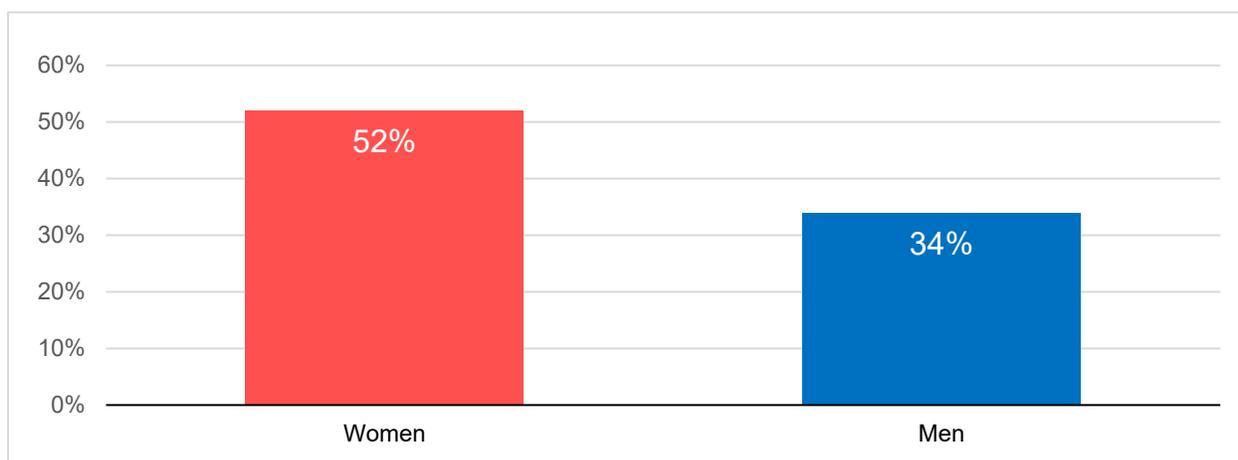
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“Due to the pandemic daycare has been closed. I lost my job because I am a single mother of two kids and had no one to help me with my kids.”

– *Latina mom*

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**Chart 1: Share of New Yorkers caring for a child who experienced reductions to paid work due to child care responsibilities, by gender**



Note: Responses for those who selected “Non-binary,” “Prefer not to say,” and “Prefer to self-describe” are not shown due to small sample size.

Caregivers of young children under the age of five were especially likely to need to make changes to their jobs for child care purposes, with 58 percent cutting back on work to provide care. Additionally, caregivers of young children were more likely to need to take time off from work than those caring for school-aged children; 64 percent of respondents caring for children under five needed to take time off compared to just over half (53 percent) of those caring for children between the ages of five and seventeen (Chart 2).

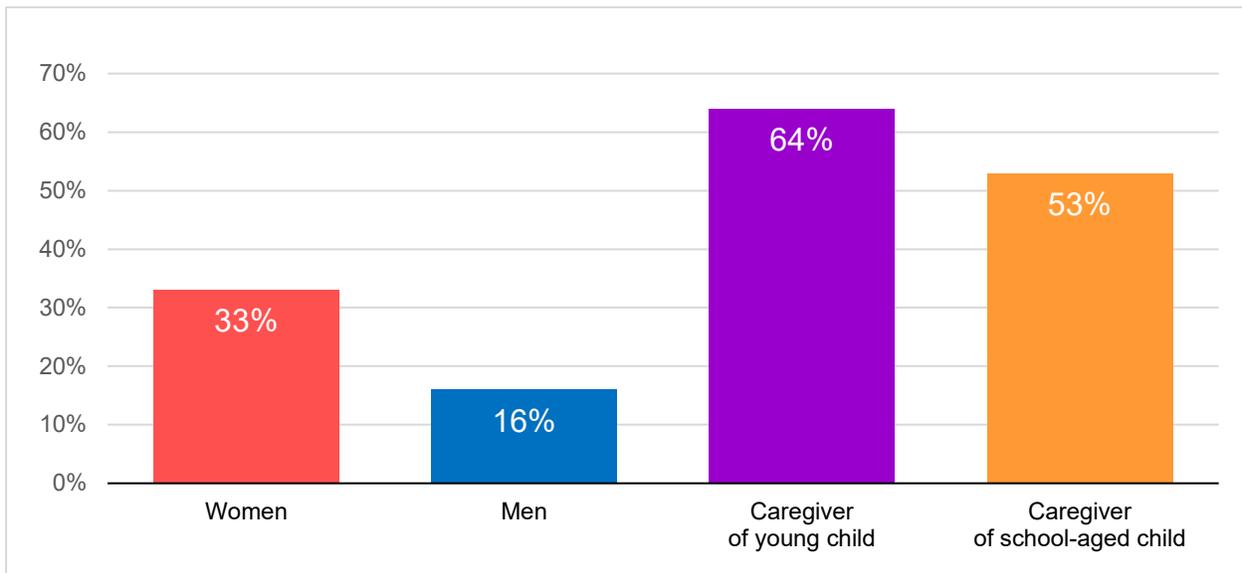
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“Business and productivity has suffered greatly due to the lack of affordable childcare throughout this pandemic... looking at 50% loss of income this year due to the pandemic and lack of childcare access.”

– *White mom working in professional services*

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**Chart 2: Share of New Yorkers who needed time off for child care, by gender and caregiver status**



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“I am the parent of 5 children. Two of my children have special needs and require constant supervision. With the pandemic childcare options have been slim to nonexistent and my children’s school[s] have opted to be fully remote. I am working full time with a job this is not flexible at all, therefore my 2 children with special needs are failing in school. I have to choose between helping my children and providing for my family.”

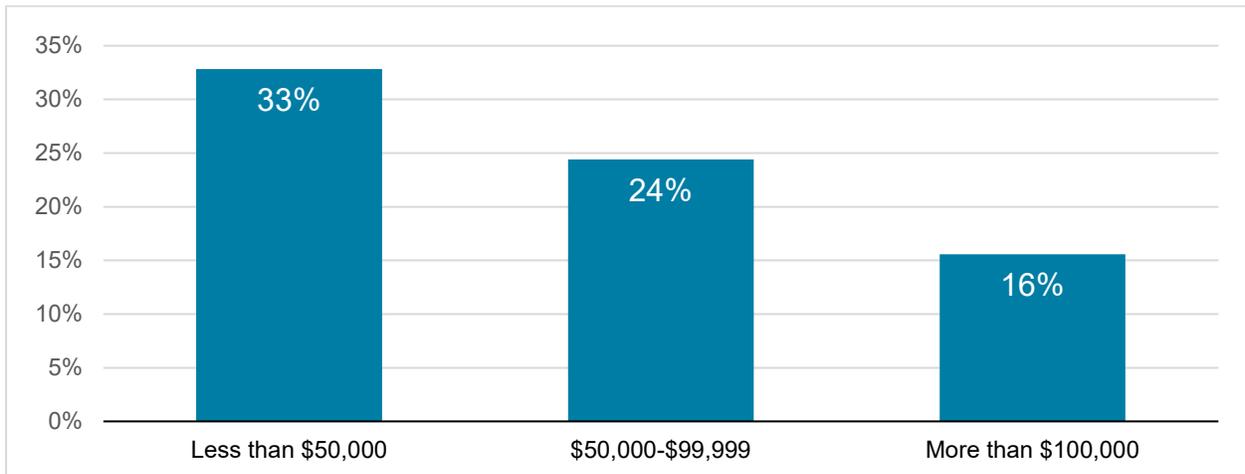
– *Black mom working in government*

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Many New Yorkers also face challenges at work based on caring for loved ones other than children. In addition to child care needs, respondents were asked about their caregiving responsibilities for other family members or loved ones, which might include caring for parents, grandparents, friends, or neighbors. Survey responses revealed that about one in four respondents (26 percent) who provide such care on a regular basis to a parent or other adult had to reduce or change their work hours, quit, or change jobs to address those care needs. As with child care, women were again more likely to make those changes than men (27 percent compared to 19 percent).

Lower-wage respondents who are caregivers to adults were about twice as likely to have reduced their work hours to provide care as higher-income respondents. One in three (33 percent) respondents with income below \$50,000 reported having to cut back on work, while only 16 percent of respondents with income above \$100,000 did (Chart 3).

**Chart 3: Share of New Yorkers who needed to reduce their work hours to care for one or more adults, by income**



Note: Data reflect respondents who reported providing care on a regular basis to a parent or older relative, other adult family member, or “other loved one or friend.”

The responses suggest that reductions and changes to work, while widespread, reflect privilege in multiple ways.

Women were more likely to have to reduce their work schedules due to carrying an outsized share of care responsibilities. Meanwhile, lower-income New Yorkers, who often have less flexible workplaces, struggled to meet the needs of aging parents, grandparents, and others for whom they provide care on a regular basis – many of whom likely required special assistance fulfilling basic needs during the pandemic.

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“I had to quit my retail job to become a home attendant CDPAP for my mom and brother.”

