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H.461 - An act relating to expanding employee access to unpaid leave

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Committee members, thank you for inviting me to speak on House Bill 461 an act relating to expanding employee access to unpaid leave. My name is Johanna de Graffenreid and I represent the nearly 600 members of Vermont Businesses for Social Responsibility (VBSR). Our members include small and large businesses ranging across all economic sectors in Vermont. For years VBSR has supported comprehensive universal Paid Family and Medical Leave for all Vermonters. H.461 is a pragmatic step to equitably expanding Paid Family and Medical Leave and we support the passage of this legislation into law.

There are several aspects of H.461 which I would like to address in my testimony today. The first is the importance of expanding Paid Family and Medical Leave to be inclusive of LGBTQIA+ employees in Vermont. Twelve states have expanded their Paid Family and Medical Leave programs to better include LGBTQIA+ employees and their families — including Connecticut, Maine, New York and Massachusetts¹. These states have expanded their PFML programs to cover LGBTQIA+ individuals, even if these couples are not legally married. With 19,000 employees identifying as LGBTQIA+ in Vermont as of 2020 (according to the Williams Institute at UCLA²) the proposed coverage expansion in H.461 is a crucial step towards addressing the Paid Family and Medical Leave needs of working LGBTQIA+ Vermonters, their children, family members, and partners.

The second item in the bill which VBSR strongly supports is the inclusion of miscarriage as being explicitly named as a medical event covered by Paid Family and Medical Leave. Currently a miscarriage is covered only if it requires in-patient hospitalization or a “regimen of continuing treatment” under supervision of a healthcare provider³. According to the Fact Sheet provided by the State of Vermont on our Paid Family and Medical Leave policy continuing

¹ https://www.lgbtmap.org/equality-maps/fmla_laws

² <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-ND-Protections-Update-Apr-2020.pdf>

³ https://humanresources.vermont.gov/sites/humanresources/files/documents/Labor_Relations_Policy_FF_O/Labor_Relations/DHR-FMLA_Info.pdf?_gl=1*a14pnd*_ga*MTIzMDMyMTE5LjE3MzQ2OTU4MTc.*_ga_V9WQH77KLW*MTczNzMxOTc2Mi4yLjAuMTczNzMxOTc3MS4wLjAuMA..

regimen of treatment is defined as *“A regimen of continuing treatment includes, for example, a course of prescription medication (e.g. an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves, or bed-rest, drinking fluids, exercise, or other similar activities that can be initiated without a visit to a health care provider.”* While prescription medication may be needed to resolve the health care issues relating to a miscarriage, this is not always the case.

Similarly, while in some instances it may be medically necessary for an individual to be admitted overnight into the hospital after a miscarriage this is very often not the case. It is not common practice for individuals experiencing a miscarriage to be admitted to the hospital. The way our PFML law is currently written can leave employees experiencing a miscarriage uncovered by Paid Family and Medical Leave despite needing several days to recover from the medical event. Due to the significant nature of the health event, VBSR supports employees having explicit PFML coverage in the instance of a miscarriage regardless of if admittance to the hospital or a regimen of continuing treatment is required.

Lastly, VBSR strongly supports the expansion of our Paid Family and Medical Leave policy to include paid leave for survivors of intimate partner violence, sexual assault, and stalking aka “Safe Leave”. According to the Women’s Bureau at the US Department of Labor *“As of April 2024, six of the 13 state paid family and medical leave laws permit employees to take leave to address the needs of survivors of domestic violence, sexual assault or stalking...”*⁴. Included in the 6 states which include Safe Leave in their PFML policy, Maine is one. Often survivors of stalking and violence need time to seek medical or mental health care, relocating to a safer home, going to court, or to find support services. According to national survey data, 15.9 million U.S. women (12.7 percent) and 6.7 million U.S. men (5.7 percent) have missed at least one day of work due to intimate partner violence over their lifetimes⁵ Ensuring that this time is paid and that employees’ jobs are protected while seeking services is crucial for supporting survivors in need of Safe Leave in Vermont.

I want to also leave you all with some information on the benefits to employers, and to the economy, when employees are covered under robust Paid Family and Medical Leave

⁴ <https://www.dol.gov/sites/dolgov/files/WB/paid-leave/HistoryOfPaidLeaveUS.pdf>

⁵ https://www.cdc.gov/nisvs/documentation/nisvsreportonipv_2022.pdf?CDC_AAref_Val=https://www.cdc.gov/violenceprevention/pdf/nisvs/NISVSReportonIPV_2022.pdf

policies. Caregiving is the bedrock of Vermont's economy and significantly impacts a business's bottom line. Employees often face the tough choice of leaving their jobs for caregiving duties and medical needs, while employers bear the high financial and cultural costs associated with employee turnover. This economic dynamic has a pronounced impact on gender equity as the majority of those leaving their careers to provide care are women. In Vermont, there's a notable 6% labor force participation gap between women and men. Expanding our PFML policy will only aid in addressing the gender gap in our workforce and ultimately expand the number of employees available for hire during our state's workforce shortage.

A lack of paid Safe Leave also harms businesses and the economy because of reduced productivity and the costs of increased turnover. The National Institute of Health published a 2017 study estimating that the American economy loses approximately \$137.8 billion (in 2017 USD) in short-term productivity due to gender-based violence and harassment⁶. Providing for employees and their families as they seek medical and legal resources after instances of violence and stalking promotes job security, and Vermont's economy.

Additionally, Vermont has an aging population and workers need resources to be able to care for themselves and other aging Vermonters. Right now, more than one in four Vermont workers are 55 and older and within the next 20 years, the portion of Vermont's population age 65 and older is expected to grow by more than a quarter. Family caregivers are already spending, on average, a quarter (26%) of their income on caregiving activities, however a universal paid leave program would add about 13,000 family caregivers to Vermont's workforce by 2030 – a telling figure given Vermont's current workforce shortage.

Vermont Businesses for Social Responsibility for the reasons I've listed in my testimony, as well as countless ethical and economic arguments in favor of a larger robust universal Paid Family and Medical Leave program, we support the passage of H.461 into law. We hope that the legislature will continue to expand this crucial program for all working Vermonters, and their families, and this bill is a thoughtful and important next step in making our Paid Family and Medical leave policy more equitable, fair and inclusive.

Thank you for your time, and for inviting me to speak on behalf of VBSR and our members today on this important piece of legislation.

⁶ <https://pubmed.ncbi.nlm.nih.gov/29776781/>