Hair-based Discrimination in the

 Transgender Women at Work in

 We Care for Home Health Care Workers

 for Animal Caretakers
 Women Led,

 Discrimination in the Workplace

Empowering Women in Erie County: Policy Briefs 2019

We Care for Home Health Care Workers for Animal Caretakers • Women Discrimination in the Workplace Women at Work in Erie Hair-based Discrimination Transgender Women at Work We Care for Home Health Care Workers for Animal Caretakers · Women Led, Discrimination in the Workplace Women at Work in Hair-based Discrimination in









Linking the theoretical with the practical is never a simple process. However it is crucial that we understand the importance of research and the theoretical constructs that research yields, as a vital component to understanding complex systems and always necessary to consider when addressing large scale social issues. This is why I am so pleased that the Erie County Commission on the Status of Women has forged a collaborative relationship with the University at Buffalo's department of Global Gender and Sexuality Studies with the creation of the Women's Studies Internship. This partnership will give students an opportunity to gain insight into how to best utilize research and theory to inform public policy and practice while offering those of us serving the public to gain greater insight into some of the most pressing issues impacting women in Erie County.

I want to thank Gwynn Thomas, PhD, Chair and Associate Professor, Department of Global Gender and Sexuality Studies, for her determination in bringing this program to fruition. I would also like to thank Karolina Kulicka, doctoral candidate and the Women's Studies Internship instructor for her tireless commitment to this project and finally to the students who have participated in this inaugural internship project. Thank you for your contribution to the ongoing work of creating more gender equitable policies that will promote greater social and economic justice for women in our community. One final thank you to internship student, Georgeann Kenny, for her design work on this policy brief document, well done!

Karen King PhD, Erie County Commissioner of Public Advocacy, Executive Director, ECCSW

Feminist theory has never meant to a purely academic practice, but a tool to address the urgent issues of the day. This booklet presents policy briefs, developed by gender studies students to inform policies that would empower women in Erie County. The briefs were created in the framework of an internship course, jointly designed by the Department of Global Gender and Sexuality Studies and the Erie County Commission on the Status of Women, to give students the hands-on opportunity to apply academic theory to practice.

Students spend the first six weeks of the course involved in an intensive classroom experience, designed to provide the grounding in gender analysis, feminist public policy, and research skills. During the remaining part of the semester, they applied their expertise to come up with new, research-grounded, recommendations on how to improve the situation of women in Erie County. This innovative course formula responds to a growing demand for people that have expertise in analyzing the differentiated effects of policies on citizens, depending on gender, race, class and sexual orientation, as evidenced by the creation of UNWomen.

Margarita Vargas PhD, Interim Chair, Department of Global Gender and Sexuality Studies, University at Buffalo

POLICY BRIEF



Women-Led, DisAbility-Centered Mental Healthcare Reform in Erie County, NY

By Jessica Lowell Mason

Erie County Resident, Psychiatric Survivor, Ph.D. Student at the University at Buffalo, Co-founder of Madwomen in the Attic

"I think in general, our mental health system has become a last refuge for people who don't know where else to reach out. For some it provides supportive relationships, connection, and tools. For some it can at least help pave the way getting a disability claim. For many it is a source of immense suffering and trauma, unnecessarily, and we don't talk about this nearly enough. For many it is a source of disconnection and makes crisis even worse, and for a handful it becomes a life sentence, or a death sentence. It is hard to say where the balance lies without thinking about the world of alternatives that could exist in place of this system."

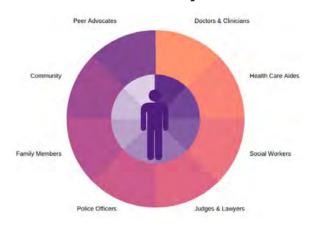
- A local resident with lived experience in the mental health system in Erie County

A Crisis in Care in Erie County, NY

Nearly one in five adults is reported to experience a mental illness every year in the United States, but mental health care is sought by less than 40% of those reportedly affected. Erie County is no exception to this national trend, which has led to a push for more services, planning, and community organizing within the county. While efforts to combat stigma and mental illness have increased, our county's citizens are not seeking the care that our system aims to offer. Efforts to recognize underlying issues and additional factors that complicate treatment access and experiences, and that might provide insight into why fewer than half of adults with mental health issues choose not to seek care in Erie County, need to be addressed.

The voices of women with lived mental healthcare experiences in Erie County are a needed part of the county's efforts to intervene upon this crisis, and theirs are perhaps the voices most needed to mend a dysfunctional system. The mental health crisis is a crisis, not just in health but, in care.

Placing Women with Lived Experience at the Center of Our System



Even if all other influences in mental healthcare are equal, a system without a person at its center is without a purpose. The above diagram demonstrates that a system that recognizes an individual as its center and allows care to be directed by that person - will be more purposeful, stronger, and better equipped to provide self-directed trustworthy care.

What Keeps the Erie County Community from Seeking Care?

- Lack of access to affordable, empowering, person-centered and -directed care
- Lack of avenues for participation that are caused or exacerbated by:
 - Dysfunctions within the care system
 - Poor quality of care conditions
 - Breakdowns in communication between providers and community members
 - Absence of avenues for people diagnosed with mental illnesses to have a direct voice in county government

Women Led, DisAbility-Centered Erie County

"The problem
is not that we're
voiceless;
it's that we're not
heard."
Viet Thanh Nguyen

Feedback from Surveyed Women with lived MHC experience in Erie County:

"CPEP and inpatient conditions are the most horrifying – dangerous, traumatic, and unhygienic. In my mind these are all punitive spaces, not therapeutic spaces, designed to detain individuals who disrupt the public order and to deter individuals who might seek help elsewhere."

- EC Survey Respondent

"I am generally afraid of any services that bring about police involvement (Crisis Services, etc.), as that can escalate an already difficult situation and lead to unnecessary problems." - EC Survey Respondent

Problems in Care Identified by Women with Lived Erie County Mental Healthcare Experience

- Services that are predominated by large healthcare organizations or hospital systems that reduce choice and push out smaller contenders (such as peer organizations)
- Over-emphasis on medically oriented interventions and their promotion (such as through the Anti-Stigma coalition)
- Few choices in crisis (or underutilized choices, such as respite) and an over-reliance on police and emergency rooms in crisis
- Traumatic inpatient conditions at local hospitals combined with not enough access to legal protection and patient advocacy
- Little support for families, or support predominated by a very conservative, medically-focused NAMI chapter
- Lack of information about available services, how to navigate the system, where to get an advocate, and rights.
- Not enough resources to support people with benefits, finances, getting back to work (and generally not enough focus on helping people build the lives they want)
- Too much overlap with the criminal justice system and not enough diversion

Interpreting the Feedback

The four women with lived experience in the Erie County mental health system who answered questions anonymously for this project all reported feeling fear toward aspects of our mental health system.

