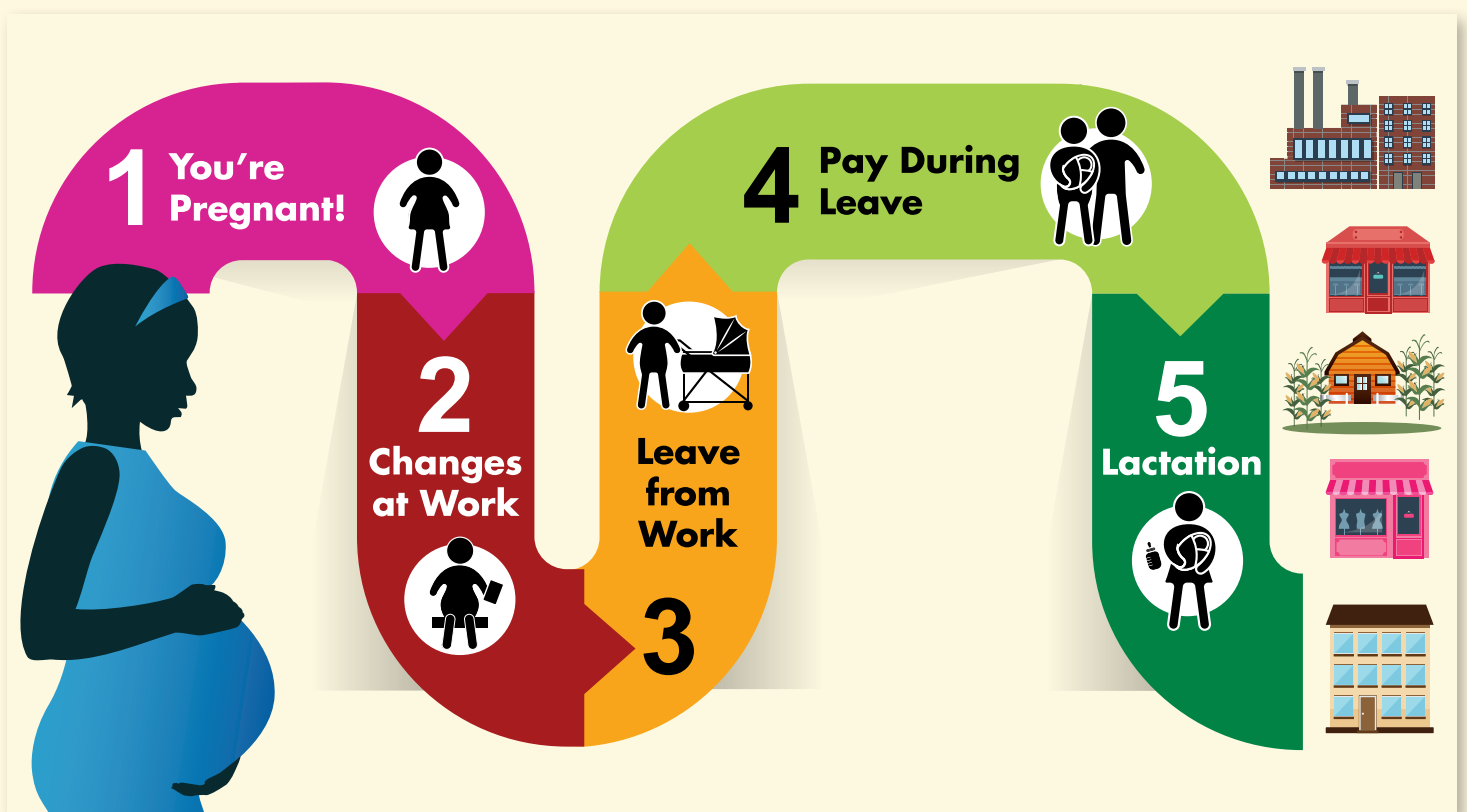


# PREGNANCY + MY JOB: A Case Study in Creating Know-Your-Rights Materials for Working Parents



## ABOUT THIS CASE STUDY

In this case study, Legal Aid at Work (“LAAW”), a non-profit legal advocacy organization serving low-income working families, offers insights and lessons learned from the creation of **Pregnancy + My Job: A Roadmap** and **Pregnancy + My Job: A Guide to What, When, How**, two companion educational resources that describe how workers in California can navigate their rights at work during pregnancy and beyond. Specifically, this case study provides information for advocates across the country who may be interested in creating their own Know-Your-Rights materials to help families with low incomes understand and access their workplace rights. This report highlights the critical role of multi-sector collaboration in synthesizing and distributing information about complex legal rights.

