

Barefoot, Pregnant and (Not Very) Happy: Management and Healthcare Reasons for Paid Parental Leave in the U.S.

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The Family and Medical Leave Act (FMLA) was enacted to require employers to provide twelve weeks of unpaid and job protected leave for the birth or adoption of a child, and for those dealing with a seriously ill relative. This paper will provide a brief overview of the FMLA's flaws, why it is now necessary to correct them, and primarily concentrate on issues related to the birth of a child versus adoption and dependent care coverage as provided in the Act. Furthermore, this paper will examine recently proposed legislation and provide other recommendations for future improvements.

BACKGROUND

In 1993, President Clinton signed the Family and Medical Leave Act (FMLA) which requires employers to grant 12 weeks of unpaid and job-protected leave for the birth of a child, the adoption of a child, and employees dealing with a seriously ill relative. This paper will specifically address the parental leave issues that have emerged since the passage of this Act.

In light of the changing demographics of the U.S. workforce and, inarguably, how many forms of work itself have changed, the FMLA was a well-intentioned and long overdue piece of legislation. However, the FMLA's exceptions – namely, the exclusion of all part-time workers, the exclusion of workers who have not been with their company for at least a year, and the exclusion of anyone working for a company with fewer than 50 workers – have worsened rather than improved the Act's efficacy. Perhaps most importantly, the FMLA grants only unpaid versus paid parental leave in addition to these restrictions. This omission has led the United States to be seen as shameful among national and international policymakers.

For example, one author cited the United Nations' International Labor Organization's analysis of 185 countries and territories with available data. In that analysis, of the 185, all but three – Oman, Papua New Guinea and the United States – provide cash benefits to women during maternity leave; these three outliers provide some form of maternity leave but have no overall law for cash benefits (Kim, 2015).

Furthermore, the United States is the only developed country that does not offer paid parental leave (Popovich, 2015). In another startling article, one author illustrated ten charts culled from analyses conducted by the International Labor Organization, the U.S. Department of Agriculture, the McGill Institute for Health and Social Policy, and a combined study from the Pew Research Center and the Organization for Economic Cooperation and Development (OECD), among others, to conclude that the United States ranks last in every measure of family policy (Schulte, 2014).

Since the FMLA was passed, the federal government has not revised it but some individual states have taken action. At this writing, three states – California, New Jersey and Rhode Island – provide

different levels of basic paid leave for their residents using a minimal payroll tax to cover expenses; in New Jersey, for example, the payroll tax deduction is a very modest 1.2 percent (Pressman and Scott, III, 2014). California was the first state to offer the country's first paid parental leave law, and "[It is] open to both mothers and fathers. There, new parents get up to six weeks off at 55 percent of their current paycheck, up to about \$1,000 a week" (Suddath, 2015, p. 56). Not surprisingly, California's law was criticized with harsh skepticism and fierce opposition by businesses that labeled it a "job killer;" however, according to Christopher Ruhm, a professor of public policy and economics at the University of Virginia, "businesses in California don't seem to be reporting a strong negative effect. I haven't seen evidence of a significant downside" (Ibid., 2015, p. 57). State legislators and policymakers interested in learning how California's law was designed and measured would benefit from reading Appelbaum's and Milkman's commentary that traces what happened before, during and after the law's passage (Appelbaum and Milkman, 2011 in Pressman and Scott, III, 2014).

Within the private sector, the response to the need for paid parental leave has been lackluster. In an examination of private industry's involvement in offering paid leave over the last 20 years, an author for the Bureau of Labor Statistics (BLS) described how the BLS conducted its analysis. Using the Employment Benefits Survey, paid maternity leave and paid paternity leave were captured separately. In 1992, only two percent of workers received paid maternity benefits and one percent, paid paternity benefits. Recently, the author noted that the definition of family leave was expanded in the BLS's National Compensation Survey to include additional types of leave, such as leave to care for family members. Paid family leave in 2012 was available to 11 percent of all workers and 15 percent of workers in medium and large organizations. As the pattern was with access to other leave benefits, only four percent of part-time workers and eight percent of workers in small establishments had access to the benefit in that year (VanGiezen, 2013).

The definition of family leave has undergone significant changes over the last 20+ years. However, its funding and expansion have not been addressed. Although there are numerous reasons for accepting or rejecting family leave as a critical workforce benefit, the following management and healthcare issues will provide some reasons for its acceptance.

MANAGEMENT ISSUES

It is common knowledge that most U.S. working women return to work sooner than they'd like to do so, and sometimes just weeks or days after having a baby. As noted by one author, "Just how soon they're going back [to work] is difficult to determine. We know that most employers don't offer paid leave, but no federal agency collects regular statistics on how much post-childbirth time off, paid or unpaid, women are actually taking" (Lerner, 2015, p. 2).