Fear and care cannot productively co-exist. Fear of our mental health system, especially for women, is a common experience shared by many who have had direct or near experiences with institutionalization. Fear is a factor that we need to talk about and address - recognizing that, for women, fear of the MH system is not about stigma; it is about collective trauma.

Women with psychiatric lived experiences should lead efforts to improve the system because we cannot change stigma without addressing the structures and practices that are causing women to fear mental healthcare.

About this Study

The primary data for this project comes from **seven interviews and surveys** that were conducted with area residents and professionals with experience with the mental healthcare system in Erie County.

- Four surveys on care were completed by women with lived MHC experience in EC. They remain anonymous.
- Two surveys were filled out by (a) a local MH clinician in Erie County and (b) Frank Cammarata, Exec. Director of the Erie County Office for People with Disabilities
- A four-hour interview was conducted with Max Donatelli, Founding Chair of the Anti-Stigma Coalition in Erie County and a member of the EC Community Services Board for Mental Hygeine.

"We are as silenced when we appear in the margins as we are when we fail to appear at all."

- Kimberle Williams Crenshaw

Terms & Acronyms:

NAMI - National Alliance on Mental Illness
EC - Erie County
MHC - Mental Health Care
CPEP - Comprehensive Psychiatric
Emergency Program
Anti-Stigma Coalition - A campaign to
decrease the stigma attached to mental
illness in Erie County

Did you know?

The Office for People with Disabilities was created when advocates reached out to county officials and requested a voice in county government. [Since then] it has been under the umbrella of Department of Health, Mental Health, and Personnel.

- Frank Cammarata Executive Director of the Erie County Office

for People with Disabilities

Building Bridges between Services and the Community: Women with Lived Experience as Care Leaders

This policy brief proposes interventions that begin with relying on the wisdom of and believing women with lived experience. It is a call for the county to seek out the help of women with lived experience to be involved with mental health policy-making in Erie County, as well as to be included in meaningful ways in conversations and held in positions of equality with government and stakeholders in the system's efforts to improve care.

Recommendations:

- Bring together a diverse group of women with lived psychiatric experiences to work together with state-funded organizations to improve the quality of **care** and give people with psychiatric experiences in Erie County a direct voice in county government.
- Draw from the EC Office for People with Disabilities and from the field of disability studies to **change the** status of people experiencing emotional distress.
- Develop long-term partnerships between government organizations, local institutions, and community members with lived experience in the system (i.e., consumers, people with psychiatric experiences, survivors, etc.).
- Provide **public forums** for people who are affected by mental health services to provide feedback to institutions of care and to their county government.
- Collect **feedback**, via anonymous public surveys, about mental health institutions and treatment, and make that feedback available to the public.
- Develop a Consumer Voice, Patient Rights, and **Institutional Accountability Committee or Forum** made up of both professionals and concerned citizens with lived experience.
- in mental health public policy, to participate in the improvement of the mental healthcare system, and to spearhead restorative and empowering community initiatives.

Invite women with lived experience to have a voice

We want a competent mental health system that is person-centered and allows the person to be in charge of their own treatment. This is not an easy task. - Max Donatelli Founding Chair The Erie County Anti-

Stigma Coalition

I think we have to listen to consumers/patients/their advocates with an open mind and compassionate heart. From my perspective, people feel a higher level of life satisfaction if they are empowered, feel safe, and have opportunities to connect with others. A Clinician in Erie County





Community Resources:







Points to Remember

- Women have a particularly fraught relationship with psychiatric care, historically, and much of the collective trauma that has happened to women through paternalistic control and abuse has gone unacknowledged by the mental health system.
- A lot of what is called stigma is actually institutional
- Patient rights violations are part of the mental healthcare crisis
- Many women who have been institutionalized have suffered from trauma from the care they received, in addition to whatever kinds of situational and psychological distress they may have been experiencing.
- Women experience trauma when they are not believed and when they are denied choice and denied their bodily, cognitive, and reproductive rights.

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University at Buffalo Department of Global Gender and Sexuality Studies College of Arts and Sciences

POLICY BRIEF

Hair-based Discrimination in the Workplace

By Tora Rodriguez, Sociology and Global Gender Studies undergraduate at UB

Summary of New Policy:

Bill number A07797A was was added to the Human Rights Law and Dignity for All Students Act in July 2019.

The policy protects individuals from discrimination based on how they chose to wear their hair.



Source: https://billmoyers.com/story/genderwage-gap-black-women/t

Hair-based discrimination is understood and defined as being part of the characteristics associated with race. The policy protects individuals from facing discrimination based on hair texture, type, and style. This includes both natural and protective hairstyles such as Twists, Braids, Knots, Cornrows, Puffs, and Afros.

Hair Styles and Types: These are some of the hair styles mentioned, but they are not the only types of natural and protective hairstyles that can be and are worn by individuals .

- **Twists:** The hair is broken into sections, and the hair is twisted from root to end. Twists vary in length and size.
- **Braids:** Braids vary greatly in length, size, color and style. Various forms of braid application exist. Hair is broken into larger sections and braided into multiple, smaller versions of 'three strand style' braids.
- **Knots:** Hair is sectioned off and each section is twisted until it begins to twist in on itself, resembling a small 'bun' form. Each section is then secured into place.
- **Cornrows:** Hair is sectioned off starting at the front of the head, working back. Each section is braided in a regular 'three strand style' to begin with, then hair strands are added as braid are worked down the scalp interconnecting them.
- **Puffs:** Natural hair is sectioned into parts, and follows a similar style to afros.
- **Afros:** Individuals with afros tend to have hair that is more tightly curled. Hair is then styled and secured with pins or ties to an individual's liking and worn in a more natural form. (Loreal Paris Website, 2019)

Interviewee 1 (a nurse):

- Q1: "Is there a certain reason why you prefer to wear your hair straightened for interviews?
- A1: "Yeah, so I'll get the job. When you walk in, you know what they're looking for."
- Q2: "How do you feel that you're hair effects how people perceive you?
- A2: "I feel like hair for a lot of people can be a misunderstanding. I don't want to be understood as being 'messy' "
- Q3: "How do you feel about this policy and do you think it will be implemented in the workplace effectively?"
- A3: "I'm worried about how they will really work to enforce the law. We'll just have to see how things go."