Collaborating with health care providers can be an effective way to distribute workplace rights information to patients and families. Legal Aid at Work offers training and technical assistance, serves as a referral resource, and provides on-site legal clinics at health care centers for low-income families, including Zuckerberg San Francisco General Hospital Women's Clinic and Women, Infants and Children (WIC) offices in Contra Costa County. Such partnerships can help patients secure important workplace rights like Paid Family Leave and pregnancy accommodations.

In recent surveys, **97% of health care providers and advocates** trained by Legal Aid at Work "agreed" or "strongly agreed" that "addressing patients' employment-related legal needs is as important as addressing their medical condition," and 99% agreed that the information they learned would be useful to their patients.

# DEVELOPING THE IDEA FOR THE PREGNANCY + MY JOB ROADMAP AND GUIDE

## PREGNANCY CAN BE A TIME OF ECONOMIC INSECURITY.

"The birth of a child is a time of particular vulnerability for low-income families, putting them at risk of falling into poverty for reasons including job loss and increased expenses."<sup>i</sup> Indeed, in California, 28% of women or their partners experience job loss during pregnancy, and 22% have their pay or hours cut during pregnancy.<sup>ii</sup> Rates are even higher for women of color.<sup>iii</sup>

## WORK SUPPORTS DURING PREGNANCY IMPROVE FAMILY HEALTH AND WELLBEING.

California law provides pregnant individuals and new parents with a range of workplace rights, from job-protected paid leave to pregnancy and lactation accommodations, which can preserve parents' employment and positively impact the health and wellbeing of families. Parental leave is associated with decreased maternal depression and improved infant and childhood cognitive development.<sup>iv</sup> Parents who breastfeed have a lower risk of getting breast and ovarian cancers, type 2 diabetes, postpartum depression and cardiovascular disease, and breastfed babies are less likely to develop asthma, ear infections, diarrhea, pneumonia, and obesity.<sup>v</sup>

## AWARENESS OF WORKPLACE RIGHTS IS LOW.

Yet, there is widespread confusion and lack of awareness about these rights, especially among vulnerable families who are most likely to need these protections. Although virtually all private employees pay into California's Paid Family Leave program, which has been in place since 2004, a 2015 poll found that only 36% of California voters had ever heard of Paid Family Leave. Moreover, awareness has declined since 2011, with decreases most significant among people with low incomes, people of color, those with no more than a high school education, and women.<sup>vi</sup> Through its Work and Family Helpline and partnerships with health care providers, Legal Aid at Work has interacted with thousands of families who face barriers navigating the complex systems and laws designed to provide workplace supports during pregnancy and parenting.

## PREGNANCY + MY JOB FACTSHEET EXPLAINS WHICH LAWS APPLY.

In 2014, in collaboration with our health care partners at the San Francisco Department of Public Health, UC San Francisco, and Zuckerberg San Francisco General Hospital, LAAW created a **Pregnancy + My Job** factsheet that describes the various laws that can apply to pregnant and parenting workers in California, their eligibility requirements, and what protections or benefits they offer. Over a period of three years, we disseminated these fact sheets at health clinics, used them to train social workers and health care providers, and gave them directly to clients in counseling them about their rights.

While many of our health partners and clients told us they found this resource helpful as it concisely explains legal rights and requirements for parents in California, we also received feedback from some clients and health care providers that the information was overwhelming and not easily accessible to a lay audience. Others told us that while the factsheet helped patients grasp what they are entitled to under the law, it failed to explain how to access those rights.

## PARENTS NEED TO KNOW WHEN AND HOW TO ACCESS THEIR RIGHTS.

Because laws are complex and have varying requirements and application processes, many people understandably fail to follow all the requisite steps to take full advantage of their rights. For this reason, it is critical to have legal experts provide or review the substantive information in informational materials regarding workplace rights. To obtain job-protected and paid parental leave, an employee may need to communicate with and provide distinct information and documents to her employer, her health care provider, and state agencies that administer Disability and Paid Family Leave benefits. The employee also must take these steps at specific points in time over the course of a pregnancy and recovery from childbirth. Thus, people need to know, not only whether they qualify, but also when and how to provide notice to their employer of their need for accommodations or time off work, and when and how to apply for Disability and Paid Family Leave benefits from the State.