– *Latina mom*

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### Retaliation due to caregiving

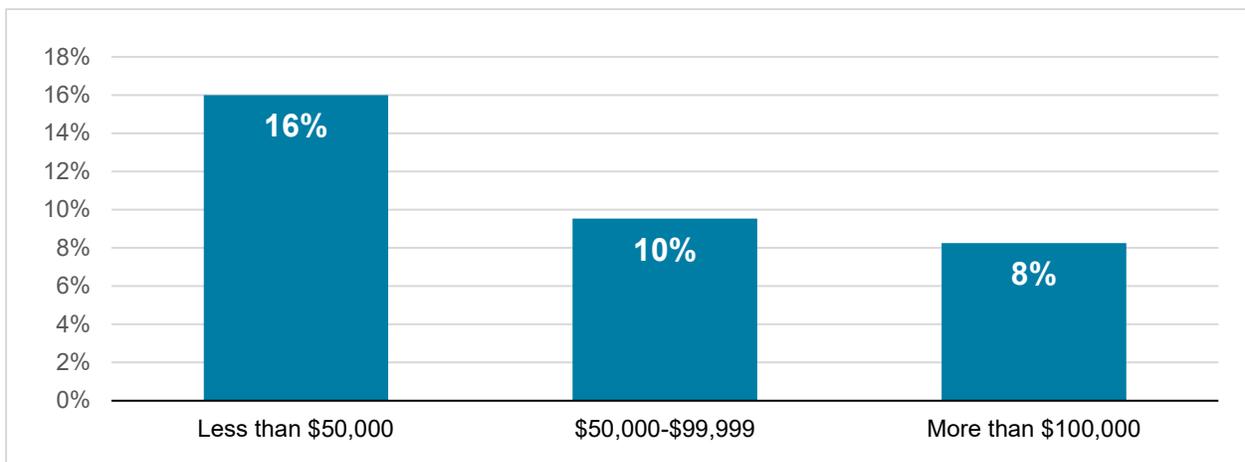
Overall, roughly one in ten (11 percent) caregivers believe that they have been retaliated against or denied opportunities at work since the onset of the pandemic due to their caregiving responsibilities. However, rates of retaliation differ by gender, race and ethnicity, disability status of household, age of child to whom care is provided, income, and work status.

Women were more than four times as likely as men to be retaliated against due to caregiving needs (13 percent of women compared to 3 percent of men), and a slightly higher share of women of color than white women who responded to the survey reported experiencing retaliation related to caregiving responsibilities, driven by especially high

rates of retaliation among Latinas. Additionally, respondents living with someone with a disability were twice as likely as those who do not to experience retaliation as a result of their caregiving responsibilities. Among all caregivers, those who care for young children were more likely to be retaliated against (16 percent) than those who care for older children or adults (11 percent).

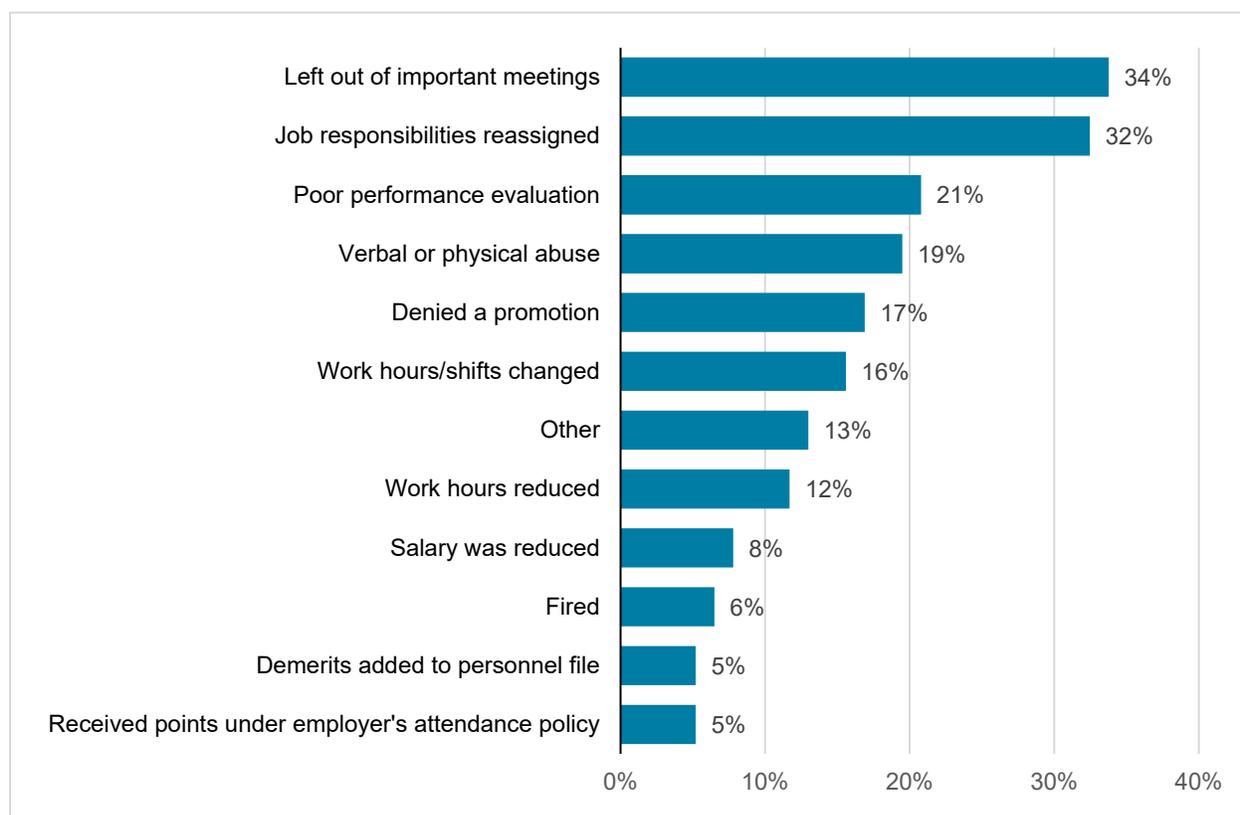
Retaliation was also a more common experience among low-wage workers. Caregivers with income below \$50,000 were twice as likely as those with income above \$100,000 to report experiencing retaliation (Chart 4). They were also more likely to report being unsure if they were retaliated against. Meanwhile, part-time employees were about twice as likely as full-time employees to be retaliated against or denied opportunities at work due to caregiving responsibilities.

**Chart 4: Share of NYC caregivers who experienced retaliation related to caregiving, by income**



The most common forms of retaliation that caregivers reported were being excluded from important meetings (34 percent), having job responsibilities reassigned (32 percent), and receiving poor performance reviews (21 percent) (Chart 5). Nearly one in five (19 percent) caregivers who experienced retaliation reported verbal or physical abuse.

**Chart 5: Forms of retaliation experienced by New York City caregivers as a result of caregiving responsibilities**



## **2. Fair and flexible work is crucial for New Yorkers struggling to balance the competing demands of work and care during the pandemic, but access to flexibility is inequitable.**

The survey showed that access to fair and flexible schedules is crucial to New Yorkers but highly unequal. Women, people of color, lower-income, and part-time workers were all less likely to have access to flexibility and, in nearly all cases, were also more likely to be retaliated against for requesting flexibility.

For the purposes of the survey, flexibility was defined as the ability to seek alternative work arrangements such as the ability to work from home, change one's schedule, or reduce or increase work hours without penalty.

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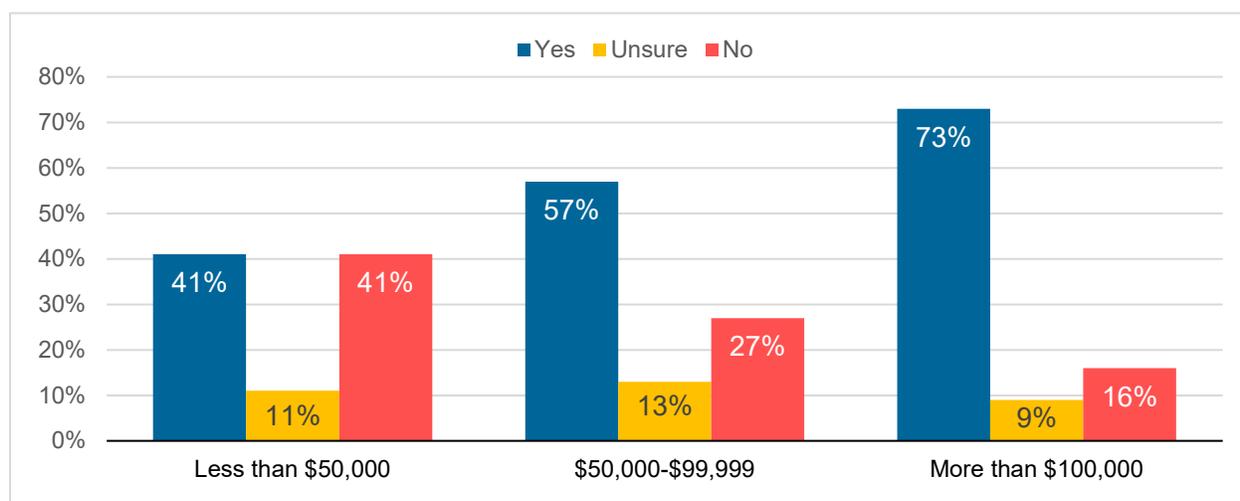
“Since Covid19, my daughter lost her job – she and her 1-year old baby moved in with me. I’ve had to take sick days in order to care for the baby while daughter was job hunting. Now she is working full time and needs my help to care for baby during weekdays. I requested a 10-hour/day, 4-day/week work schedule so I can stay home 1 day per week to care for my grandchild, but my employer has not granted the request. As a result, I now have to pay for outside childcare.”