Source:https://work.chron.com/difference-between-lpn-cna-8063.html

Hair-based Discrimination in the Workplace

Why is this important to Erie County?

Hair and other appearance-based discrimination policies, or the lack thereof in the workplace lead to the further marginalization and discrimination against women of color. The practice of not allowing people to wear their hair in certain styles in the workplace is used to judge and undermine the value of work, education, and training of women, especially women of color. By enforcing rules that fight against discrimination, we work towards empowering women and all other individuals. When the workplace allows for discrimination, we all end up suffering- whether we are an investor, an employee, an employer or a consumer.

Comparable Policies

California passed a similar law named 'The Crown Act' in 2019. The Crown Act is more of a stand-alone piece of legislation, compared to that of NY, even having its own website (The Crown Act.com, 2019). New York City also passed a law in February 2019, which was the inspiration behind the New York State legislation (NYC Commission on Human Rights, 2019). All three policies were developed and approved around the same time period, making New

individuals come forward sharing their stories and groups protest

against discrimination and advocate for equality and protection.



a receptionist): • Q1: "How do you usually prefer to wear your hair and in what circumstances may this change?"

Interviewee 2 (a housekeeper and

- A1: "I tend to straighten my hair or keep it as flat to my face as possible, until I become more comfortable at a job. Then I may put it in braids or wrap it."
- Q2: "How do you feel that your hair affects how people perceive you? "
- A2: Wearing your hair out [natural] is associated with being messy. The more out your hair is, the more aggressively people react to it."
- Q3: "What do you know about your rights and protections against discrimination in the workplace?"
- A3:"I know that I have rights, but I don't know much about the specifics. At one of my jobs they gave us a booklet the first day, then never talked to us about it or explained it. So, I think employers need to talk to their employees more about this and check to make sure that they know their rights."
- Q4:"Do you think that you would be taken seriously if you reported discrimination to your boss or HR?"
- A4: "I don't know. I think it would be hard to prove hair discrimination and be taken seriously. I know one of my managers has been talked to about inappropriate behavior several times, but he's still our manager."

Recommendations:

- Defining "workplace safety:" The notion of "workplace safety" can be interpreted too widely and used as a way to actively keep out applicants and employees who wear and style their hair in certain ways. For this reason, "workplace safety" should be more clearly defined and discussed.
- Implementation and employee awareness: For many, it is challenging to pinpoint exact instances of discrimination, and even harder to report them. There needs to be serious and regular check-ins on businesses to make sure that they are following and enforcing antidiscrimination policies. Open door policies: employees should feel safe going to their bosses, HR or higher-ups with concerns, including instances of discrimination. Open door policies create a better sense of rapport and overall trust between employer and employee.

Hair-based Discrimination in the Workplace

- **Regular diversity training for employers and employees:** As new laws are brought into place, training should be done on them. Training should require participants to engage with the material and test them on their knowledge of the material.
- Detailed orientation and quizzes to check knowledge: Orientations are part of most businesses, but not all. One of the women interviewed indicated that her "orientation" was receiving a packet of information and that was it. Employers must be transparent with their employees and inform them about their rights and workplace policies. Employees should be engaged with the material and understand it. As policies are passed, employees should be made aware of their evolving rights.
- Reporting: The biggest fear of the study participants was retaliation upon reporting any form of
 discrimination or discomfort in the workplace. Retaliation, similar to discrimination, can be
 challenging to prove, and even more challenging to report. Reporting always needs to be taken
 seriously and documented. It is crucial that reporting remains confidential.

What can Erie County administration do to ensure better policy implementation?

- Hold diversity training seminars, especially for small businesses, where there seems to be a lack of training for both employer and employee.
- Look into creating a reporting or ethics hotline for employees who may not feel comfortable reporting, especially if they work for a smaller business where there may not be an HR department.
- Provide a safe space for individuals who report. This helps workers afraid of retaliation, as well as workers who may be afraid to report discrimination or abuse due to their citizenship or 'legal' status.
- Hold Seminars open to the public that teach them about some of their workers rights.

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POLICY BRIEF

Redesigning Paid Family Leave

Mosammet Asma, Undergraduate Student, SUNY at Buffalo

"There's no other benefit that's more important to working families, and particularly to working women than paid family leave... Women working throughout our community are often forced to put their careers before their families... why do we want to force them into that position when it could be done differently?"

Assemblywoman Crystal Peoples-Stokes at the 2016 Buffalo Rally for Paid Family Leave

About My Research

I researched the gaps present in the New York State Paid Family Leave Law, focusing on the disadvantages mothers face in caregiving. I conducted interviews with two mothers, one who will take paid family leave and another who did not qualify when she gave birth in 2015.

New York State Paid Family Leave

Starting January 1st, 2018, New York State instituted the strongest paid family leave in the country. This law gives employees paid time off to bond with a newborn, care for a sick relative or navigate family situations when a family member is called for active military service in a foreign country. New York State is now one of the only states in the country to offer paid leave, including California, Rhode Island and New Jersey. New York State stands out because the law provides rights such as job protection, continued health insurance, and discrimination protection.

Who is Eligible?

- Private sector employees.
- Full-time employees after 26 weeks of employment.

- Self- employed individuals by voluntarily opting in.
- Out of state employees who work in New York.
- Domestic workers who work for a private homeowner.

Who is Not Eligible?

- Public sector employees, although their employers can voluntarily opt-in.
- Independent contractors.
- Seasonal employees.

What Are the Benefits?

Eligible employees who take paid leave will receive a percentage of their average weekly wage (AWW) up to the statewide average weekly wage (SAWW).