**I'm pregnant in CALIFORNIA pregnancy + MY JOB**

see other side for **paid parent**

I have rights related to:	THESE LAWS MAY HELP:	Because they provide for:	Here's what to do:
<b>JOB PROTECTION</b> Need time off from your job?	<b>PDL</b> <b>PREGNANCY DISABILITY LEAVE</b> - 5+ employees - If eligible for both, runs at the same time as FMLA leave <b>FMLA (CFRA or NFPLA)</b> <b>FAMILY MEDICAL LEAVE ACT / CALIFORNIA FAMILY RIGHTS ACT OF NEW PARENT LEAVE ACT</b> - 1 year of service - 1250+ hrs of work in previous year - 20+ employees w/in 75 miles	<ul style="list-style-type: none"> <li>Up to 4 months job-protected, unpaid leave while disabled by pregnancy, childbirth or related condition</li> <li>Continuation of health benefits</li> </ul>	<b>Request from your employer</b>
<b>WAGE REPLACEMENT</b> Need income while you aren't working?	<b>SDI</b> <b>STATE DISABILITY INSURANCE</b> - Unable to work, or working less, due to disability - Paid into SDI during base period <b>PFL</b> <b>PAID FAMILY LEAVE</b> - On leave to bond with a newborn, newly adopted or foster child - Paid into SDI during base period	<ul style="list-style-type: none"> <li>Up to 60% or 70% of weekly wages, depending on income, for a max. of 52 weeks, after 1-week waiting period</li> <li>Up to 60% or 70% of weekly wages, depending on income, for a max. of 6 weeks (can be taken intermittently)</li> </ul>	<b>Apply at <a href="http://www.EDD.ca.gov">www.EDD.ca.gov</a></b>
<b>ACCOMMODATIONS AND EQUALITY</b> Need accommodations? Facing discrimination?	<b>FERA / LAL</b> <b>FAIR EMPLOYMENT &amp; HOUSING ACT</b> - 5+ employees <b>LACTATION ACCOMMODATIONS LAW</b>	<ul style="list-style-type: none"> <li>Changes to the way you do your job, transfer, or more leave as a reasonable accommodation for pregnancy</li> <li>Break time and private space (not a bathroom) for pumping</li> <li>Protection from retaliation</li> <li>Protection from discrimination, harassment, and retaliation</li> </ul>	<b>Request from your employer</b>  <b>Go to <a href="http://dfeh.ca.gov">dfeh.ca.gov</a> or <a href="http://dlse.ca.gov">dlse.ca.gov</a></b>

**HOW THIS MIGHT WORK**

Lisa needs 4 weeks off before her due date and 6 weeks off to recover. After that, she needs 12 weeks off to bond with her newborn.

job-protected pregnancy & childbirth disability leave (PDL / FMLA)  
job-protected bonding leave (CFRA or NFPLA)  
wage replacement (SDI, PFL)

**LEGAL AID AT WORK**  
QUESTIONS @  
Call 800-880-8047  
[legalaidatwork.org](http://legalaidatwork.org)

Legal Aid at Work cannot ensure this information is current or be responsible for any use to which it is put.