According to the Department of Health and Human Services' Maternal and Child Health Bureau, in 2006-2010, 66.0 percent of women reported being employed during their last pregnancy, of whom 69.7 percent reported taking maternity leave. Thus, nearly one-third of employed women did not report taking any maternity leave (30.3 percent). Women with at least a college degree were more likely to have taken leave than those who had attended college but not graduated (80.0 versus 71.6 percent, respectively) while less than half of women without a high school degree reported having taken leave. Hispanic and non-Hispanic Black women were less likely to report having taken maternity leave than non-Hispanic White women (62.5 and 64.3 percent, respectively, versus 72.2 percent). When taken, the average length of maternity leave was 10.0 weeks (HRSA U.S. Department of Health and Human Services Maternal and Child Health: Maternity Leave: Women's Health USA, 2013). It is important to note that one source that contributed to this study observed that many women cannot afford to take unpaid leave and usually use a combination of short-term disability, sick leave, vacation, and personal days in order to have some portion of their maternity leave paid (Institute for Women's Policy Research Fact Sheet: Maternity, Paternity, and Adoption Leave in the United States, 2011).

The aforementioned study is instructive. First, one-third of its sample did not report taking any maternity leave, and one reason may include the absence of pay as shown in the "patch-working" of their

other benefits that provide some financial relief. One author noted that even women in high-income positions have trouble figuring out how this patchwork of policies applies to them (Suddath, C., 2015). Secondly, women who are college educated may have more financial resources such as more stable jobs and higher pay than non-college educated women who may be employed in jobs that do not offer job security or, for that matter, any benefits at all. A third and most troubling factor noted by this author is the absence of more recent data within the literature since 2011. The Great Recession financially decimated millions of people across the country and, not incidentally, caused many people to not only lose their jobs but also resort to accepting work that made them underemployed. In addition, employers scaled back on replacing the well-paying jobs that were lost and created a larger temporary workforce, one which is entitled to no benefits whatsoever (Skiba and O'Halloran, 2013; O'Halloran and Skiba, 2014). It will be helpful to see what emerges from more data collected in the last several years to determine its impact on parental leave.

From an employer's perspective, one would think that modest financial contributions to parental leave would be more than offset by increased productivity gains and lowered expenses. While speaking about the need for both paid parental leave and the federal government's need to recruit and retain what he described as "top people," House Minority Whip Steny Hoyer said, "We are at risk of not being able to recruit the top talent that America needs, that Americans need and that our federal government needs to do the complex and challenging jobs of making sure the American people are served well" (Katz, E., 2015, p. 1). In addition to saving recruitment and selection costs, the federal government and private industry also would benefit from paid parental leave by avoiding other costs associated with turnover, such as the training and development of replacement workers.

One company that has reaped the benefits of paid parental leave for its workers and itself is Google. As one writer commented, "when they [Google] decided to extend their maternity leave for new mothers to five months and made it paid, what do you think happened? That's right, more women started coming back after maternity leave. That means they saved money by not having to find and train new talented workers to replace the women who decided not to come back after maternity leave. And replacing smart, dedicated and trained personnel is not cheap and it's not easy" (Skyrm, 2015, p. 1).

HEALTHCARE ISSUES

Maternity leave from a job after childbirth provides critical time for maternal-infant bonding and adjustment to life with a new baby. A longer maternity leave has been linked with increased breastfeeding duration as well as improved maternal mental health and child development (Staehlin, 2007; Berger and Hill, 2005).

In an extensive examination of paid parental leave in the U.S., a group of researchers prepared a paper that was sponsored by the Institute for Women's Policy Research as a part of a series of Scholars' Papers sponsored by the U.S. Department of Labor Women's Bureau. Their research mirrored the importance of access to maternity leave related to breastfeeding rates and duration as well as the reduction in the risk of infant mortality, and the increased likelihood of infants receiving well-baby care and vaccinations (Gault, Hartmann, Hegewisch, Milli and Reichlin, 2014). Some of the healthcare dimensions from this study and elsewhere are elucidated below.

Breastfeeding Rates & Duration

Breastfeeding can increase bonding between the child and nursing mother, stimulate positive neurological and psycho-social development, and strengthen a child's immune system (U.S. Department of Health and Human Services, 2000). It has also been shown to reduce the risk of health problems such as diarrheal disease, respiratory illnesses, asthma, acute ear infection, obesity, Type 2 diabetes, leukemia, and sudden infant death syndrome (Ip et al. 2007; U.S. Department of Health and Human Services, 2011).

Both the American Academy of Pediatrics (2012) and the World Health Organization (2013) recommend exclusive breastfeeding for up to six months of age with continuation in conjunction with complementary foods for at least 12 months, if not longer.