Winning Model: Comparison of State PFL Programs at the Time NYS PFL was Signed into Law				
FEATURES	New York	California	Rhode Island	New Jersey
Job Protection for ALL Employees	V		1	
No Waiting Period for Employees	V		V	
8+ Weeks Off	V			
Bonding Leave	1	V	V	V
Family Care Leave	V	V	1	V
Military-related Leave	V			
Discrimination Protection for ALL Employees	V			

YEAR	WEEKS OF LEAVE	BENEFIT
2018	8 weeks	50% of employee's AWW, up to 50% of SAWW
2019	10 weeks	55% of employee's AWW, up to 55% of SAWW
2020	10 weeks	60% of employee's AWW, up to 60% of SAWW
2021	12 weeks	67% of employee's AWW, up to 67% of SAWW

Redesigning Paid Family Leave

A Need for Better Design

While most data only address the positive benefits of Paid Family Leave, there is a lack of research on the long term effects of paid leave due to gaps in policy.

Breastfeeding

If mothers only receive 12 weeks paid time off, work obligations prevent them from breastfeeding for six months to two years as recommended by the World Health Organization.

Fathers Not Taking Leave

Fathers are not taking paid leave at the same rate as women. In 2018, out of the 86,500 bonding leaves claimed, only 26,600 or 30% of men had approved bonding claims (PFL 2018). Despite fathers spending triple the amount of time caring for children than they did in 1965, they still face stigma and discrimination from taking leave (NP 2019). Cultural attitudes also promote fathers as the breadwinners who are unlikely to take only a percentage of their wages. Countries such as Sweden have incentives for fathers to take paid leave, this implementation may encourage fathers to contribute to caregiving (Mohdin 2016).

Socioeconomic Status Affects Usage

Low-income earners are less likely to take paid leave. Since the law only provides partial compensation, the wage replacement may be very low, which makes taking leave impossible (Onken 2016). This will be especially tough on single women since Paid Family Leave does not adjust for the known wage gap. Full time and year-round working women were paid 80% of what men were paid in 2017. If working women are only paid 67% of their average weekly wage, they will receive less than their male coworkers while having the larger burden of care work (AAUW 2018).

Childcare is Still Expensive

The cost of childcare is astronomically high, especially for parents with an infant. This is due to infants requiring more one on one attention, where one teacher must supervise only three to four infants (Onken 2016). If parents must return to work within 12 weeks of partial paid leave, they will face an expensive burden.

"taking a semester unpaid depleted our savings... so when I did go back to work I couldn't afford childcare... I thought about putting my career on hold but it was never really an option for us because we needed two incomes."

- English Ph.D student.

Did You Know?

- The Erie County Department of Health established six minimum requirements for a workplace to be considered a "Breastfeeding Friendly Workplace."
- In 2016, father's reported spending only 8 hours a week on childcare (Livingston 2019).
- In 2018, only 5% of paid leave claims were filed by those making less than \$20K per year (PFL 2018).
- In Erie County, the annual average cost of infant care is \$13,000 (Michel 2019).



Deliberating on whether her husband will take partially paid leave:

"We're planning on taking at least the six weeks fully paid...
we're still talking about the other six weeks at 55%"

- Amanda, Buffalo, NY

What Can We Learn From California?

California has had its Paid Family Leave Act in place since 2004, which provides 6 weeks of partially paid leave for a newborn, newly adopted child or sick relative. A recent study found that in the short term, mothers who took paid leave in 2004 were more likely to return to work for the same employer, retaining their jobs and were more likely to file a future paid leave claim (Bailey et al. 2019). In the long term, the study found that "employment fell by 7 percent and annual wages fell by 8 percent over a decade" for the women in the study (Bailey et al. 2019). Overall, this group lost a cumulative net 10-year loss of \$24,000. This study shows that although many families benefited from paid family leave by bonding with children and caring for loved ones, it had not made an impact on the gender gaps in pay and employment after a new mother gives birth (Bailey et al. 2019). This negative impact cannot be generalizable to all women, given the fact that California does not have job protection. Nonetheless, it brings to question how policymakers are designing paid leave laws and what actions must be taken to secure women's continued employment.

Recommendations

- Increase paid time off to 24 weeks.
 - This will provide mothers the chance to breastfeed for the recommended time. Most industrialized countries provide paid leave for an average of 57 weeks (Livingston 2016).
- Increase benefits to 100% of the average weekly wage.
 - This will allow low-income earners to take advantage of paid leave as well as encourage fathers to claim paid leave.
- Paid Leave should apply to serious health conditions.
 - The Family and Medical Leave Act is a federal unpaid leave legislation that allows employees to take time off for their own personal health conditions. Paid Family Leave does not, excluding employees with serious health conditions as well as those without family to support them.
- Public sector employees should also be eligible for Paid Family Leave.
 - Paid Family leave should become a federal law applicable to all employees. The United States in the country without a federal mandate on paid family leave (Livingston 2016).
- Paid Family leave should become a federal law applicable to all employees.
 - The United States in the country without a federal mandate on paid family leave (Livingston 2016).
- Incentives should be given to fathers taking paid family leave.
 - To continue supporting gender equality, incentives for fathers can bridge the gap in caregiving.

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POLICY BRIEF

Transgender Women at Work in Erie County, NY

Katherine Mueller, Education Studies Ed.M., SUNY at Buffalo

What Is the problem?

National and state statistics show that transgender women face high rates of poverty and unemployment due to gender discrimination. (Transequality, 2015).

Using interviews and data from state and national sources, this study finds that transgender women in Erie County encounter many of the issues faced by transgender women nationwide.

Common Forms of Discrimination:

- Being forced to use the wrong restroom
- Being referred to by incorrect pronouns or names
- Threats of physical violence
- Harassment from bosses
- and co-workers
- Background checks during the hiring process can reveal that a candidate is transgender
- Being moved to **less visible** parts of an organization or
- not being hired for positions that involve interacting with customers
- Being denied promotions

Proving discrimination is difficult

Employers often find subtle ways to avoid hiring transgender people or to pressure them into leaving their jobs



Why It Matters

Stable employment is necessary for basic survival and well-being. When transgender women cannot find or keep adequately paying jobs, they may lose access to basic necessities like gender-affirming health care or housing. To keep their jobs, they may endure harassment and hostile work environments. Many times, they get stuck in low-paying or parttime jobs. Those who cannot find work, due to a lack of resources like education, may turn to the informal economy and sex work ("Meaningful Work", 2015).

Discrimination in employment can dramatically affect the quality of life for transgender women.

DID YOU KNOW

- There are an estimated
 5,550 transgender people living in Erie County, NY (Meerwijk & Sevelius, 2017)
- This number will continue to increase as being transgender is more socially accepted.
- (Leppel, 2016)
- This means more transgender people will be present in the workplace.
- Employers will need to address the concerns of their transgender employees.
- By being proactive, employers can avoid legal fees and the loss of dedicated employees.