**LEGAL AID AT WORK**

**WORK & FAMILY HELPLINE**  
LÍNEA DE AYUDA DEL TRABAJO Y LA FAMILIA  
工作和家庭项目电话专线

**CALL FOR FREE AND CONFIDENTIAL LEGAL ADVICE.**  
LLAME PARA AYUDA LEGAL CONFIDENCIAL Y GRATUITA.  
请致电获取免费和保密的法律咨询。

**1-800-880-8047**

**LEGAL AID AT WORK**

**WORK & FAMILY HELPLINE**  
LÍNEA DE AYUDA DEL TRABAJO Y LA FAMILIA  
工作和家庭项目电话专线

**CALL FOR FREE AND CONFIDENTIAL LEGAL ADVICE.**  
LLAME PARA AYUDA LEGAL CONFIDENCIAL Y GRATUITA.  
请致电获取免费和保密的法律咨询。

**1-800-880-8047**

# THE CREATION OF PREGNANCY + MY JOB ROADMAP AND GUIDE

## WE DEVELOPED NEW MATERIALS WITH CLIENTS AND PARTNERS.

Recognizing this need, in collaboration with our clients and representatives of health and social service agencies throughout California, LAAW conceptualized a one-page roadmap to show in a colorful and visually appealing way the main steps one must take to access their rights along the path from pregnancy to returning to work. We and our partners also envisioned a guide to accompany the roadmap to provide more details about these steps, which would be accessible to low-literacy readers, and translated into multiple languages. Our goal was to create materials that would empower low-income parents to access pregnancy and parental leave and other benefits that are critical for the health and well-being of their families.

We began the process of creating these materials by convening representatives of 16 health and social service agencies, including the U.S. Department of Health and Human Services Office on Women's Health, California's Employment Development Department, San Francisco's Office of Labor Standards Enforcement, First 5 San Francisco, Women, Infants and Children (WIC), and the San Francisco Department of Public Health, with the goal of reviewing and improving upon the content and dissemination of our existing



Pregnancy + My Job factsheet. A subset of this group met again a few months later and generated a key recommendation: that Legal Aid at Work develop new outreach tools that detail each step an expecting parent must take to access the accommodations and leave to which s/he is entitled.

### **WE TESTED DRAFT MATERIALS WITH PARTNERS AND PARENTS.**

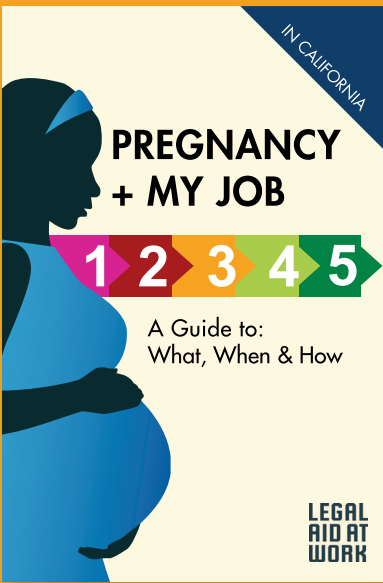
Next, LAAW developed working drafts of these new materials based on input from our clients and health partners. We then convened more than 30 health and social service partners, including WIC, Head Start, CalFresh, San Francisco and Contra Costa Departments of Public Health, Change Lab Solutions, Human Impact Partners, Zuckerberg San Francisco General Hospital, UCSF Center for Excellence in Women’s Health, Project 500, and many more, to practice using the tools in mock client/patient interactions and provide feedback on working drafts of the roadmap and guide.

Following the last convening, LAAW continued to update the documents as we sought and incorporated the input of additional partners throughout California and nationally.<sup>vii</sup>

Further, two public health educators with expertise in low literacy provided suggestions on how to make the documents more accessible to low-literacy readers. We also shared drafts and implemented feedback from our advisory board of employer representatives, low-income parents, policy advocates, and health care providers.

In addition to seeking feedback from individual clients, we also conducted focus groups with in-clinic health advocates for low-income parents, seeking their input on the utility and clarity of the documents, and to ask for parents’ opinions on the ideal way to disseminate the tools. We conducted one session with advocates and former clients of Homeless Prenatal Program and another with Mission Neighborhood Health Clinic.

