



August 14, 2023

Erin Good
BLS Clearance Officer
Division Management Systems, Bureau of Labor Statistics
Washington, D.C. 20212

Re: Notice of information collection; request for comment on the proposed reinstatement of the "ATUS Leave and Job Flexibilities Module"

Dear Ms. Good,

The National Partnership for Women & Families is writing to comment on the Bureau of Labor Statistics' June 13, 2023 "Notice of information collection; request for comment" ("the Notice") regarding the proposed reinstatement of the "ATUS Leave and Job Flexibilities Module."

The National Partnership for Women & Families is a non-profit, non-partisan advocacy organization with over 50 years of experience promoting fairness in the workplace, reproductive health and rights, access to quality, affordable health care and policies that help women and men meet the demands of their jobs and families. Since our founding as the Women's Legal Defense Fund in 1971, we have fought for every major federal policy advance that has helped women and families. We focus specifically on tackling gender-based barriers, often rooted in longstanding stereotypes and biases, used to limit the opportunities available to women, especially those whose identities are marginalized including women of color, disabled women, caregivers, LGBTQIA+ people and many others. As an organization dedicated to advancing policies that protect women and their families and advance economic and health equity, we were instrumental in the passage of the Family Medical Leave Act of 1993 and are one of the nation's foremost experts on paid leave and its impacts on health and economic security.

We strongly support the Bureau of Labor Statistics' effort to reinstate the Leave and Job Flexibilities Module of the American Time Use Survey (ATUS) to understand how women and men spend their time and how paid leave can support their caregiving responsibilities. A substantial body of research documents the role of paid sick leave and paid family and medical leave policies in achieving economic well-being and increasing quality of life – and also identifies persistent inequities in access to these policies, particularly for women of color. For these reasons, we strongly urge the Bureau of Labor Statistics to reinstate the Leave and Job Flexibilities Module of the ATUS.

Additional Data Collection on Paid and Unpaid Leave Will Enhance Understanding of the Economy and Inform Future Policy Decisions

Though research makes clear that paid leave supports women's employment and quality of life, comprehensive, intersectional data are rare. Thus, collecting this module is important not only for research writ large, it is also essential to the mission of the Bureau of Labor Statistics which is the premier agency collecting data regarding economic and social issues.

As one of the country's leading organizations focused on paid leave, we can attest that these data will have practical utility. The data provided in previous versions of the ATUS Leave and Job Flexibilities Module have been essential to the National Partnership for Women & Families' research and advocacy.

[Paid leave](#) can be used to address a serious health condition (including pregnancy), care for a family member with a serious health condition, address family circumstances arising from a military service member's deployment, or care for a newborn, newly-adopted child or newly-placed foster child. Almost everyone will need time away from work to provide this care to people they love, but only [a quarter of workers](#) have access to paid leave through their employers. While the federal Family and Medical Leave Act (FMLA) provided unpaid leave and important job protections when it was passed 30 years ago, fewer than 60 percent of workers have access to these protections, and most can't afford to take unpaid leave.

Access to paid leave is also not evenly distributed across workers. [Low-earners and part-time workers very rarely have access to paid leave](#), and women, people of color, and disabled workers are more likely to fall into these categories due to occupational segregation. To ensure equitable access to paid leave, [13 states and the District of Columbia](#) have passed state paid leave programs and programs that have been implemented are [generally successful for workers and their employers](#). As these programs have become more established, BLS data have allowed researchers to investigate how these programs have impacted the economies of states; ATUS data including the Module could show how time usage has shifted, particularly for women who now have access to paid leave. This could allow for deeper analysis of state paid leave programs as well as providing further evidence for a comprehensive federal program.

The Leave and Job Flexibilities Module Will Add Minimal Survey Burden

Reinstating the Leave and Job Flexibilities Module to the ATUS will provide updated data for advocates and policymakers interested in time spent caregiving and how policies can affect this while only marginally increasing the burden on survey respondents. The number of additional questions is small, and previous versions of the Module were attached to the ATUS in 2011 and in 2017–18. These prior attachments provided new data on who had access to paid and unpaid leave, but more states and businesses have implemented paid sick and leave policies post-2018, particularly after the COVID-19 pandemic laid bare the need for these policies. The 2024 Module will allow us to understand the impact of these changes for the first time. While the addition of the Module will be a small survey burden, the importance of leave and job flexibility for the federal government and policymakers means the benefits of collecting this information far outweigh this burden.

Suggested Improvements to the Module

We recommend the following changes to the proposed module and/or reported data in order to provide improved data relevant to paid leave.

First, in order to better understand who has access to various forms of paid and unpaid leave by race/ethnicity, gender, sexual orientation and gender identity, and other demographic categories:

- Oversample underrepresented groups – particularly Native Hawaiians and Pacific Islanders and Native Americans, for whom data have not previously been reported that we are aware of

- Collect data on sexual orientation and gender identity in line with Executive Order 14075 and the Office of the Chief Statistician of the United States' [recommendations](#) on the best practices for the collection of sexual orientation and gender identity data on federal statistical surveys
- Publish tables broken down by disability status (which is already collected in ATUS), as it interacts with leave taking, both for self and for others
- Present data on the intersection of identities (e.g. Black women or disabled women) as intersecting identities have various impacts on leave taking

Second, in order to be more inclusive of respondents' lived experiences:

- Include language that makes clear that leave taken for one's family includes chosen family.
- Expand reasons for leave taking to include domestic violence/safe leave, bereavement, and school closures
- Add an additional question to the questions concerning one's own illness or care of the illness or care of a family member to ask if either of these illness/care stems from a disability or chronic illness

Third, to expand the conclusions we can draw about various non-federal leave programs:

- Improve sampling to allow for state-level estimates, even if not possible for all states
- Understand the duration of leave available for various purposes by either asking respondents about the amount of time available for the forms of leave they have access to or separately asking about access to leave for short-term purposes and longer-term purposes
 - For example, update: "Can you take paid leave for...Your own illness or medical care?" to two questions:
 1. Can you take paid leave for...Your own illness or medical care lasting one week or less?
 2. Can you take paid leave for...Your own serious illness or medical care lasting 12 weeks?
 - and similar revisions to the related questions on a family member's illness/medical care, eldercare, and birth or adoption of a child, etc.

Fourth, reduce survey burden by eliminating the question on leave taking for errands or personal reasons. In our view, "errands" seems too specific and "personal reasons" seems too broad to be especially useful.

Thank you for the opportunity to submit this comment. If you have any questions, please do not hesitate to contact Katherine Gallagher Robbins, Senior Fellow- Research (kgallagherrobbins@nationalpartnership.org) or Sharita Gruberg, Vice President for Economic Justice (sgruberg@nationalpartnership.org).

Sincerely,

The National Partnership for Women & Families