Terms to Know:

- Transgender: a person who identifies as a gender other than the one they were assigned at birth
- **Cisgender:** a person who identifies as the gender they were assigned at birth
- **Pronouns:** it is important to refer to a transgender person by the correct pronouns (e.g. she/her, he/him, or they/them). If you are not sure what pronouns to use, just ask.

Transgender Women at Work in Erie County

The Limits of Legislation

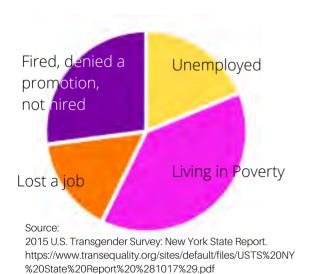
As of January 1st, 2019, both the City of Buffalo and New York State include sex, gender identity, and gender expression in their anti-discrimination laws (nysenate,gov., 2019; ecode360.com/13584139, 2002). In 2018, the City of Buffalo enacted guidelines for employees who undergo gender transition while on the job (buffalony.gov, 2018). It is too soon to gauge the efficiency of these policies. As both women interviewed in this study pointed out, **laws are only effective if they are enforced.** Employers often find other, more subtle ways to avoid hiring transgender women or to pressure them into leaving their jobs. This makes proving gender discrimination difficult.

While anti-discrimination laws are important, **employers may not be familiar with the legislation or have any experience interacting with transgender people.** Nadine,* a transgender woman who attended a local employment training program, was repeatedly referred to as male by the person leading the training. This caused her to leave the program. It is likely that other transgender people do not access the employment support they need because programs are not transgender-friendly.

New York State Data

Although there are no statistics on transgender workers in Erie County specifically, the 2015 U.S. Transgender Survey found that, among respondents living in New York State:

15% lost a job because of their gender,18% were unemployed,37% were living in poverty, and26% were fired, denied a promotion, or not hired because of their gender identity.



One Woman's Story

Delia* was an employee of the City of Buffalo for over twenty years when she began to transition. For a year, she used a toilet in a dirty, old janitor's closet to avoid alarming her female co-workers in the women's restroom. Once she began to use the women's restroom (after informing her employer that she intended to do so) female co-workers made formal complaints citing their religious beliefs as the reason why she should not be allowed in. Delia* described the work environment as one of "unending transphobia." In addition to a hostile work environment, written threats of physical violence were posted on the door of her office, which was located in a remote part of the building. "Somebody could have come in... they could do something to me... I could be bleeding, and no one would **know,"** said Delia.* When she reported the threats to management, it took them over a year to investigate. She began to experience severe anxiety and high blood pressure from the stress of going to work. Rather than directly firing Delia,* the department tried to push her out by increasing her workload to an unreasonable amount and then penalizing her when she failed to meet their expectations.

In 2008, Delia* left her position.



I'm sure that there are people who want to transition, but they know the problems [that come with transitioning on the job]

-Delia,* a transgender woman who was forced out of her job

*= indicates name change for privacy

Transgender Women at Work in Erie County

Recommendations

There is virtually no data available on the employment experiences of transgender women in Erie County.

More research is needed to define the size and characteristics of the local transgender population and to provide statistics on the employment challenges faced by people in this community. These findings will inform the development of policy solutions to make workplaces safer and more accessible for people of all genders.



Increase Awareness

Erie County government can **distribute informational pamphlets on transgender people and existing anti-discrimination laws.** This will increase awareness of transgender people, normalize their presence in the workplace, and educate both employers and workers on their legal rights and responsibilities. Employers may not be aware of anti-discrimination laws or they may not know how to interact with transgender people.

Partner with Local Groups to Provide Workplace Trainings

Erie County government can **partner with local transgender and LGBTQIA+ groups** like Spectrum of Western NY (http://www.spectrumwny.org/) or the Pride Center of Western NY (http://www.pridecenterwny.org/) **to provide workplace trainings on how to interact with transgender people.** Often, transgender employees will offer to provide trainings themselves for their co-workers and employers. This puts the responsibility on the transgender employee and does little to change the overall culture of an organization.

Provide Employment Support Programs and Events

Erie County can **provide networking events** for transgender employees and transgender-friendly employers and **workshops on employment skills like resume writing.** This will provide access to skills necessary in the hiring process and assist transgender people in finding jobs. The City of San Francisco's Trans Employment Program (https://transemploymentprogram.org/) offers an example of services local government can provide to better support transgender workers. The San Francisco program addresses the economic challenges faced by transgender citizens and provides resources to help in overcoming them.

• Enact Guidelines for Erie County Employees Who Wish to Transition

The Erie County Legislature can **implement guidelines for County employees who wish to transition.** It is likely that there are County employees who would like to transition but do not feel that they have adequate protections. Having guidelines in place at the County level will reinforce the existing guidelines in the City of Buffalo and provide a model for private employers in the area.

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University at Buffalo Department of Global Gender and Sexuality Studies College of Arts and Sciences

POLICY BRIEF

Serving Moms in Erie County

By Georgeann Kenney, English Master's Student, SUNY at Buffalo

What's the problem?

Mothers in the restaurant industry in Erie County face unique challenges that hinder their ability to make a living wage in a safe environment while supporting children. Among these factors are **difficulty finding childcare**, **fluctuation and instability of income**, **sexual harassment** and lack of **paid time off**.

Sub-minimum wage

Nationally, women make up almost 70% of restaurant workers, and 43 states in the U.S. legally pay their workers less than minimum wage (Roc 2019).







The reliance on tipped wages forces servers into a position where their income is based on the **generosity of strangers.** Often for women this means enduring verbal **harassment** and uncomfortable conversations with guests, knowing that to make money, they have to keep customers happy.

Night care

For servers, the **time of day** they work can mean the **difference** in **\$40 or \$140.** Closing shifts and weekends are generally more lucrative and often necessary for servers to make ends meet.



Most day-care centers In Erie County are not open on weekends, and close between 6 - 6:30 p.m. during the week, leaving these mothers to search for other options.

Did you know?