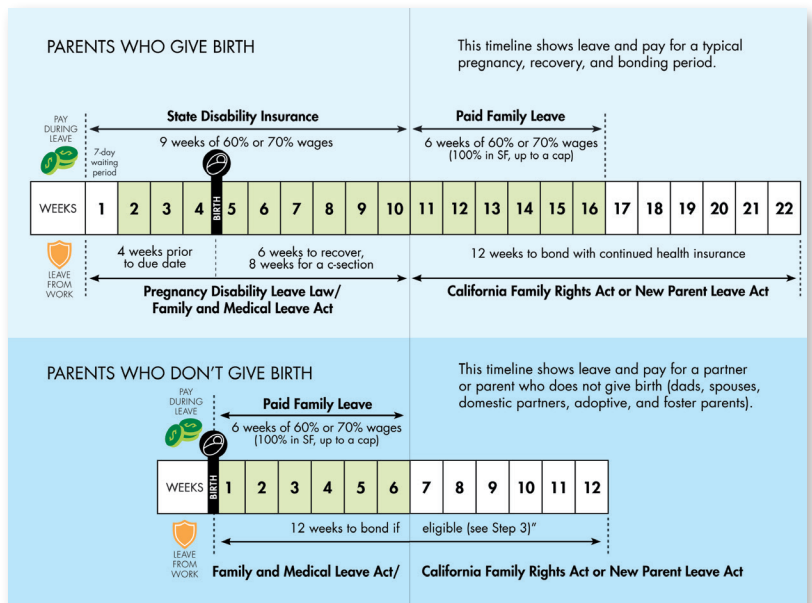
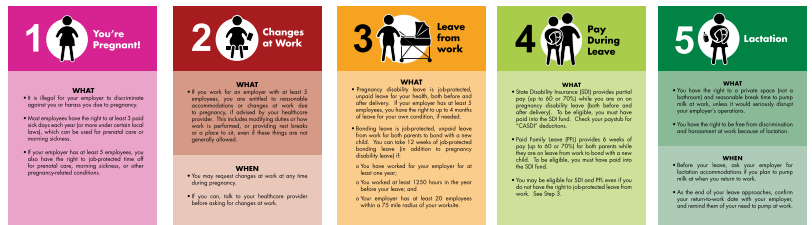




# THE FINAL ROADMAP AND GUIDE

The resulting one-page roadmap, which is available in 11x17 poster size for health clinics and social service agencies to display, as well as 8.5 x 11 for patients and clients to take home, shows 5 main steps along the roadmap: 1) You're Pregnant; 2) Changes at Work; 3) Leave from Work; 4) Pay During Leave; and 5) Lactation.

The accompanying Guide displays a mini-version of the Roadmap, and then provides detailed information regarding each of the five steps, broken down into three sub-categories of What, When, and How. The Guide includes a glossary of key terms and concludes with two timelines, one showing leave and pay for a parent who gives birth and another showing leave and pay for a parent who does not give birth, including fathers, same-sex partners, and adoptive and foster parents. Both the Roadmap and Guide refer to LAAW's Work and Family Helpline and website for sample letters, legal help, and additional resources. We have also translated the Roadmap and Guide into Spanish and Chinese.



# DISSEMINATION STRATEGY

At our convening, our working group developed a variety of recommended dissemination strategies. Many of these recommendations focus on incorporating the Roadmap and Guide into prenatal care to ensure that all low-income families receive clear, concise information about how to access their workplace rights. Virtually all pregnant individuals receive prenatal care, and most have multiple health care visits throughout their pregnancy and beyond. Thus, systematically distributing these resources through health care providers is an effective way to reach families at the exact moment they need this information.

## KEY RECOMMENDED DISSEMINATION STRATEGIES INCLUDE:

- a.** Creating a train-the-trainer curriculum for peer educators, health care providers, social workers, and social service providers to teach them how to use these tools with low-income pregnant patients and clients to help them access their rights.
- b.** Partnering with statewide health systems and social service programs to systematically distribute the materials to families served by these programs. Legal Aid at Work has begun to implement this strategy with the Comprehensive Perinatal Services Program, which provides prenatal care to Medicaid-insured individuals throughout California. We also have begun disseminating the resources to Black Infant Health, Women, Infants and Children (WIC), First 5 California, and Nurse Family Partnership.
- c.** Conducting webinars for provider groups including the American College of Obstetricians and Gynecologists, California Medical Association, etc.
- d.** Ensuring that the Roadmap and Guide are included in prenatal and postpartum information packets distributed to patients.
- e.** Presenting at California Head Start Association, First 5 California, and other early childhood education conferences.
- f.** Organizing and developing political and government support for the dissemination of the resources.