As referred to earlier in this paper, Appelbaum and Milkman's (2011) study of California's Paid Family Leave program found that mothers who took advantage of this state's paid leave program breastfed for twice as long as those who did not take leave. Another study by Baker and Milligan (2008) used data from the National Longitudinal Study of Children and Youth to measure the effects of Canada's policy change in 2000, which increased job-protected, paid maternity leave from approximately six to 12 months. The authors found that women who took paid maternity leave after the reform breastfed longer and were more likely to breastfeed exclusively for the recommended 6 months.

Increases in Well-Baby Care & Vaccination Rates

Children whose mothers take time from work after childbirth are more likely to receive well-baby exams in the first years of life, which suggests that leaves taken for 12 weeks or longer could be instrumental in promoting child health (Berger, Hill, and Waldfogel 2005). In addition, a longer maternity leave can give parents the time they need to make sure their children are properly immunized. Berger, Hill and Waldfogel (2005) found that when mothers stay home with an infant for at least 12 weeks after giving birth, their children have a greater likelihood of receiving their recommended vaccinations.

In one study, Daku, Raub, and Heymann (2012) compared the state of maternity leave in 185 countries to vaccination schedules to assess the impact of differential paid maternity leave policies on vaccination rates. Findings indicated that, after controlling for per capita GDP, healthcare expenditures, and societal factors, each 10 percent increase in the duration of full-time equivalent paid leave resulted in increased rates of vaccinations. For example, children are 25.3 percent and 22.2 percent more likely to get their measles and polio vaccines, respectively, when mothers have access to full-time equivalent paid maternity leave; without full-time equivalent pay, however, the duration of paid maternity leave was found to have no significant association with early immunizations and a relatively negligible association with those administered months after birth.

Effects of Family Leave on Maternal Psychological Health

It stands to reason that a mother's emotional well-being and mental health are integral to the quality of care she is able to provide to her infant. An appropriate duration of maternity leave can help prevent postpartum depression and stress. In one study in which 3,350 adults responded to the nationally representative Early Childhood Longitudinal Study – Birth Cohort, data indicated that women who took maternity leave longer than 12 weeks reported fewer depressive symptoms, a reduction in severe depression, and, when the leave was paid, an improvement in overall and mental health (Chatterji and Markowitz 2012). In an earlier study conducted by these researchers and another colleague, data from the National Institute of Child Health and Human Development Study on Early Child Care compared mothers who waited at least 12 weeks before going back to work after childbirth with mothers who returned after less than 12 weeks. The latter group exhibited greater levels of depressive symptoms, stress and self-reported poor health (Chatterji, Markowitz and Brooks-Gunn, 2011).

Another study designed to track psychological health followed a sample of 817 Minnesota employed mothers during the first year after childbirth. Data showed that the longer the duration of leave from work that a woman takes after giving birth -- up to six months -- the lower are her postpartum depression scores on the Edinburgh Postnatal Depression Scale (Dagher, McGovern, and Dowd, 2013).

Reduced Maternal Risk of Disease Through Higher Breastfeeding Rates

In addition to the benefits of increased breastfeeding initiation and duration for infants, a longer maternity leave also may have multiple health benefits for their mothers. Although no direct links have been demonstrated, several studies have suggested an association between the duration of breastfeeding and a reduction in a woman's risk for breast cancer – especially among those with a genetic history of the disease – as well as ovarian cancer (Beral et al., 2002; Ip et al., 2007; Stuebe et al., 2009) and rheumatoid arthritis (Karlson et al., 2004). Furthermore, a large, prospective, longitudinal study using data from two cohorts of the Nurses' Health Study, Stuebe et al. (2005) found that breastfeeding for a longer duration may lower the risk of Type 2 diabetes in young and middle-aged mothers.

An excellent update and summary of these and other healthcare rationales for adequate and paid parental leave may be found in a recent white paper written by the Minnesota Department of Health's Center for Health Equity. A portion of this paper's Executive Summary is as follows:

“The benefits of paid leave policies do not accrue only to individuals or families. Employers, communities, and systems all benefit from people being able to take care of each other and also fulfill their job responsibilities. When paid leave policies are present, people are healthier, they use less sick time, they need less health care, and their children do better in school. Mothers who take paid leave experience improvements in mental and physical health, receive better prenatal and postnatal care, breastfeed their babies for longer periods of time, and experience greater bonding with their children. Elders who are cared for by family members often have a higher quality of life. Workers who have access to paid leave are more likely to schedule and attend preventive care visits with providers, and those who take paid leave while sick experience faster recovery and prevent the spread of illness and disease in the workplace” (Minnesota Department of Health, Center for Health Equity, 2015, p. 6).

AN OVERLOOKED POPULATION: FATHERS

Until recently, very few studies in the literature have examined how men use or do not use parental leave, and whether it is paid or unpaid. Within certain management disciplines, parental leave as applied to fathers appears to be addressed as a small subset of the “work-life balance” literature.