- In New York State alone, of the 200,000 parents working in the restaurant industry, 92,000 are mothers and nearly half (45,000) are single mothers ("Night Care" 2017)
- Nationally, 69.4% of waiters and waitresses are female (Data USA)
- A 2017 study showed that restaurant workers filed more sexual harassment complaints than any other industry (Galarza 2017)
- The average server is 30
 years old they are not
 teenagers or students, but
 adults working to support
 themselves + family (Data
 USA)



Serving Moms in Erie County

Three women were interviewed for this project. They all work at restaurants in Erie County and have young children. All three women readily admitted that "fast cash" was a top motivator in choosing to wait tables, but all three women also agreed that their incomes are **not dependable**.

One mother's story

Due to the unpredictable nature and late hours of these shifts, childcare is difficult to find. When asked about child care, a 30-year old server and mother of three said: "You never know how much money you're going to make on a shift. It might be just enough to cover the babysitter that night, so then it's pointless and I lose time with my kids."



Flexibility = Inconsistency

For another mother, child care became an issue for a different reason – long-term fluctuation in income. This server uses an incomebased child care facility. She picked up a couple extra shifts for two months to save up for a trip she was planning. Subsequently, her son's child-care went from \$52 per week to almost \$80. "I promise I'm not raking in twice as much money just because I picked up extra shifts, but to the government it looks like I did," she said.

Did you know?

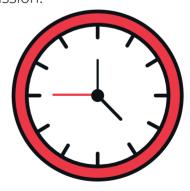
- There is **NO** evidence showing lessened tips for those affected by the wage increase in NYC (NELP 2019)
- On average, women make \$4,717 dollars
 less annually than their male counterparts in the restaurant industry, even in a female-dominated workforce (Data USA)
- Seven (7) states already pay tipped and non-tipped workers the same fair wage, and they've experienced comparable rates of tipping, indicating that affording waitresses a fair minimum wage does not reduce or eliminate tips (1fairwage.com)

Paid time off

Another issue servers face in the industry is a lack of any paid time off. When asked about paid time-off, a 46-year-old mother and full-time waitress said: "That's silly. How would they pay us if we aren't here? It doesn't make sense."



In other professions, paid time off is not questioned, but because the service industry has **capitalized on the exploitation of workers** for almost two centuries, people often fall back on the concept of tradition, and radical changes to the status quo remain a topic of non-discussion.



A PERSON WHO IS NICE TO YOU, BUT RUDE TO THE WAITER, IS NOT A NICE PERSON.

Dave Barry

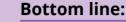


I would work harder if I knew I was getting something back from the company I work for, not just money, but respect from the restaurant managers.

Waitress, mother of three, on the subject of paid time off

Serving Moms in Erie County

In America, many have come to simply accept these grievances as "part of the job" – to the point that even servers themselves don't find paid time off, minimum wage , protection from harassment or consistent scheduling as a feasible option.





Consistent pay, ability to provide for children and protection from sexual harassment should not be considered benefits or luxuries of certain "job types" – these should be afforded to every individual working in this country.

Recommendations

Abolition of sub-minimum wage

- Sub-minimum wage adversely affects minority groups and perpetuates the gender wage gap. Abolition of sub-minimum wage would provide more consistency for workers and alleviate some of the issues mothers encounter, like income-based child care.
- This would also work to lighten the pressure of having to accept maltreatment form guests or coworkers because tips depend on it. With one fair wage, waitresses would be able to move more freely within their profession, knowing that they have a stable and dependable income.

Affordable child care

- Policymakers should respond to the growing need for night care and create affordable options for working mothers
- Certified child care centers should partner with restaurants to organize child care
- Day Care centers could offer night options, thus opening jobs for individuals interested in providing night child care as well as options for mothers on late shifts.

• Educational campaign

• Many servers are unsure about changing the sub-minimum wage in fear of losing out on tips. Erie County Commission on the Status of Women could organize an educational campaign informing servers and wait staff of the inequality and negative effects sub minimum wage, including its perpetuation of the gender wage gap. This would lead to more servers joining the fight for equal rights and better working conditions.

Restaurant affiliated child care

• Erie County could offer tax cuts or similar benefits to restaurants who facilitate child-care

Require all restaurants to offer paid time off

• 97% of workers in management, professional, and similar private industry positions receive paid vacations (HR Direct 2018). Paid time off has proven to increase productivity and retention, so this would be beneficial to servers and their employers. Allotting servers certain amount of PTO would lead to fewer call-offs and more dedicated workers. It would also allow for mothers to tend to their children's needs without penalizing them.

• Implement no-tolerance sexual harassment policies

- o Often sexual harassment goes under reported or unreported, and in many cases, complaints are filed, but no further action is taken.
- Employers should ensure that discipline for perpetrators of sexual harassment is consistent, prompt and deliberated based on the severity of the situation
- Employers should conduct climate surveys within their restaurant to asses the extent to which sexual harassment may be a problem

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University at Buffalo Department of Global Gender and Sexuality Studies College of Arts and Sciences

POLICY BRIEF

We Care for Home Health Care Workers

Ebehitale Imobhio, Global Gender Studies, SUNY at Buffalo

Key Facts about Home Health Aides

- Home Health Aides (HHAs) are a type of in-home health care providers.
- The duties of an HHA can range from basic care, such as assisting clients with homemaking or personal care to things as complex and crucial as overseeing the administering of medications or directly administering medications (Home Health Aide Job Description, 2019).
- Due to the nature of the job, most HHAs will be required to be available on holidays, on weekends and/or overnight (Home Health Aide Job Description, 2019).

What's the problem?

• Unlivable wage: HHAs make \$27,839/year before taxes in Erie County. The minimum an adult should make to cover all their expected expenses in Erie county without children or other dependents is \$24,370 (Living Wage Calculator-MIT, n.d.). This means that HHAs make slightly above the living wage. In order to support any dependents, an HHA would have to

make a substantially higher amount compared to the Erie County living wage salary. Due to this, HHAs tend not to have the ability to take time off work.

- **Abuse:** According to U.S. News and Reuters, nearly 1 in 4 HHAs face verbal abuse at work, and verbal abuse has been found to lead to physical abuse. Margaret Quinn, director of the Safe Home Care Project at the University of Massachusetts, stated in an interview "[t]here is increasing scientific evidence that verbal abuse, as well as physical abuse, can have harmful, long-term impacts on employees' health, such as depression and burnout, and on the stability of the workforce, such as high turnover, which is costly for employers and hard on those receiving care when an aide they've developed a relationship with does not return" (Gordon, 2019).
- Isolation and problems
 with unionizing: HHAs are
 also very unlikely to be
 members of workers unions.
 They face challenges in
 unionizing due to a general



http://globalcomment.com/why-an-uber-forcarers-could-be-a-dangerous-idea/

- lack of knowledge about unions. Many HHAs also work through agencies and thus never interact with their coworkers, according to Jennifer*, a union representative.
- Lacking legal protections:

Although New York State Employee Laws provide basic protections to HHA workers, the protections they offer are not enough. Specific policies addressing the issues that HHAs face at work are crucial. The policies regarding inhome care workers that already exist are all targeted at their clients. While we must protect in-home care patients from abuse, it is also just as vital that we protect in-home care workers. Finding a solution to these issues needs to be a priority for Erie County.