– *White grandma working in professional services*

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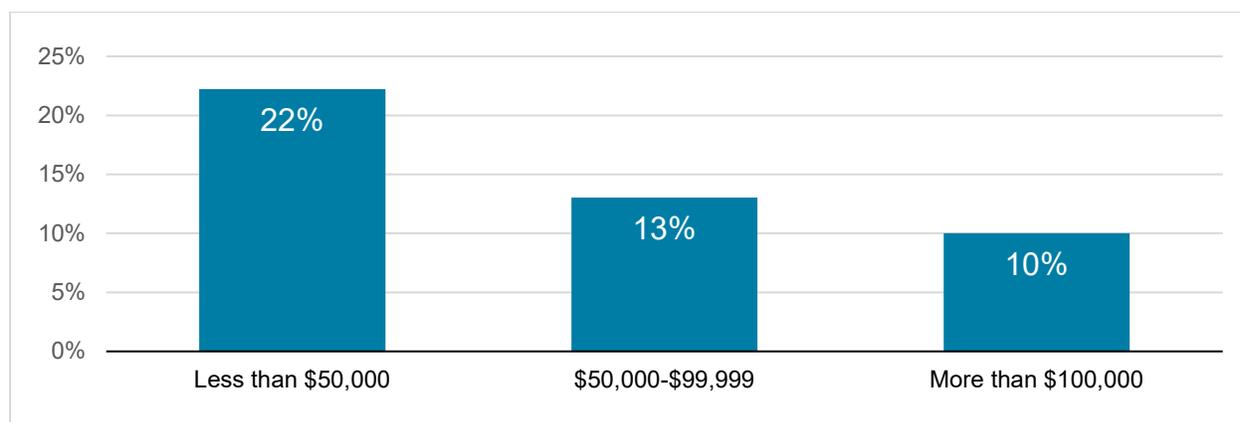
While 73 percent of respondents with incomes over \$100,000 reported having access to a flexible schedule, only 41 percent with incomes below \$50,000 did (Chart 6). Respondents with incomes over \$100,000 were also nearly twice as likely to have been offered new flexible work arrangements since the onset of the pandemic than New Yorkers with incomes of less than \$50,000 (63 percent versus 34 percent).

**Chart 6: Access to flexible work arrangements among employed New Yorkers, by income**



Among those who had requested a new flexible work arrangement during the pandemic, respondents with incomes below \$50,000 were twice as likely as those with income above \$100,000 to experience retaliation after making such a request – 22 percent compared to 10 percent (Chart 7).

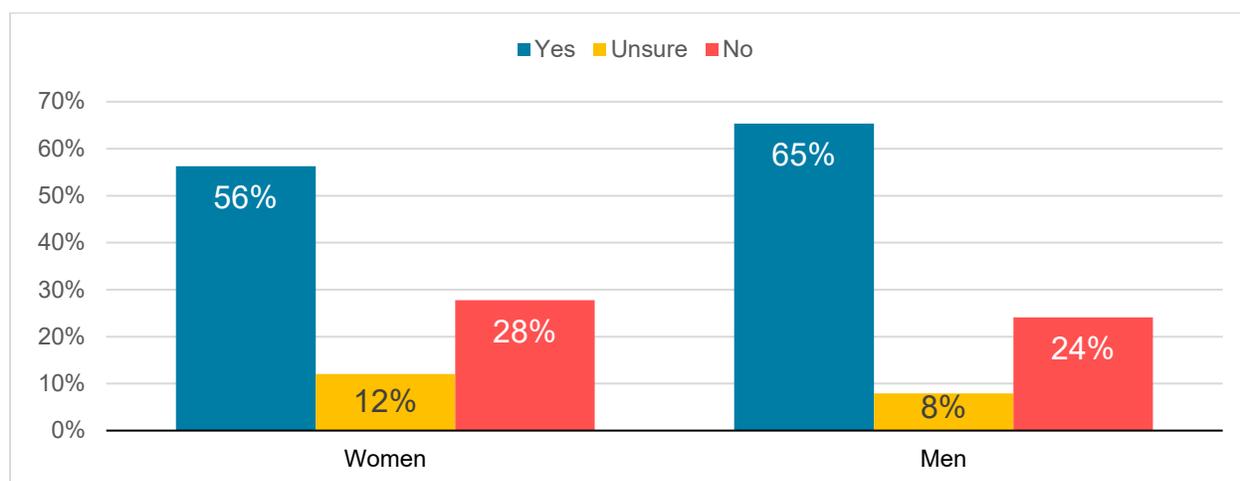
**Chart 7: Share of New Yorkers retaliated against for requesting more flexibility, by income**



Note: Data reflect responses of those who reported requesting a new flexible work arrangement since the onset of the pandemic.

Men were more likely to have been offered a new flexible work arrangement since the start of the pandemic than women (59 percent versus 51 percent). Moreover, the survey showed women are less likely than men to have access to a flexible schedule and also more likely to be unsure whether such flexibility is available to them (Chart 8). For women of color, the survey suggests flexibility is even further out of reach. While 63 percent of white working women reported having access to flexibility, only slightly more than half (52 percent) of employed women of color did.

**Chart 8: Access to flexible work arrangement among employed New Yorkers, by gender**



Note: Responses for those who selected “Non-binary,” “Prefer not to say,” and “Prefer to self-describe” are not shown due to small sample size.

At the same time, women are more likely than men to suffer negative consequences for requesting flexibility. Roughly one in six (17 percent) women reported being retaliated against after requesting a flexible work arrangement, while only 2 percent of men reported the same.

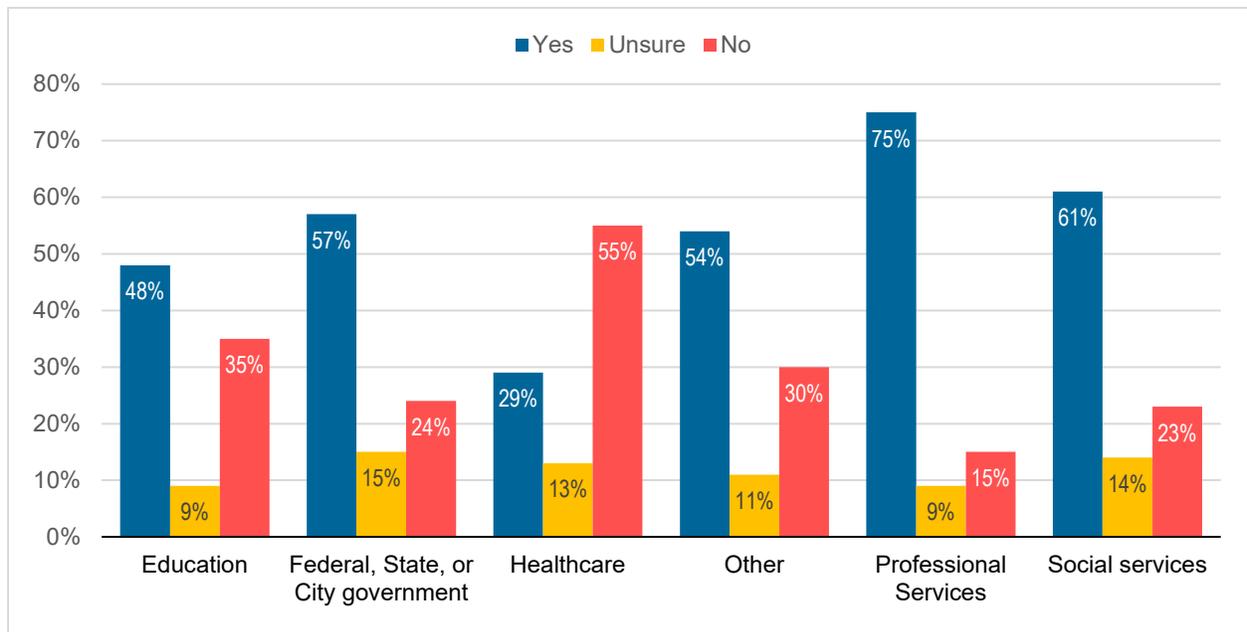
“My job has 0 flexibility at this time and when you express the difficulties being experienced as a caregiver during this pandemic we are being told that is a personal problem.”

– *Black mom working in government*

Full-time employees are more likely to have access to a flexible schedule than respondents who identified as part-time employees. While 59 percent of employed full-time workers said that they had such access, less than half (45 percent) of part-time workers did. Survey respondents who identified as part-time workers were also more vulnerable to retaliation. Part-time workers were nearly twice as likely as full-time workers to have been retaliated against for requesting more flexibility.

Access to a flexible schedule also appears to vary widely by industry. Respondents in professional services (e.g., law, accountancy) were the most likely to have access to workplace flexibility and among those most likely to be aware of their workplace’s policy, while respondents in direct service work, such as health care and education, were less likely to have a flexible schedule (Chart 9).

**Chart 9: Access to flexible work arrangements among employed New Yorkers, by industry**



Note: Category “Other” includes respondents who selected the industries “Arts and media,” “Construction & trade professions,” “Financial services,” “Food service,” “Hospitality,” “Manufacturing,” “Public safety, law enforcement and security,” “Retail,” and “Transportation,” or who listed another occupation.

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“My employer usually says if they accommodate me they have to accommodate others and that’s not good for business.”

– *Black mom working in health care*

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Respondents of color were more likely to experience retaliation than white respondents, either for requesting flexibility or because of their caregiving responsibilities. Overall, more than one in ten (11 percent) respondents of color reported experiencing retaliation, compared to just 6 percent of white respondents.

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“Despite the fact that my work can be done completely remote, there is still a lot of pressure to return to the office ASAP. I feel like I am missing out on opportunities and face time because I have remained fully remote, even though that is officially an option.”

– *Single woman working in professional services*

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### **3. Many New Yorkers do not have access to sufficient paid leave to care for themselves or loved ones, despite strong laws.**

In recent years, New York City and New York State have led the way in passing paid sick leave and paid family leave laws. But survey findings suggest that lower-income and part-time workers, in particular, appear to not be receiving in practice the leave to which they are entitled by law. This is especially concerning during a global pandemic when such laws are a key public health tool, ensuring workers can maintain their health and economic security.