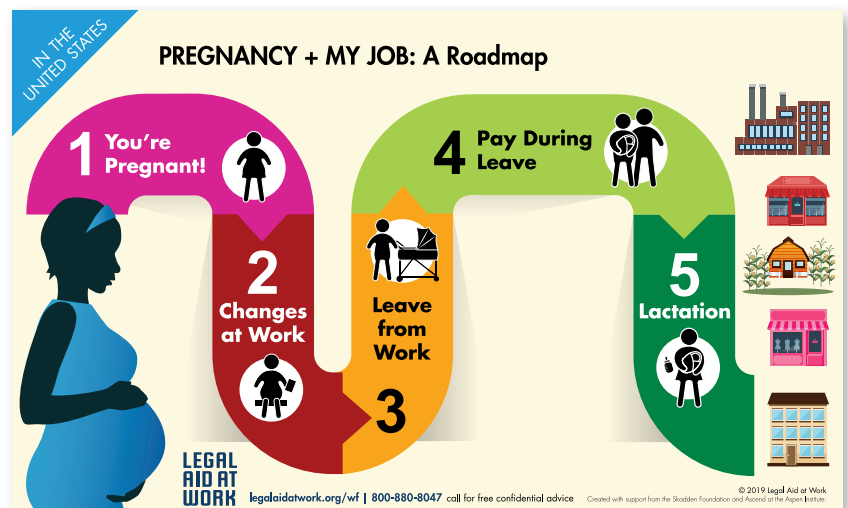
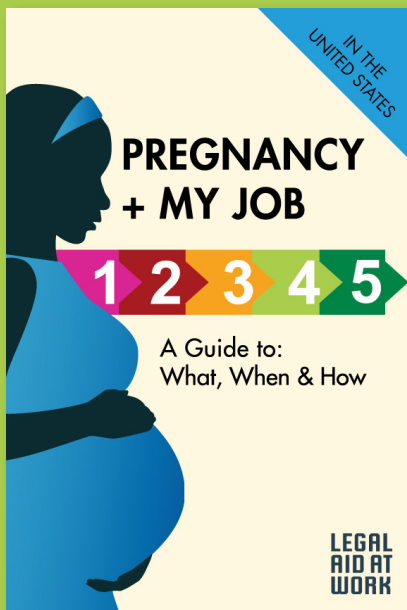
In addition to the above strategies, LAAW has begun using the Roadmap and Guide in trainings and consultations with low-income families seeking legal advice on their rights to pregnancy and parental leave and related benefits. We also have made it available to patients and providers at our medical legal partnership sites in the Bay Area: UC San Francisco, Zuckerberg San Francisco General Hospital, and WIC offices in Contra Costa County. We have posted the materials on our website, including a “flipbook” version of the Guide, and have sent the materials to members of our Healthy Mothers Workplace coalition, advisory board, and the California Work and Family Coalition.

Several states have passed paid family and medical leave and pregnancy accommodation laws. Pending federal legislation, including the FAMILY Act and the Pregnant Workers Fairness Act, would expand work and family rights under federal law.

## FUTURE WORK

Given the positive reception the Roadmap and Guide have received, including from national organizations and partners outside of California, LAAW is interested in exploring the possibility of partnering with and/or providing technical assistance to sister organizations around the country to adapt these tools to other jurisdictions. While California has some of the strongest work family supports in the country, an increasing number of states have their own laws addressing paid and/or job-protected leave and accommodations for pregnant and parenting workers. Further, under existing federal law, many workers are entitled to accommodations during pregnancy, job-protected leave to have a child and bond with a baby, and lactation accommodations. Pending federal legislation, including the FAMILY Act and the Pregnant Workers Fairness Act, would expand rights under federal law.

Because fathers, non-birth parents, and family caregivers underutilize leave and may not realize they have rights, we would like to create similar resources for parents who do not give birth, as well as individuals caring for ill loved ones.



# LESSONS LEARNED

We learned some key lessons throughout the process of creating the Pregnancy + My Job Roadmap and Guide:

**1 Developing resources with the input of low-income working families made the final products much more impactful and useful to our target audience.** The need for these products arose directly from our clients, who were less interested in the names of laws and various eligibility requirements than in what they were entitled to and when and how to access their rights. Our clients expressed that they needed step-by-step instructions to guide them through the process of securing workplace protections.

**2 Engaging diverse stakeholders in the editing and review process improved the final products and made them more responsive to the needs of our target population.** For example, child care advocates recommended including the box in the Guide about child care subsidies and resources. Feedback from both clients and immigrants' rights advocates led us to include a statement that citizenship and immigration status do not affect the rights discussed in the Roadmap and Guide. Input from stakeholders also changed the design of the materials to make them more representative of diverse audiences, for example, by changing the parent icons to make them less gendered and including images of a variety of types of workplaces.