Home Health Care Workers

Shortage of in-home care workers

- There is a national shortage of HHAs and other in-home caregivers. 17% of HHA jobs remain unfilled within New York State (Farrell, 2019).
- Due to working conditions and lower wages in the job field, there is a high turnover rate in HHA (NY Home Care Workforce Trends and Patient Care, 2019).
- In New York State, almost 40% of in-home care patients are unable to access HHAs (NY Home Care Workforce Trends and Patient Care, 2019).
- Despite the growing demand for HHAs, its number has dropped. For example, an HHA agency called Catholic Health Home Care Services, whose total number of workers dropped from 500 in 2016 to 335 in 2018 (Gordon, 2019).

Why does this matter to Erie County?

 In 2018 approximately 39% of Buffalo's population was at least 50 or older (Census Reporter, 2018).

- This means that there will inevitably be a greater need for HHAs and other in-home care workers.
- This demand will be unmet because there is a high turnover rate in HHAs. There is also a downward trend in this job sector due to low wages, unfavorable hours, and a lack of a safe working environment (Famakinwa, 2019; Gordon, 2019).
- It is our obligation to have inhome care resources available to our aging population should they need it.

One HHA's story

Madeline has been working as an HHA for over 20 years now. She has two sons and one daughter, who are all teenagers. Madeline is very proud of her job because she loves being able to help people have a good quality of life despite their illnesses or disabilities. In the time that she has worked as an HHA, she has worked with many amazing clients that she has truly loved taking care of. She has also worked with many clients who have either been physically and verbally abusive towards her or had family members that were. Most of the time, she would have to keep working with the clients for various



Via: https://www.insidemedicalassisting.com/insightinto-the-distressed-and-misused-home-healthaide-profession/

reasons. Due to the shortage of HHAs in her current agency, she usually gets to pick her clients, but she has had to change clients due to abuse at the hands of the client or their family members.



I once had a client that would constantly spit on me or at least try to about twelve years ago. I told my supervisor about it and he informed me that my options were to take another client that was almost two hours away or fill in for people who could not make their shifts-meaning I would have no permanent case of my own-or keep working with him. **Obviously I kept working with** him, I didn't have a real choice...due to having kids and an already specific established schedule on top of not having a car I was stuck with this client until we got a new one.

-Madeline-HHA for 21 years

• *= indicates name change for privacy

Home Health Care Workers

Recommendations

- Create policies that are aimed explicitly at legal protections for HHA and other in-home care workers.
 - By creating policies that prioritize the legal protection of in-home caregivers against abuse at work, we will effectively be making the job safer. This could result in less burnout, lower turnover rates, and possibly lead to more people working as HHAs. Erie County has the opportunity to be pioneers in an area that is sorely lacking.



https://www.unitedamericahealth.com/

- Create mandatory programs that educate HHAs on their legal rights as part of their training.
 - o By creating programs like these, HHAs can be made aware of their legal rights. This would show them that they have legal recourse in the event of them being abused at work.
- Create a hub of information for in-home caregivers on the Erie County Government website.
 - This would include information about legal rights and protections for in-home caregivers, mandatory training, licensing information, and any other information necessary for the optimal function of an HHA.
- Make employment in this field more desirable.
 - There is already a shortage of HHAs both locally and nationally. We need to respond to this need by increasing wages and creating more legal protections for HHAs to make this job more attractive to the general public.
- More research.
 - While much is known about the shortage of HHA workers in federally and in New York state specifically, little is known about the state of Erie County's HHAs. It is essential to research the status of this job sector not only because it is crucial to be aware of the general condition of workers but also to be aware of one of the fastest-growing jobs nationally.

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University at Buffalo Department of Global Gender and Sexuality Studies College of Arts and Sciences

POLICY BRIEF

Workplace and the "Gig Economy"

By Artina Deakyne, UB Global Gender Studies

What is the Gig Economy?

Online platforms linking service providers directly with customers change how people view and perform work. Digital platforms have made it easy for workers to quickly find a temporary job, choose how many hours they work and decide when they will work. Pay is based on the completion of a task or by a "gig," instead of traditional hourly wages.

Since 2009, the number of platform-based, non-employee companies, has grown at three times the rate of traditional brick and mortar companies. This trend does not show signs of slowing.





What Do We Know?

In 2016, 24% of Americans reported working in the "gig economy" and some analysts predict this number will rise to 40% by 2020 (Istrate, Harris, 2019). Due to this extraordinary growth rate, there is a scarcity of data on its impact on workers, and on women in particular, who currently comprise 47% of the workforce. What is clear is that more research is needed and Erie County must prepare to implement strategies to ensure worker protections in this age of the "gig economy".

Did you know?

- Current data suggests many gig workers have lost traditional jobs or faced a decline in family income (Gitis, 2017)
- Between 2012-2014
 Buffalo saw a 37.1%
 rise in ride sharing
 services alone
 (Hathaway, Muro,
 2016)
- In 2014 25.3% of workers in the region which includes Erie County reported working in the gig economy



Workplace and the "Gig Economy"

So What's the Problem?

- When a fee is negotiated, women are paid 37% less than men.
- Workers do not have traditional employer benefits like healthcare and family leave, which has a greater impact on women.
- Workers are not eligible for minimum wage protections, overtime pay or unemployment benefits.
- Title VII anti-discrimination laws do not apply.



- More than half of gig economy workers would prefer a full time job (US B.L.S.)
- Contingent workers earn 23% less than traditional workers (US B.L.S.)
- 29% of workers report doing platform work and not getting paid (Smith 2016)
- 75% of gig workers rely on family members, government programs, or pay for health insurance themselves (US B.L.S.)