The New York City Earned Safe and Sick Time Act guarantees millions of New Yorkers the opportunity to earn between 40 and 56 hours of job-protected paid time off to recover from physical/mental illness or injury; seek medical diagnosis, treatment, or preventative care; or care for a family member who is ill or needs medical diagnosis, treatment, or preventative care. New York State passed a similar law in 2020, under which workers could begin taking sick time on January 1, 2021; separately, New York State passed an emergency COVID-19 leave law in March 2020, which remains in effect.

New York State also passed a groundbreaking paid family leave law in 2016, which is now fully phased in, and provides most non-government workers with up to 12 weeks of paid time off to bond with a new child (including adopted and foster children); care for a seriously ill or injured family member (child, parent, parent-in-law, spouse, domestic partner, grandchild, or grandparent); or address certain military family needs.

In March 2020, the federal government also passed an emergency paid sick leave and paid family leave law, which, among several provisions, afforded certain workers who worked for employers with fewer than 500 employees the ability to take up to 12 weeks of paid time off if their children's school or child care facility was closed due to the pandemic. The law expired on December 31, 2020 but was in effect at the time the survey was conducted.

While various laws are available to New Yorkers, the survey clearly shows that access to, and therefore utilization of, these laws is highly unequal, suggesting critical gaps in employer compliance with, and employee knowledge of, existing laws. At the same time, the data also highlight the need for reinstated and expanded emergency leave protections.

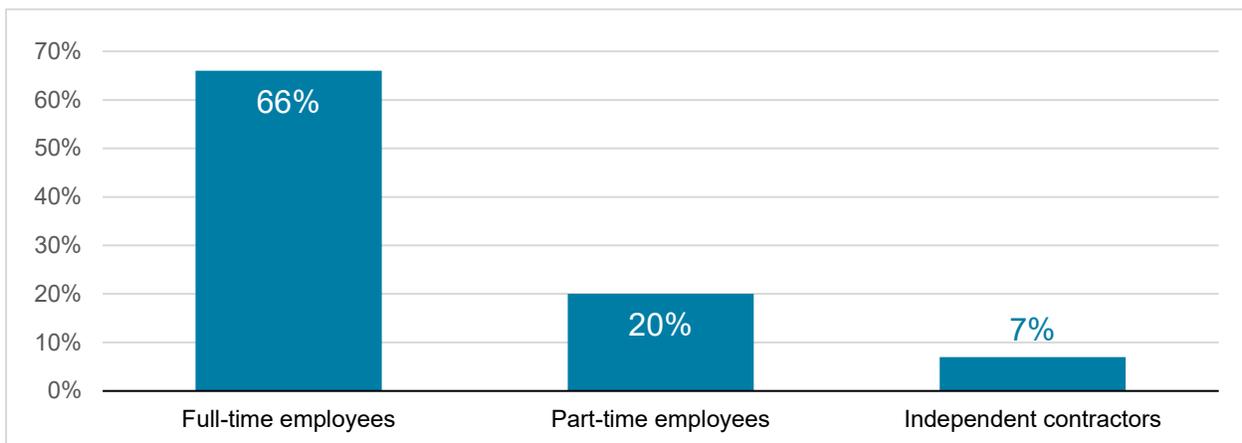
#### **Access to paid time off for child care needs**

Among all respondents, only 53 percent who needed time off for child care needs had access to paid leave. However, men were more likely to have access to paid leave for child care (63 percent) than women (52 percent), despite the fact that women were more than twice as likely as men to have needed time off to care for children.

The survey showed women’s need for and access to leave differs by race and ethnicity. More than one in three (36 percent) women of color needed time off to care for a child, while 29 percent of white women did. Yet white women were more likely to have access to paid time off to address child care needs – 60 percent compared to 50 percent of women of color. Women who identified as Asian or Pacific Islander had the least access to paid time off for child care.

Inequities exist based on type of work as well. While two-thirds (66 percent) of full-time employees who needed time off due to child care responsibilities had access to paid time off, only one in five (20 percent) part-time employees did (Chart 10). Only 7 percent of respondents who identified as independent contractors had access to paid leave for child care.

**Chart 10: Share of New Yorkers needing time off for child care who had paid leave, by employment type**



Respondents who completed the survey in Spanish had even less access to paid leave. While the sample was small, responses suggest that New Yorkers whose primary language is Spanish may be especially cut off from support. Despite the fact that Spanish-language respondents were more likely to be caregivers than English-language respondents and were nearly twice as likely to have needed time off from work for child care needs since the onset of the pandemic, they were far less likely to have had access to paid leave. Only 14 percent of Spanish-language respondents had paid time off compared to 55 percent of English-language respondents.

### **Access to paid time off for illness or to provide care other than child care**

For those who needed time off to care for themselves or someone other than a child, only three in five (63 percent) respondents reported having access to paid leave. Again, however, the findings varied by gender, race and ethnicity, type of work, and income.

Men were more likely to report having access to paid time off to tend to their own illness than women (69 percent compared to 62 percent). White respondents were far more likely to have access to paid time off to tend to their own illness than respondents of color, with three in four (74 percent) white respondents having access compared to 61 percent of respondents of color.

Full-time employees were about three times as likely as part-time employees to have access to paid time off to tend to their own illness; 76 percent of full-time workers had access compared to 24 percent of part-time workers. Given that the City’s longstanding paid sick and safe leave law covers nearly all private sector employees, including part-time employees, these results indicate alarming discrepancies between workers’ legal rights and their practical experiences. Meanwhile, only 15 percent of independent contractors had access to paid time off to tend to their own illness.

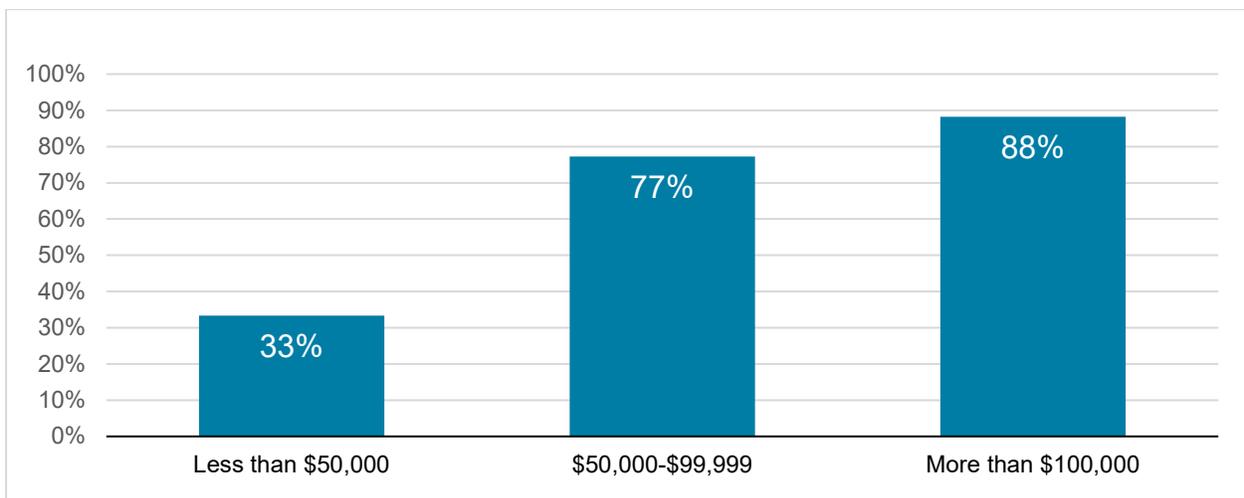
Lower-income respondents were far less likely to have access to paid time off to tend to their own illness. While 88 percent of workers making over \$100,000 had access, only one in three respondents with income below \$50,000 reported the same (Chart 11). Their lack of paid leave is particularly striking given the concentration of COVID-19 cases among lower-income New Yorkers.

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One respondent, a Black mom of one, commented that the city agency she works for “does not provide paid maternity/parental leave and it has negatively impacted my household.”

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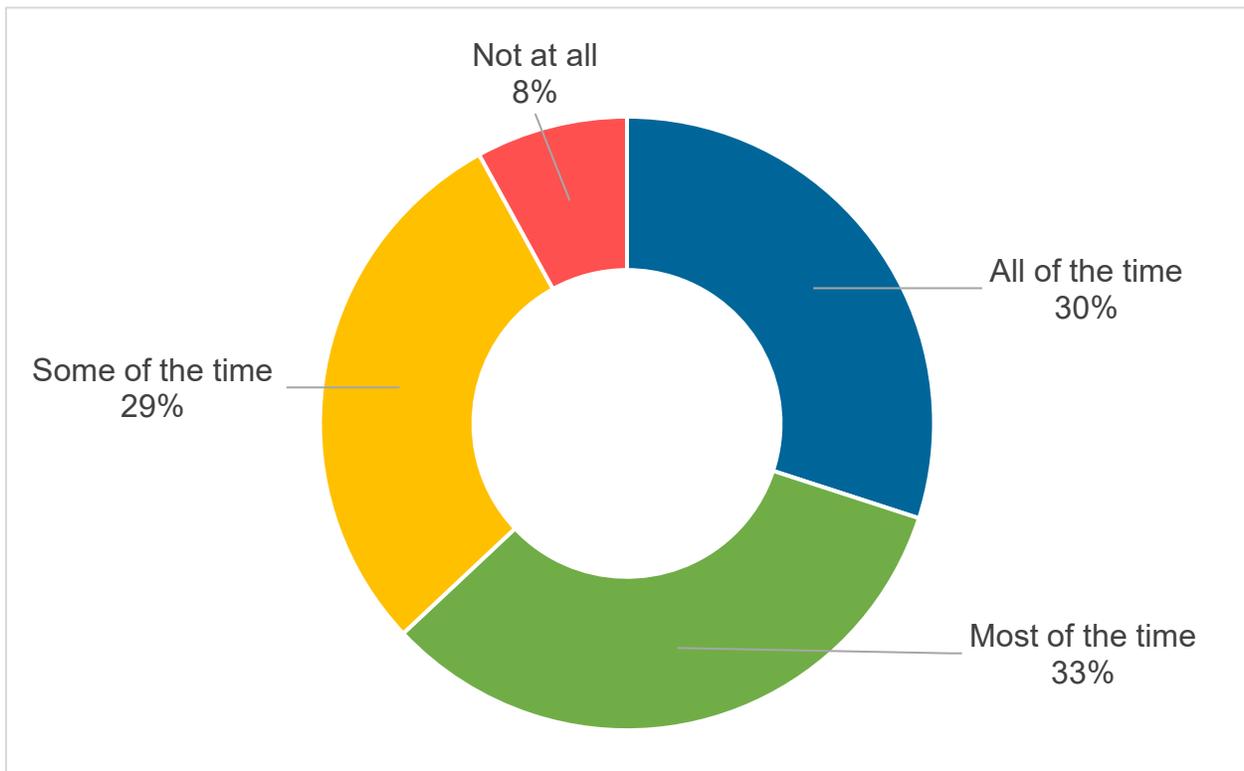
**Chart 11: Access to paid time off for own illness or to provide care other than for children, by income**