**3 Low-literacy expert review was critical to ensuring that the documents were accessible to our intended audience.** For example, low-literacy experts advised us to use shorter sentences, words with one or two syllables where possible, and more bullet points. They counseled against using jargon, contractions, and headings with all capital letters. They also advised against using abbreviations for laws and programs unless low-income families commonly use the abbreviations. They recommended specific word revisions, for example, "additional pay" instead of "supplemental compensation"; "changing" instead of "modifying"; and "expected" instead of "anticipated". We included a glossary of key terms and visual timelines in the back of the Guide. The experts' input also changed the design of the materials. For example, they counseled against using light colored letters on a dark background, and recommended color schemes that would be easy to copy in black and white.

**4 Collaborating with a broad range of stakeholders in creating educational tools can be a significant first step toward large-scale, state-level distribution.** Because we worked so closely with so many agencies and individuals in developing the tools, our partners are now invested in and enthusiastic about distributing the resources they helped create to their networks. In a survey administered after our convening, 95% of participants agreed or strongly agreed with the statement, "I would like to participate in collaborating to increase awareness of and access to parental leave policies among working parents," and all participants agreed or strongly agreed with the statement, "Today's meeting was effective in developing action steps to implement the use of workplace rights materials in my program or agency." One attendee remarked, "It's very informative and my clients will benefit from the information I'll be sharing with them." Another reviewer commented, "This is such a great resource! Can't wait to share this with folks!" As a result of this collaboration, a diverse group of partners, including employer associations, policy advocates, health groups, and funders, have committed to help distribute the Roadmap and Guide.

# CONCLUSION

The creation of the Pregnancy + My Job Roadmap and Guide demonstrates the value of multi-sector collaboration to educate families with low incomes about their workplace rights. Engaging diverse stakeholders from the beginning – including patients and families, health and social service providers, employer groups, and community advocates – not only improves the final product, but creates investment among partners in a more effective distribution and education campaign.

IN CALIFORNIA

## PREGNANCY + MY JOB: A Roadmap

See our accompanying guide for more detailed information.

Your partner may also qualify for time off and pay.

1

### You're Pregnant!

Learn about your rights at [legalaidthatwork.org](http://legalaidthatwork.org). You may have the right to paid sick days and time off for prenatal care.



2

### Changes at Work

Talk to your doctor about your job. If you need changes at work, bring a doctor's note to your employer.



4

### Pay During Leave

When your leave begins, apply for State Disability Insurance. After you recover, apply for 6 more weeks of Paid Family Leave. Contact EDD ([edd.ca.gov](http://edd.ca.gov)) to apply for both.



### Leave from Work

Tell your employer at least 30 days before you plan to start your leave.

3

Disability leave can begin 4 weeks before your due date and lasts for 6 weeks after delivery (8 weeks for a c-section). Ask your employer if you qualify for 12 more weeks to bond.

5

### Lactation

Before your leave, ask your employer about your right to break time and a private space to pump at work.



**LEGAL  
AID AT  
WORK**

[legalaidthatwork.org/wf](http://legalaidthatwork.org/wf)  
800-880-8047 call for free confidential advice

© 2018 Legal Aid at Work

Created with support from the Skadden Foundation and Ascend at the Aspen Institute.

# ACKNOWLEDGMENTS

Legal Aid at Work is a member of the Aspen Family Prosperity Innovation Community, an initiative that develops and shares bold strategies that strengthen families' employment, economic security, health and well-being. This case study, and the Pregnancy + My Job Roadmap and Guide, were developed with support from Ascend at the Aspen Institute. The Skadden Foundation provided seed funding for the Roadmap and Guide. Legal Aid at Work is grateful to the Healthy Mothers Workplace Advisory Board<sup>viii</sup>, as well as each of our clients, focus group participants, low-literacy experts<sup>ix</sup>, partners, and members of our working group<sup>x</sup> who provided invaluable feedback on the need for and ways to improve the Roadmap and Guide. We are also grateful to Den Legaspi at ARC & TYPE design for her graphic design of these materials.

---

<sup>i</sup> U.S. Dep't of Health & Human Servs., Exploring the Relationship between Paid Family Leave and the Well-Being of Low-Income Families: Lessons from California (2017).

<sup>ii</sup> Cal. Dep't of Pub. Health, MIHA Report, 2013-2014: Data from the Maternal and Infant Health Assessment (MIHA) Survey (2016).