Jane's* Experience

After graduating with a Ph.D., Joy was having a hard time finding a full-time position in her field. She began using online platforms to do consulting work, manuscript editing, and online teaching. She also uses several online platforms to sell vintage and collectible items. She enjoys her flexible schedule, the ability to work from home, and the variety of work she has, but she would like to have a traditional job, with benefits, health insurance, a retirement program, and financial security.

"You have to be careful when you are doing online work. One company stopped answering my emails and two weeks later their website was gone and I had no way to get paid for the work I had done." - Joy

Kelly's* Story

Jennifer found herself unemployed after many years with the same company, which provided excellent benefits and a high salary. When she suddenly lost her job she found gig work through a platform providing pet sitting and dog walking. For her, this was a way to "pay the bills" while she looked for a permanent job. She was relieved to have this temporary option, but the pay was far less than she had been making and not having a reliable paycheck was anxiety-producing. Doing platform work allowed her time to find a permanent job, but was not something she would want to do long term. (US B.L.S.)

^{*}Names have been changed due to confidentiality

What Can We Do?

Research, Research, Research



There are no comprehensive databases to date on the workforce participating in the "gig economy."
 Much research needs to be done to determine who is participating, how many people are involved, geographic location of workers, impact on women, and specific information on the Erie County workforce.

Change the Way Workers Receive Benefits

- Currently, healthcare, retirement, and other benefits are received by workers through their employers. creating portable benefits, which are benefits owned by employees and able to be taken to each new job they have, would be an innovative way to ensure workers receive benefits in the gig economy.
- Companies would be required to contribute funds for benefits.

Change How Workers Are Defined

• Create a new job classification of "Dependent contractor" as a possible new category to describe gig workers. Freelancers who receive the majority of their income from a specific company would fall under this category, and the company must provide benefits and follow certain regulations.

Require Companies to be Responsible For Workers

Non-employee companies have a much higher profit margin than traditional companies because
they do not have costs associated with traditional employment. Gig workers in many cases receive
less compensation than their traditional counterparts. To make contingent work sustainable for
those heavily involved in platform companies, higher wages could be negotiated by municipalities as
a requirement to do business in their region.

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POLICY BRIEF

Caring for Animal Caretakers

Isabell Van Patten, Political Science & Global Gender Studies BA, Class of 2020 SUNY at Buffalo

Animal Caretaker Jobs Are on the Rise

In Erie County, there are 12,200 non-farm animal caretaker jobs, including veterinary technicians, kennel attendants, and pet store associates. **Of these jobs, 76.8% are women** with an average age of 33 (NY Labor Census). By 2026, the field is expected to grow by 24.2%.

These jobs are often physically demanding, with workers having to restrain and administer medical care to a variety of animals, lift sick patients, and handle aggressive animals both safely and humanely.

83%

of team members say they've been bitten by cats and another 83% have been bitten by dogs. 21% have suffered bites from birds, while 20% say they were bitten by pocket pets. 5% say they've suffered from horse bites

-Firstline 2014 Career Path Study



What Are the Risks?

Animal caretaker jobs account for the highest portion of animal-related injuries and illness of any job field.

Animals may be anxious, frightened, sick, or in pain, and the only way to express how they are feeling is to bite. It is part of the job to anticipate when that may happen and perform risk reduction.

However, sometimes a situation is unpreventable.

In these fields, getting bitten is seen as a part of the job

Worker's Rights

Workers compensation will cover medical bills and lost time benefits. Yet, there is no guarantee that an employee will be compensated. The typical course of action is to report the incident. However, protocol is not always followed. Multiple incidents are unreported. Lack of knowledge and the complexities of workers compensation laws limit their effectiveness. An employee bitten on the job has to use their personal or sick days to seek medical care, which may or not be paid. This can lead to employees missing out on valuable paid hours.



What Happens When You are Bitten at Work

Lack of Protocol & Accountability

If an employee is bitten, they do not have to report it. If it is not severemeaning it did not break the skinthey are often expected to keep working. Employees do not even have to report to their superior that they were bitten. Many women who are bitten do not have the economic luxury to take unpaid time off to go to the doctor, or do not have sick time available to do so.

Hearing From Women in the Field: One Kennel Attendant's Story

A local kennel attendant was bitten at work but was expected to still show up. "I was bitten by one of the shelter dogs we board." Since he had no real owner, there was no one to hold accountable for the incident. She was forced to take time off to go to Urgent Care, and was not given compensation. She received multiple stitches and has trouble moving her hand. "It's not the dogs fault. He has been in a kennel for so long, and when this happens, they get more aggressive."

She was not given time off by her employer, and had to find someone to cover her shift so she could go to the doctor. She lost multiple days pay, was concerned about making up the hours she missed, and did not feel she could perform her job optimally for some time after the incident.



One Technician's Story

Another interviewee works at a small, family owned veterinary clinic. After experiencing a bite on her had, her boss encouraged her not to report the incident. The employer's insurance increases when a bite occurs. Since this was a small business, there was a higher risk for the employee if she decided to report it. She felt pressured and did not report the incident. She has lasting damage in her hand, but is thankful she still has a job.

Follow up visits take time away from work and can be costly. Not only did she have to pay for her antibiotics out of pocket, she had to take even more time off from work due to follow up appointments.

Time Off Is not a Guarantee

- Taking time off from work is not an option for everyone.
- In New York State, the average number of sick days corresponds with years of service.
 Employees with 1-5 years of service receive only seven days a year.
- There is no guarantee that an employer will provide paid sick leave.

The techs and assistants are the ones restraining and directly handling the animals, which puts them at a higher risk of being bitten.

-Local Veterinarian

Animal Caretakers Deserve Quality Care

Recommendations:

Introducing Bite Compensation Packages

Currently, there is no differentiation between sick time due to a work-related illness or injury and illness or injury due to some other cause. A bite compensation package would be an effective solution. It would include paid time off when an employee is bitten at work, regardless of the severity of the injury, and all medical costs would be covered by the employer. Any follow up appointments needed that are related to the original injury would be fully covered as paid leave. This compensation package would apply to both part- and full time employees.

"We want to protect the animal and ourselves at the same time."-Local Licensed Vet Tech

Mandatory reporting

Any bite, no matter the severity, should be reported. This would hold the employer accountable while offering protection of employees, as unexpected complications from the injury could occur at a later date. If an incident is discovered and wasn't reported, a fine should be given to the employer.

Conducting Further Research

There should be specific research done for Erie County to see how many employees experience bites and how many receive compensation. It is essential to understanding how the county compares to national data.



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