#### 4. New Yorkers overwhelmingly desire more flexibility. However, those most in need of expanded options also face the most barriers to accessing them.

A wide range of New Yorkers, across income levels and regardless of the ways in which the pandemic impacted their employment, desire more flexibility. An overwhelming majority of working respondents (92 percent) would prefer to work remotely at least some of the time, if given the option, with 30 percent reporting that they would like to work from home all of the time (Chart 12). This finding was consistent across nearly every industry, including those in which respondents likely do not have the option of working from home. More than one in four (27 percent) working respondents felt so strongly about the need for flexibility that they said they would consider leaving their job if their employer denied a request.

**Chart 12: Preference for remote work among all employed respondents**



Overall, 61 percent of respondents reported being satisfied with the level of flexibility offered by their employer. However, women were less likely to report being satisfied than men (57 percent versus 74 percent). This could be partly attributable to women desiring more flexibility to accommodate primary caregiving responsibilities. Indeed, caregivers are less likely to report being satisfied than non-caregivers – 55 percent compared to 69 percent. Parents and others who care for young children are less likely to be satisfied

than caregivers in general, with only 47 percent saying that they are happy with the flexibility they have been offered. By comparison, over half (55 percent) of caregivers of school-aged children are satisfied. These results likely reflect the greater inaccessibility of child care for children under five.

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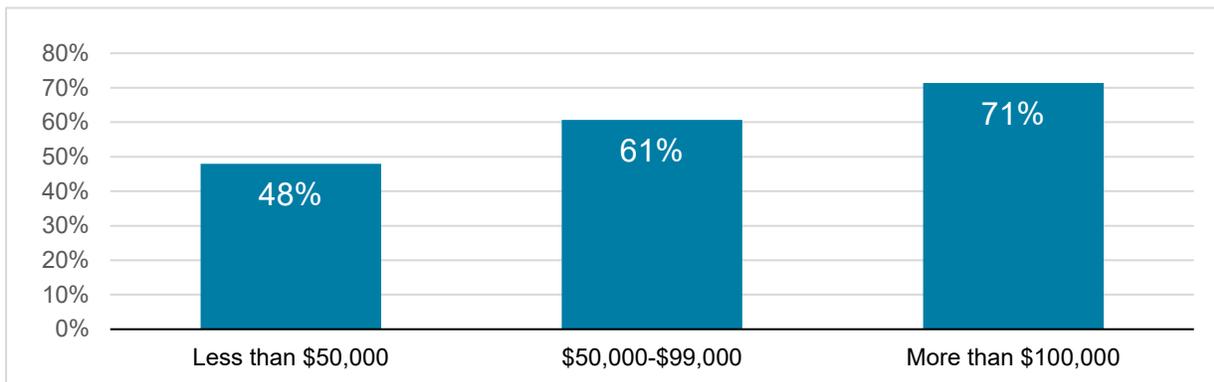
“It is uncommon for a private financial company to offer flexible work hours. But I am willing to change jobs with  $\frac{1}{4}$  less salary if the new job offers flexible work hour options to all its employees.”

– Asian mom working in financial services

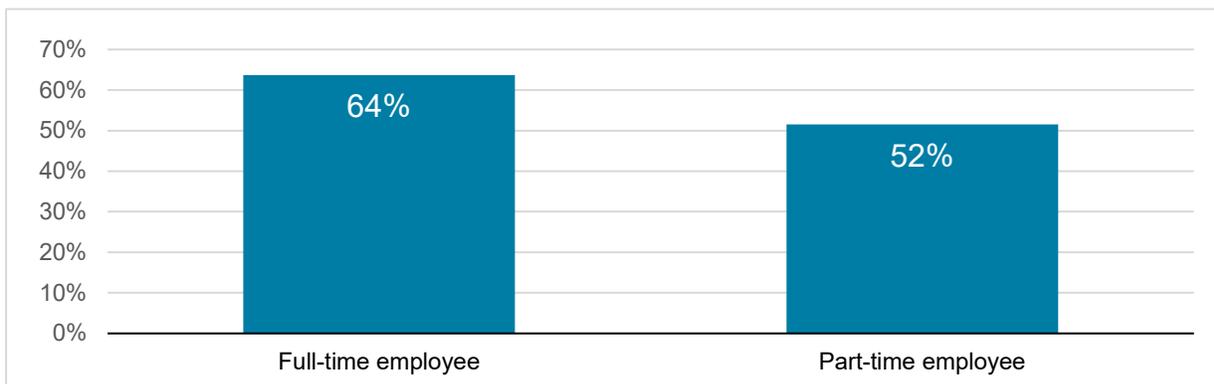
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Both full-time employees and higher-income respondents, who are more likely to have access to flexible work arrangements, are also more likely to be satisfied with their employers’ level of flexibility than part-time workers and lower-income respondents (Charts 13 and 14).

**Chart 13: Satisfaction with employer’s flexible work policies, by income**



**Chart 14: Satisfaction with employer’s flexible work policies, by employment type**



The groups of New Yorkers most satisfied with their employers' flexibility (men, higher-income workers, non-caregivers) were also those that were less likely to have been forced to cut back on or leave their jobs to address care needs during the pandemic.

On the other hand, those respondents who were less satisfied were also among those least comfortable requesting additional flexibility. Nearly one in three (30 percent) employed women, for instance, reported that they would be “uncomfortable” or “very uncomfortable” requesting more flexibility from their employer, compared to 14 percent of men. Caregivers are also less comfortable requesting flexibility than non-caregivers, with 44 percent reporting they were “comfortable” or “very comfortable” compared to 56 percent of non-caregivers.

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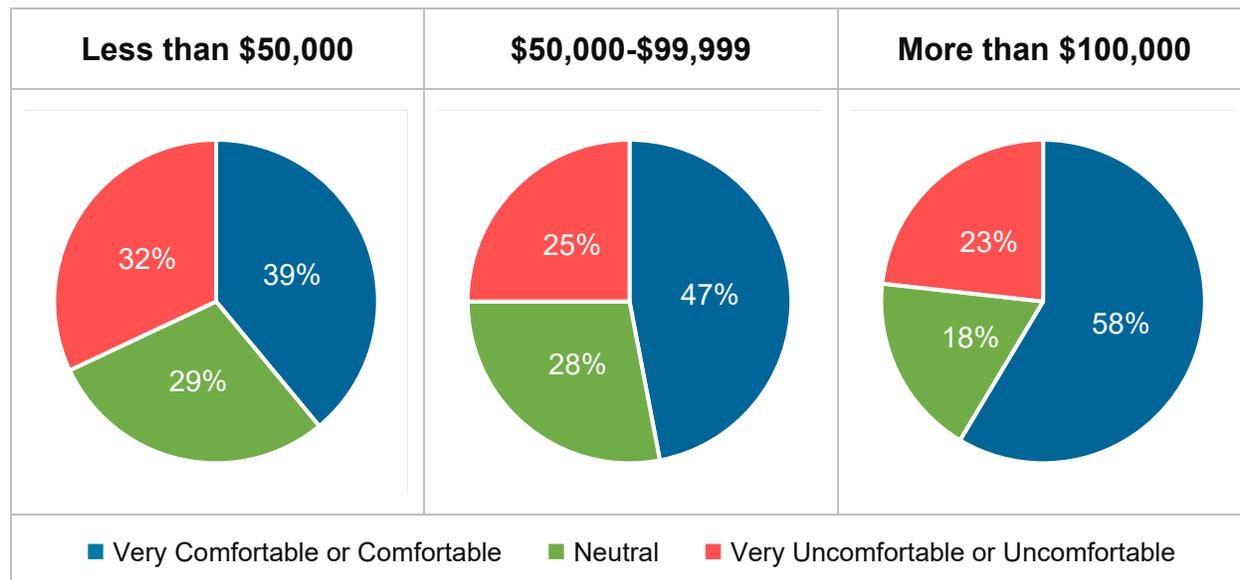
“I would feel uncomfortable asking for more flexibility to my schedule since I mostly work from home. My boss doesn’t have children so while at times she’s been accommodating, I’d rather not ask for more since we are quite busy and are working with a reduced staff.”