<sup>iii</sup> Ibid.

<sup>iv</sup> J. Heymann et al., Creating and Using New Data Sources to Analyze the Relationship between Social Policy and Global Health: The Case for Maternal Leave, 126 Pub. Health Reps. (Supp. 3 2011).

<sup>v</sup> American Acad. of Pediatrics, Sec. on Breastfeeding, Breastfeeding and the Use of Human Milk, 129(3) Pediatrics e827 (2012); Off. of the Surgeon Gen., The Surgeon General's Call to Action to Support Breastfeeding (2011); M.S. Kramer et al., Breastfeeding and Child Cognitive Development: New Evidence From a Large Randomized Trial, 65(5) Archives of Gen. Psychiatry 578 (2008); M.C. Bartick et al., Suboptimal Breastfeeding in the United States: Maternal and Pediatric Health Outcomes and Costs, 13(1) Maternal Child Nutrition (2017); Mandy B. Belfort et al., Breast Milk Feeding, Brain Development, and Neurocognitive Outcomes: A 7-year Longitudinal Study in Infants Born at Less than 30 Weeks' Gestation, 177 J. Pediatrics 133 (2016); E.P. Gunderson et al., Duration of Lactation and Incidence of the Metabolic Syndrome in Women of Reproductive Age According to Gestational Diabetes Mellitus Status: A 20-Year Prospective Study in CARDIA (Coronary Artery Risk Development in Young Adults), 59(2) Diabetes 495 (2010); E.B. Schwarz et al., Duration of Lactation and Risk Factors for Maternal Cardiovascular Disease, 113(5) Obstetrics and Gynecology 974 (2009).

<sup>vi</sup> M. DiCamillo & M. Field, The California Field Poll (2015).

<sup>vii</sup> For example, we distributed the draft and invited feedback from partners including MomsRising, A Better Balance, and Reaching Our Sisters Everywhere (ROSE), at the Make Family Leave Not Suck Policy Summit, a convening of 60 advocates, policymakers, researchers, health providers, and other community groups to advance a shared goal of improving access to equitable paid leave. We also incorporated feedback from state partners including the Child Care Law Center.

<sup>viii</sup> The Healthy Mothers Workplace Advisory Board includes Felicia Lawson, former client of Legal Aid at Work; Curtis Chan, M.D., and Jenna Gaarde of San Francisco Department of Public Health; Rebecca Jackson, M.D. and Melanie Thomas, M.D., of Zuckerberg San Francisco General Hospital and UC San Francisco; Mark Herbert of Small Business Majority; Emily Loper of Bay Area Council; Clarissa Douthard of Parent Voices Oakland; Sabrina Adler of ChangeLab Solutions; Jenya Cassidy and Allison Guevara of the California Work and Family Coalition; Elizabeth Newman of San Francisco Department on the Status of Women; Lorena Martinez-Ochoa of Contra Costa Health Services; Evelyn Rangel-Medina of Restaurant Opportunities Center United; and Tahnee Gantt of Zuckerberg San Francisco General Hospital.

<sup>ix</sup> Low-literacy review was conducted by Liliana Ocegueda of San Francisco Department of Public Health and Therese McCluskey of Alameda County Public Health Department.

<sup>x</sup> We are especially grateful to the co-hosts, facilitators, and evaluators of our meetings to develop and obtain feedback on the Roadmap and Guide: Curtis Chan, M.D., Jenna Gaarde, and Liliana Ocegueda of San Francisco Department of Public Health; Shelli Rawlings-Fein of First 5 San Francisco; Sheila James of the U.S. Department of Health and Human Services; Jenya Cassidy and Allison Guevara of the California Work and Family Coalition, and Zea Malawa of Collective Impact to Prevent Preterm Birth Initiative.



## **ABOUT LEGAL AID AT WORK**

Legal Aid at Work is a public interest legal organization that advocates to improve the working lives of disadvantaged people. We represent clients in cases covering a broad range of employment-related issues including discrimination on the bases of race, gender, age, disability, pregnancy, sexual orientation, and national origin. Through community education, direct services, policy advocacy, and litigation, our Work and Family program protects the rights of pregnant individuals, new parents, and caregivers to take time off work, paid leave, and workplace accommodations without risking their jobs and income. For more information, see [legalaidatwork.org/wf](http://legalaidatwork.org/wf).