
EDUCATION & LABOR COMMITTEE

Congressman George Miller, Chairman

Tuesday, November 17, 2009
Press Office, 202-226-0853

Chairman Miller Statement at Committee Hearing On “Protecting Employees, Employers and the Public: H1N1 and Sick Leave Policies”

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. George Miller (D-CA), chairman of the House Education and Labor Committee, for a committee hearing on “Protecting Employees, Employers and the Public: H1N1 and Sick Leave Policies.”*

I would like to welcome everyone this morning on a very important topic.

We are meeting today in the midst of a global pandemic. The H1N1 virus is sweeping our country – closing hundreds of schools, idling thousands of workers, and infecting many millions of Americans.

The H1N1 flu virus is now officially “widespread” in at least 48 states and the President has designated the virus a public health emergency.

The Centers for Disease Control reports that the flu’s spread is very unusual this early in the season and deaths among children and young adults are higher than expected. The CDC estimates that 22 million Americans have already become ill in the last six months with H1N1 and 3,900 have died.

A recent study predicted that 63 percent of Americans will be infected with the virus by the end of December.

Fortunately, public health officials did have an early warning this spring of the potential of a widespread outbreak. The Obama administration and public health officials took immediate steps to develop policies to slow the spread of the H1N1 flu and minimize disruptions.

But all the planning and preparations cannot fully address the uncertainties surrounding a new, highly contagious virus. While I applaud the quick identification and development of a vaccine, the delays of producing and delivering the vaccine to target populations have concerned millions of Americans. I am encouraged reports that private vaccine manufacturers have worked out production issues and we seem to be back on track to getting the needed vaccine to the American people.

The H1N1 vaccine is one vital tactic to slow the infection rate. While we fix the supply issues, public health officials emphasize that there are additional ways to slow the spread of this dangerous virus.

The CDC has issued guidance that recognizes the role employers and workers play in slowing the spread of disease. According to the CDC, an individual who comes to work with H1N1 will infect about 10 percent of his or her co-workers. They recommend that any worker with an influenza-type illness stay home, and that employers should allow workers to stay home “without fear of any reprisals” and “without fear of losing their jobs.”

But, that recommendation is easier made than followed.

Because for the more than 50 million workers without paid sick leave, taking a day off from work means a pay cut or worse. Workers fear they will be punished for taking time off, either by losing pay because they do not have paid sick days or even fired. Employees in the food-service and hospitality industry, schools and health care fields are among those who cannot afford to stay home when they're sick.

Because these employees have direct contact with the public, the consequences of coming into work sick are not only damaging to their health, but could be damaging for the public's health as well.

Let's face some simple facts: when you're struggling to make ends meet you're going to do everything possible to not miss a day's pay. The lack of paid sick leave encourages workers who may have H1N1 to hide their symptoms and come to work sick – spreading infection to co-workers, customers and the public.

This isn't good for our nation's public health or for businesses.

The National Partnership for Women and Families found that sick employees who still go to work cost the economy \$180 billion in lost productivity. This is a significant loss in productivity for the American economy compared to the minimal cost of providing a few paid-sick days a year.

The Bureau of Labor Statistics says that the costs of paid leave borne by employers for lower-wage workers only accounts for 4.2 percent of their total compensation. Despite these minimal costs, current federal law does not mandate that employers provide paid leave to their workers.

This is why members of Congress have been pushing for universal paid leave policies that will ensure workers of at all income levels are able to take advantage of paid leave policies.

I strongly support these efforts.

However, the current H1N1 pandemic has demanded an emergency response.

Two weeks ago, Congresswoman Woolsey and I introduced temporary and emergency legislation to help workers and employers deal with the spread of the H1N1 flu virus. The Emergency Influenza Containment Act will guarantee sick workers five days of paid sick leave if their employer directs or advises them to stay home.

This temporary legislation will slow the advance of H1N1 being spread through the workplace and encourage open communications between employees and their employers on sick leave policies.

This emergency measure will not, and should not, supplant the need for comprehensive paid family leave policies. But I believe it will be a circuit breaker needed to get this virus under control, while protecting workers, employers and the public.

I will continue to work with other members such as Congresswoman DeLauro in their efforts to win permanent reform in this area.

I would like to thank the witnesses for joining us today for this important hearing and forward to your testimony.

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