*– Latina mom working in manufacturing*

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Respondents with higher incomes also expressed more comfort with making this type of request; 58 percent of respondents with income above \$100,000 reported being either comfortable or very comfortable requesting more flexibility from their employer, while only 39 percent of respondents with income below \$50,000 did (Chart 15).

**Chart 15: Comfort requesting flexibility from employer among working New Yorkers, by income**



While it is clear that fair and flexible work is important to New Yorkers, access to flexibility is highly unequal and those desiring more flexibility generally face more barriers to getting it. Additionally, certain workers, as outlined earlier, are paying the price for even requesting flexibility.

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“My government agency employer granted no ability to telework (except for a rare emergency like a hurricane) until this March [2020]. I am hopeful that we will have the ability to telework at least on occasion once the pandemic is over – but this has not been stated and it is not guaranteed. It would be ideal to be able to work from home once in a while as needed...”  
– *White dad working in government*

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## Policy Recommendations

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In 2015, the Comptroller’s Office and A Better Balance issued a joint survey on workplace flexibility, “Families and Flexibility: Building the 21st Century Workplace.”<sup>2</sup> Since that time, there have been several notable changes in New York with respect to work and family policy. As of January 1, 2021, eligible employees statewide are now able to use earned paid sick leave,<sup>3</sup> following in the footsteps of the City’s longstanding paid sick leave law,<sup>4</sup> and can also take advantage of up to 12 weeks of paid family leave, thanks to a groundbreaking State paid family leave law passed in 2016.<sup>5</sup> Meanwhile, workers in New York City have a right to request temporary schedule changes, providing some measure of additional workplace flexibility, and employers are required to provide certain shift workers with advance notice of work schedules.<sup>6</sup>

In recognition of the public health risks posed by COVID-19, the federal and State government have put additional protections in place as well. The federal pandemic-related sick and family leave benefits, enacted on an emergency and temporary basis in March 2020, are notable both for being the first ever national-level paid leave benefits and also covering child care leave due to pandemic-related child care or school closures. Unfortunately, these provisions have since expired and urgently need to be reinstated and expanded.<sup>7</sup>



Despite the progress that has been made, the survey findings indicate that New Yorkers still have uneven access to paid leave and flexible work arrangements, protections that are fundamental to ensuring workers' economic security. Low-wage workers, especially, face additional hurdles. For those who are not able to work remotely, and even for many who can, inflexible workplace policies, the threat of retaliation for requesting any workplace flexibility, and increased caregiving needs have made it difficult, if not impossible, to reconcile work and care.

Meanwhile, the pandemic has exposed the harmful though unsurprising consequences of government, at all levels, failing to invest in an affordable and equitable care infrastructure. While the city has long faced a dearth of quality, affordable child care options for working families, the pandemic brought this crisis fully into the spotlight. Child care providers throughout the city have been forced to close or reduce their capacity, leaving programs without precious revenue and parents with even more limited options than before. And even where child care providers remain open, costs remain high, at a time when many parents and caregivers have been furloughed without pay, lost work hours, or lost their jobs altogether. Too many New York City families have been forced to make impossible choices between care and their economic security – the results of which could shape the workforce long after the pandemic. Indeed, declining labor force participation rates among women, and women of color especially, could forecast a reduction in women's earnings for years to come.<sup>8</sup>

For the physical and economic health of individuals and the city as a whole, not only in the short-term but into the future, we must create more equitable access to the supports that allow workers to care for their own health and that of their loved ones without sacrificing their livelihoods. Below we outline eight recommendations that, if implemented, would begin to close the existing gaps in access and support the health and economic security of more New Yorkers as the city begins its path to recovery.

## **1. Ensure equitable access to quality, affordable child care.**

While the pandemic has created some unique care challenges, including COVID-19-related child care program and school closures, the last year has also revealed how critical the child care sector has always been to New Yorkers' ability to sustain a family and maintain employment.<sup>9</sup> Survey respondents emphasized how difficult it has been to keep or find new jobs during the pandemic without stable, affordable care for their children. Indeed, a majority of women with children who completed the survey reported having to cut back on work to address child care needs, which could negatively impact their earnings and careers well into the future.

The pandemic has made clear that a lack of quality, affordable, accessible child care is unworkable. Unfortunately, the child care sector was already in crisis even before families' lives were upended by the virus. Child care was one of the biggest expenses for New York City families, as the Comptroller's Office outlined in the 2019 report "NYC Under 3," and the availability of care, especially for the youngest children, was severely limited.<sup>10</sup> The pandemic threatens to reduce capacity further. In the face of declining revenue, many child care providers—overwhelmingly low-wage women, and predominately women of color—have depleted savings and taken on debt in order to keep their programs afloat.

The Biden administration's commitment to providing some \$40 billion in additional stimulus to states for child care is a historic and necessary investment to stabilize programs and ensure families have child care options when the current public health crisis subsides, but additional public dollars will be needed to create a sustainable care system that adequately addresses the financial burden of child care for low- and moderate-income families over the long term. For that reason, the State Fiscal Year 2022 budget should include significant new investments for the child care sector, following the recommendations of the Empire State Campaign for Child Care and Winning Beginning New York.<sup>11</sup> In addition, the City should work in partnership with the State to enact the recommendations put forward in the Comptroller's Office report from 2019, starting with passage of the NYC Under 3 Act.<sup>12</sup>



## 2. Broaden New York City’s right-to-request fair and flexible work law.

The City’s existing right-to-request law already provides crucial protections by providing workers the right to a temporary schedule change twice a year (totaling two business days) for qualifying personal events, including for caregiving, sick time, or a legal proceeding. It also prohibits employers from retaliating against workers who request additional schedule changes in cases even though employers are not required to grant their request.<sup>13</sup>

The pandemic has made clear that workers need a broader ability to request and receive fair and flexible working arrangements without fear of retaliation. Without such protections, women, low-income workers, and workers of color all too often feel unable to so much as begin a discussion about the possibilities of flexible work, including modified hours and part-time work, with their employers. As a result, too many workers are left in the untenable position of balancing a rigid or unpredictable work arrangement with caregiving responsibilities, and too many workers—overwhelmingly women—drop out of the workforce all together when they cannot meet the demands of both that rigid work arrangement and their caregiving responsibilities.

To address this concern, we offer the following recommendations:

- The Department of Consumer and Worker Protection must undertake more proactive outreach and education on the Temporary Schedule Change Law so that workers know that they can request changes to their schedule without fear of retaliation. The agency should also be clear that all schedule change requests, not just temporary change requests, can include a transition to remote work, the use of short-term unpaid leave, paid time off, shifting working hours, or swapping working hours.
- The City Council should pass legislation beyond the current Temporary Schedule Change Law that puts in place a stronger right to request provision for workers in industries that often have rigid attendance policies, such as retail, hospitality, health care, fast food, warehouses, and building security and maintenance, to name a few, and put New York City in line with several other jurisdictions. This measure should provide a covered employee the right to request schedule or location changes or a preference for schedule or location changes. Employers would then be required to engage with employees in a good faith, interactive process regarding the request and must grant employee requests related to a personal event unless there's a bona fide business reason not to grant the request.

- The City Council should also consider passing legislation that would entitle employees whose essential job functions can be performed remotely the ability to work remotely if their child’s school or child care program is closed, remote-only, or a hybrid in-person and remote model due to a local or state emergency order so long as it does not impose an undue hardship on the employer.

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“As a part-time worker, it’s impossible to ask for any flex or time off.”

– *Mom working in education*

“Requesting flexibility is intimidating for most.

If it was a directive by NYC, I would feel less uncomfortable requesting it.”

– *White mom working in education*

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### **3. Strengthen outreach, education, and enforcement of the City’s and State’s human rights laws that support caregivers, pregnant workers, and workers with disabilities.**

In 2015, the City Council passed a law prohibiting discrimination on the basis of a person’s caregiver status.<sup>14</sup> New York State also prohibits familial status discrimination which includes any person who is pregnant or has a child under the age of 18.<sup>15</sup> City, State, and federal law also prohibit pregnancy and disability discrimination.<sup>16</sup> Additionally, City and State law provide explicit rights to workplace pregnancy accommodations, including accommodations for lactation and time off to recover from childbirth.<sup>17</sup> The City law protects all public and private employees in the City who work for an employer with four or more employees, and the State law protects all employees in the City and State.<sup>18</sup>

However, the pandemic has made clear that those who are pregnant, have disabilities, care for children, family members with disabilities, and aging parents or ill loved ones, and New Yorkers with lower incomes especially, continue to face unfair treatment at work. For example, when employers accommodate some workers with modified work schedules, but not caregivers, this may constitute a violation of New York City’s caregiver discrimination law.<sup>19</sup> Many workers, especially part-time workers, temporary workers, and independent contractors may not even realize they also have protections under the City’s human rights law.

Ensuring access to these basic rights is crucial, particularly as New York works to support the many women who were pushed out of the workforce during the pandemic in returning to work. To ensure that workers are aware of their rights and do not fear

retaliation, and that employers understand and comply with their responsibilities under this law, the City should invest in robust outreach and education and make sure that sufficient resources are devoted to enforcement of anti-discrimination laws so workers, including part-time workers, temporary workers, and independent contractors, are aware of and able to take advantage of their rights and obtain relief. Public outreach must also be inclusive and provided in multiple languages to ensure all communities benefit from these resources.

The City should also consider legislation to accommodate the needs of caregivers with dependents with disabilities so they can care for their loved ones and maintain their livelihoods.

#### **4. Strengthen the City human rights law so that workers who need to provide care for themselves and their loved ones are able to do so and maintain their financial security and are not penalized at work.**

It is clear from the survey that while existing protections for caregivers are immensely valuable, many caregivers continue to be penalized at work based on their need for accommodations or time off to provide care for themselves or their loved ones. While retaliation is a serious problem across industries and incomes, workers in low-wage industries including retail, manufacturing, and food processing, often contend with particularly rigid workplaces that penalize workers for even lawfully-protected absences.<sup>20</sup>

One form this retaliation can take is employers' use of no-fault attendance policies, policies that are ostensibly meant to encourage workers to show up for their shifts and penalize them when they do not. However, as A Better Balance recently highlighted in the report "Misled and Misinformed,"<sup>21</sup> too frequently, these attendance policies are used to infringe on workers' rights by punishing them with "points" or "occurrences" for absences that are legally protected, including when workers need accommodations or time off to care for themselves or loved ones. These "points" subject employees to discipline (including termination), the mere prospect of which often discourages workers from taking time off to which they are legally entitled.

To that end, the City Council should enact legislation to curb abusively strict employer attendance policies, which routinely mislead and misinform workers about their rights and punish them for needing time off, oftentimes in violation of local, state, and federal labor and human rights laws.

In addition, the City Council should enact legislation adding penalties, in line with the equivalent penalties available under the City's Earned Safe and Sick Time Act,<sup>22</sup> for employers who fail to notify their employees of their rights under the New York City Human Rights law. Too many employers are failing to notify their employees of their right to be free from discrimination, and too many New Yorkers are struggling to balance the competing demands of work and care, unaware of the protections to which they are legally entitled. Creating real consequences for failure to notify employees of their rights will create a powerful incentive for employers to do so, and will lead to a more empowered, educated workforce and help to ensure employers comply with their substantive obligations under the law.

## **5. Strengthen outreach, education, and enforcement of existing paid leave laws.**

Many New Yorkers, especially vulnerable workers in low-wage jobs and part-time workers, believe themselves to be unable to access paid leave, despite the broad coverage of the City's paid sick time law,<sup>23</sup> the State's paid family leave,<sup>24</sup> emergency COVID leave,<sup>25</sup> and paid sick time laws,<sup>26</sup> and the federal emergency leave law that was in effect during the course of this survey.<sup>27</sup> The City and enforcement agencies at all levels of government must act swiftly and proactively to ensure that employers understand and comply with their obligations, and that all workers are aware of their rights and receive the full protection of their leave rights under law, particularly low-wage and part-time workers.

The survey findings suggest both a lack of education and fear of retaliation for using these laws, despite clear legal rights and clear prohibitions on retaliation. Such findings indicate that first and foremost there is an urgent need for strong enforcement of and robust outreach and education on the range of leave laws that are available to New Yorkers. The City Council should also enact legislation creating a private right of action under New York City's Earned Safe and Sick Time Act. Over two-thirds of the nearly three dozen paid sick leave laws in the U.S. include a private right of action.<sup>28</sup> Without one, New York City workers lack assurance that their rights can be meaningfully enforced. A private right of action would also serve as a powerful deterrent against employer violations of the law.

## **6. Expand emergency leave rights to respond to the pandemic and expand permanent paid leave rights.**

The pandemic has highlighted the need to build on existing leave laws. The City, State, and federal government must all act to ensure that workers have the leave rights they need to care for and protect themselves and their families during this crisis, including

to address the urgent need for time off due to school or child care closures highlighted by this survey.

While New York State’s emergency sick time law remains in effect, and is a crucial support for those who have, or have been exposed to, COVID-19, that law alone is insufficient to meet New Yorkers’ need for emergency leave, especially based on COVID-19-related child care needs. The federal government should reinstate and fill in the gaps of the now-expired Families First Coronavirus Response Act emergency leave law, which provided many workers with access to needed emergency sick time and emergency child care leave before its expiration on December 31, 2020.<sup>29</sup> At the same time, the City and State should also act to ensure New Yorkers have the full range of emergency leave rights they need.

With respect to permanent paid leave rights, the City must ensure the same level of benefits available under the State’s paid family leave and disability benefits law are available to all City employees. In addition, the State’s disability benefits law should be amended to provide the same rights as the State’s paid family leave law, including job protection and robust wage replacement, to workers dealing with their own serious health needs. In addition, the paid family leave law should be updated to make benefits portable as workers move between jobs or face unemployment and should be updated to provide more meaningful access for those who are self-employed.



## 7. Strengthen workforce protections for independent contractors and fight misclassification.

Independent contractors are often especially vulnerable to labor abuses and, without legal protections, generally do not have the advantage of benefits offered to permanent employees. New York City has been a national leader on increasing protections for independent contractors, from the groundbreaking expansion of the New York City Human Rights Law to include independent contractors<sup>30</sup> to the Freelance Isn't Free Act.<sup>31</sup> The City should continue to build on its commitment to the rights of independent contractors by increasing outreach and education around these vital protections and by strongly enforcing existing laws protecting independent contractors and prohibiting employers from misclassifying employees as independent contractors.

These outreach, education, and enforcement efforts should focus on low-income independent contractors and independent contractors of color. Research from the Department of Consumer and Worker Protection indicates that those who exercised their rights under the Freelance Isn't Free Law were more likely to be white and higher-income than the community of New York City independent contractors overall, suggesting that people of color and low-income independent contractors may be less aware of their labor rights or more concerned about retaliation.<sup>32</sup>

But this survey also makes clear that existing protections for independent contractors still leave some crucial needs unaddressed. Notably, despite needing leave at nearly similar rates, self-identified independent contractors who responded to the survey reported having much less access. The City should work with the State to address this disparity both by ensuring that those who are misclassified as independent contractors are able to access the benefits they would be entitled to as employees and by expanding rights for those appropriately classified as independent contractors. Specifically, the State should enact legislation updating the paid family leave law by removing the two-year waiting period for self-employed individuals who opt into paid family leave benefits more than twenty-six weeks after becoming self-employed. The two-year waiting period leaves many independent contractors who are paying into the paid family leave program unable to access benefits when they need them. Removing this unnecessary obstacle would increase independent contractors' ability to access the leave they need.

## 8. Ensure New York City serves as a model employer and supports businesses and workers in this changing landscape.

Closing existing gaps in access to fair and flexible work necessitates that the City take a hard look at the supports available to its own workforce. Currently, thousands of municipal employees, primarily lower-wage “non-managerial” employees, have no guarantee of paid parental leave under New York City policy nor do they have the right to leave under New York State’s paid family leave law. Moving forward, steps should be taken to ensure that everyone who works for the City has access to paid family and medical leave and the ability to request and receive flexible work arrangements. At the same time, the City should assist private employers in supporting their employees’ need for flexibility by providing resources and technical assistance.

This pandemic has provided the opportunity for an unprecedented experiment in workplace flexibility. What’s more, as this survey makes clear, New Yorkers, especially women and caregivers, value fair and flexible work enormously – it is crucial to keeping these New Yorkers in the labor force, to employers’ efforts to retain valuable employees, and to the city’s competitiveness. The City should encourage businesses to both continue providing flexibility after the pandemic, and to further increase the flexibility they offer by gathering resources to help them comply with their legal obligations and providing information on best practices. The City should also consider convening a taskforce on work and care, bringing together employees, employers, advocates, and experts to develop further recommendations on how best to support employers and employees as they adapt to the changing nature of work and care during and after the pandemic.



# Appendix: Survey Methodology & Demographics

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The survey was distributed over the course of six weeks from October 28, 2020 to December 10, 2020 through an online platform.<sup>33</sup> Both A Better Balance and the Comptroller's Office reached out to community-based organizations across the five boroughs to distribute the survey.

While the survey is not a fully randomized sample, the analysis reflects the responses of 1,231 representative New Yorkers from every corner of the city. Many respondents were eager to share how difficult it has been for them to juggle work and caregiving responsibilities during the course of the pandemic. Their accounts, which are quoted throughout this report, are labeled with the respondent's race/ethnicity, familial relationship, and industry/type of work unless the respondent declined to provide that information.

Women were overrepresented among the respondents: 77 percent of responses came from women, who make up 52 percent of New York City's population. The disproportionate impact of the COVID-19 pandemic on women has been well documented, and it is not surprising that they were particularly motivated to share their experiences.

The racial and ethnic makeup of survey respondents was similar to that of New York City's population. Among all respondents who identified their race/ethnicity, 40 percent were white (non-Hispanic), compared to 32 percent of city residents; 21 percent of respondents were Black (non-Hispanic), compared to 22 percent of city residents; 25 percent of respondents were Hispanic/Latinx, compared to 29 percent of city residents; 8 percent of respondents were Asian or Pacific Islander (non-Hispanic), compared to 14 percent of city residents, and 3 percent selected two or more races, compared to 2 percent of the city population.

# Acknowledgements

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This report was authored by David Saltonstall, Alyson Silkowski, and Allison Stillerman from the Comptroller's Office and Dina Bakst, Sarah Brafman, and Meghan Racklin from A Better Balance. The authors would like to thank Molly Weston Williamson and Sherry Leiwant from A Better Balance for their feedback and contributions to the report, as well as Madeleine Villanueva from A Better Balance and the Comptroller's Office's Public Affairs team, whose outreach was instrumental to ensuring the survey findings reflected the diversity of the city. The authors would also like to thank Angela Chen and Archer Hutchinson from the Comptroller's Office for their work to design and prepare the report for publication.

The Comptroller's Office and A Better Balance are especially grateful to the more than 1,200 New Yorkers who took the time, during what continues to be a challenging and demanding period, to complete the survey and share their experiences.

# Endnotes

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<sup>1</sup> See Kate Bahn & Carmen Sanchez Cumming, *What the Coronavirus Recession Means for U.S. Public Sector Employment*, WASH. CTR. FOR EQUITABLE GROWTH (Oct. 2, 2020), <https://equitablegrowth.org/what-the-coronavirus-recession-means-for-u-s-public-sector-employment/>; Center for American Progress, *When Women Lose All the Jobs: Essential Actions for a Gender-Equitable Recovery* (February 2021), <https://www.americanprogress.org/issues/women/reports/2021/02/01/495209/women-lose-jobs-essential-actions-gender-equitable-recovery/>.

<sup>2</sup> FAMILIES AND FLEXIBILITY: BUILDING THE 21<sup>ST</sup> CENTURY WORKFORCE: A SURVEY BY COMPTROLLER SCOTT STRINGER (2015), <https://comptroller.nyc.gov/wp-content/uploads/documents/FlexSurveyReport.pdf>.

<sup>3</sup> N.Y. LAB. L. § 196-b (McKinney 2021); see also A BETTER BALANCE, KNOW YOUR RIGHTS: NEW YORK STATE SICK TIME (2020), <https://www.abetterbalance.org/resources/know-your-rights-new-york-state-paid-sick-time/>. Note that sick time under this law was not yet available at the time survey responses were solicited.

<sup>4</sup> N.Y.C. ADMIN. CODE § 20-911 et seq. (2020).

<sup>5</sup> N.Y. WORK. COMP. L. § 204 et seq. (McKinney 2021); see also A BETTER BALANCE, FAMILY LEAVE WORKS NEW YORK: KNOW YOUR RIGHTS, <https://www.abetterbalance.org/family-leave-works-new-york/know-your-rights/> (last visited Feb. 11, 2021).

<sup>6</sup> N.Y.C. ADMIN. CODE § 20-1201 et seq. (2018); N.Y.C. ADMIN. CODE § 20-1221 et seq. (2018).

<sup>7</sup> Families First Coronavirus Response Act, Pub. L. 116-27, 134 Stat. 178 (2020).

<sup>8</sup> See Courtney Connley, *More than 860,000 Women Dropped Out of the Labor Force in September, According to a New Report*, CNBC (Oct. 2, 2020, 2:45 PM), <https://www.cnbc.com/2020/10/02/865000-women-dropped-out-of-the-labor-force-in-september-2020.html>; Courtney Connley, *A Year Ago, Women Outnumbered Men in the U.S. Workforce, Now They Account for 100% of Jobs Lost in December*, CNBC (Jan. 11, 2021, 2:37 PM), <https://www.cnbc.com/2021/01/11/women-account-for-100percent-of-jobs-lost-in-december-new-analysis.html>.

<sup>9</sup> See RAISING NEW YORK, SUPPORTING FAMILIES AND POWERING NEW YORK'S ECONOMIC RECOVERY 4 (May 2020), <https://scaany.org/wp-content/uploads/2020/05/Reopening-Child-Care.pdf>; SCHUYLER CENTER, BACK TO SCHOOL CHECKLIST FOR FALL 2020: CHILD CARE,

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AFTERSCHOOL CARE, AND PAID FAMILY LEAVE 2 (Sept. 2020), <https://scaany.org/wp-content/uploads/2020/09/Back-to-School-Checklist-for-Fall-2020-9-10-20.pdf>.

<sup>10</sup> OFFICE OF THE NEW YORK CITY COMPTROLLER SCOTT M. STRINGER, NYC UNDER 3: A PLAN TO MAKE CHILD CARE AFFORDABLE FOR NEW YORK CITY FAMILIES (2019), <https://comptroller.nyc.gov/reports/nyc-under-three-a-plan-to-make-child-care-affordable-for-new-york-city-families/>.

<sup>11</sup> Empire State Campaign for Child Care and Winning Beginning New York, 2021-2022 New York State Budget Request for Child Care (January 2021), <http://www.empirestatechildcare.org/budget-ask.html>.

<sup>12</sup> Senate Bill S2830, <https://www.nysenate.gov/legislation/bills/2021/s2830>.

<sup>13</sup> N.Y.C. ADMIN. CODE § 20-1201 et seq. (2018); N.Y.C. ADMIN. CODE § 20-1221 et seq. (2018); *see also* NYC DEPARTMENT OF CONSUMER AND WORKER PROTECTION, INFORMATION FOR EMPLOYEES: NYC TEMPORARY SCHEDULE CHANGE LAW, <https://www1.nyc.gov/site/dca/workers/workersrights/temporary-schedule-change-law-employees.page> (last visited Feb. 11, 2021).

<sup>14</sup> N.Y.C. ADMIN. CODE § 8-107 (2019); *see also* A BETTER BALANCE, THE NY WORKING WOMAN'S POCKET GUIDE: FAMILIAL STATUS & CAREGIVER DISCRIMINATION, <https://www.abetterbalance.org/new-york-working-womans-pocket-guide/familial-status-caregiver-discrimination/> (last visited Feb. 11, 2021).

<sup>15</sup> N.Y. EXEC. L. § 296-d (McKinney 2021); *see also* A BETTER BALANCE, THE NY WORKING WOMAN'S POCKET GUIDE: FAMILIAL STATUS & CAREGIVER DISCRIMINATION, <https://www.abetterbalance.org/new-york-working-womans-pocket-guide/familial-status-caregiver-discrimination/> (last visited Feb. 11, 2021).

<sup>16</sup> N.Y.C. ADMIN. CODE § 8-107 (2019); N.Y. EXEC. L. § 296-d (McKinney 2021); 42 U.S.C. § 2000e(k); 42 U.S.C. § 12101; *see also* A BETTER BALANCE, KNOW YOUR RIGHTS: NEW YORK, <https://www.abetterbalance.org/states/new-york/> (last updated January 11, 2021).

<sup>17</sup> N.Y.C. ADMIN. CODE § 8-107(22) (2019); N.Y. EXEC. L. § 296(3) (McKinney 2021); *see also* A BETTER BALANCE, THE NY WORKING WOMAN'S POCKET GUIDE: PREGNANCY ACCOMMODATIONS, <https://www.abetterbalance.org/new-york-working-womans-pocket-guide/pregnancy-accommodations/> (last visited Feb. 11, 2021).

<sup>18</sup> N.Y.C. ADMIN. CODE § 8-102 (2019); N.Y. EXEC. L. § 292(2) (McKinney 2021).

<sup>19</sup> N.Y.C. ADMIN. CODE § 8-107 (2019); *see also* A BETTER BALANCE, KNOW YOUR RIGHTS: NEW YORK, <https://www.abetterbalance.org/states/new-york/> (last updated January 11, 2021).

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<sup>20</sup> See, e.g., DINA BAKST, ELIZABETH GEDMARK, & CHRISTINE DINAN, A BETTER BALANCE, MISLED AND MISINFORMED: HOW SOME U.S. EMPLOYERS USE “NO FAULT” ATTENDANCE POLICIES TO TRAMPLE ON WORKERS’ RIGHTS (AND GET AWAY WITH IT) (2020), [https://www.abetterbalance.org/wp-content/uploads/2020/06/Misled\\_and\\_Misinformed\\_A\\_Better\\_Balance-1-1.pdf](https://www.abetterbalance.org/wp-content/uploads/2020/06/Misled_and_Misinformed_A_Better_Balance-1-1.pdf).

<sup>21</sup> *Id.*

<sup>22</sup> N.Y.C. ADMIN. CODE § 20-924 (2020).

<sup>23</sup> N.Y.C. ADMIN. CODE § 20-911 et seq. (2020); see also A BETTER BALANCE, KNOW YOUR RIGHTS: NEW YORK CITY PAID SICK TIME, <https://www.abetterbalance.org/resources/know-your-rights-new-york-city-paid-sick-time/> (last updated January 15, 2021).

<sup>24</sup> N.Y. WORK. COMP. L. § 204 et seq. (McKinney 2021); see also A BETTER BALANCE, FAMILY LEAVE WORKS NEW YORK: KNOW YOUR RIGHTS, <https://www.abetterbalance.org/family-leave-works-new-york/know-your-rights/> (last visited Feb. 11, 2021).

<sup>25</sup> 2020 N.Y. Sess. Laws ch. 25 (S. 8091) (McKinney); see also A BETTER BALANCE, FACT SHEET: NEW YORK STATE’S EMERGENCY PAID SICK LEAVE LEGISLATION, <https://www.abetterbalance.org/resources/fact-sheet-new-york-states-paid-sick-leave-legislation/> (last updated March 17, 2020).

<sup>26</sup> N.Y. LAB. L. § 196-b (McKinney 2021); see also A BETTER BALANCE, KNOW YOUR RIGHTS: NEW YORK STATE SICK TIME (2020), <https://www.abetterbalance.org/resources/know-your-rights-new-york-state-paid-sick-time/>.

<sup>27</sup> Families First Coronavirus Response Act, Pub. L. 116-27, 134 Stat. 178 (2020).

<sup>28</sup> See A BETTER BALANCE, PAID SICK LEAVE CHART (2021), <http://www.abetterbalance.org/resources/paid-sick-time-legislative-successes/>.

<sup>29</sup> *Id.*

<sup>30</sup> N.Y.C. ADMIN. CODE § 8-107(23) (2019).

<sup>31</sup> N.Y.C. ADMIN. CODE § 20-927 et seq. (2019).

<sup>32</sup> Department of Consumer and Worker Protection, Demanding Rights in an On-Demand Economy: Key Findings from Year One of NYC’s Freelance Isn’t Free Act 7 (2018), <https://www1.nyc.gov/assets/dca/downloads/pdf/workers/Demanding-Rights-in-an-On-Demand-Economy.pdf>.

<sup>33</sup> Note that sick time under New York State’s new, permanent paid sick time law was not available until January 1, 2021, after data collection for this survey ended.





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