For example, over the course of five years, Groysberg and Abrahams oversaw data collected by Harvard Business School students who interviewed almost 4,000 executives worldwide and surveyed 82 executives in a Harvard Business School leadership course. Among a plethora of findings, student interviewers noted that, almost universally, “the leaders [we] spoke with dispensed valuable advice about how to maintain both a career and a family” and, as one of them reported, “All [respondents] acknowledged making sacrifices and concessions at times but emphasized the important role that supportive spouses and families played.” Nevertheless, the authors acknowledged that “many students [interviewers] are alarmed at how much leaders sacrifice at home and how little headway the business world has made in adapting to families’ needs” (Groysberg and Abrahams, 2014, online edition).

Another study of professional working women – and one which this author questions - was conducted by Bain & Company, whose researchers surveyed a wide spectrum of ages and career levels. The study found that “nearly half of all new women employees aspire to top management [but] within five years, only 16 percent still hold that ambition; this compared with 34 percent of men who begin their careers confident they will reach the top and remain so after two or more years of experience” (Bain & Company, 2014, p. 1). To this author, this summary implied that forces, including parental leave, may have affected this conclusion. However, this author was discouraged with the study's major findings: “...there are three areas where mid-career women encounter negative experiences and perceptions that put them off the fast track. First is a disconnect[ion] with the so-called worker stereotype – the “always on” fast-tracking go-getter. Second is [the] lack of supervisor support for mid-level women. The third – borne out of other shortcomings – is a lack of women role models at top company levels” (Ibid, 2014, p. 1). Admittedly, this author did not read the entire study but it appears to her that the first two of these “major findings” do not fully explicate the *reasons* behind disconnection and supervisor support, and these reasons may include the management and healthcare issues regarding parental leave – and affecting both women and men – that have heretofore been reviewed in this paper and elsewhere.

As bluntly stated by Matt Palmquist, a business journalist, “...ample evidence suggests that traditional definitions of gender roles persist, and businesses, for the most part, still expect their employees to remain fully focused on their professional duties despite their parental obligations. However, compared with the abundance of research on the challenges facing working mothers, relatively

little attention has been paid to how professional fathers juggle their twin roles as employee and dad – and whether their companies help or hinder their efforts to achieve the right mix” (Palmquist, 2015, p. 68).

RECENT DEVELOPMENTS

In December of 2013, Representative Rosa DeLauro (D-Conn.) and Senator Kirsten Gillibrand (D-N.Y.) introduced a bill, the Family Act, modeled on the California family leave policies that are the most generous in the country. Their bill would guarantee 66 percent of pay to employees for up to 12 weeks of family leave – an improvement, but still not enough, according to one source (Kolhatkar, 2014). While the bill would finance itself through a 0.2 percent payroll tax, it has been stalled in Congress for well over a year. As one writer quipped, “Even if it passes, it [the Family Act] won’t fix a system that paints a huge segment of the workforce into a corner. In a country where the median household income is \$53,000, 66 percent of a salary might not be enough to support a family. But the Family Act would drastically change the lives of many Americans” (Suddath, 2015, p. 55).

To extend the availability of paid leave to federal workers and in late January of 2015, Representative Carolyn Maloney (D-N.Y.) introduced the Federal Employee Paid Parental Leave Act which would give these male and female workers six weeks of paid parental leave. It is important to note that earlier in that month, President Obama signed an executive order allowing federal workers access to this benefit; he also called for separate Congressional legislation, and Maloney’s bill would build upon his unilateral action (Katz, 2015). While some praised the Act, others believe it is useless to those who cannot afford to miss paychecks. Regardless, J. David Cox, the national President of the American Federation of Government Employees, believes that “this proposal helps narrow a gaping hole in the benefits offered to federal employees” (Ibid, 2015, p. 1). Cox added that the federal government already reimburses many of its contract employees for parental leave.

Soon, this next national election year will determine how well these and other or newer bills will be handled. Given the last several years of governmental in-fighting and intransigence, many legislators hope that partisan politics will not impede the growing need for paid parental leave.

CONCLUSION

Primarily, this paper has concentrated on our government’s responses and public policy sectors’ responses to the issues surrounding parental leave in general and paid parental leave in particular. Unfortunately and even though several analysts have argued the benefits of some form of paid parental leave for private sector employees, only in the last few years have predominantly large employers agreed to offer this benefit. One might think that, in particular, the technology sector of the business landscape, a sector that is viewed as progressive and generous with its employees, would embrace the concept. On the contrary, only recently did Netflix and Microsoft announce expanded parental leave policies that allow employees up to a year off (Lorenzetti, 2015). While many large technology companies have joined these ranks, the smaller ones have not. In fact, in a study conducted by an advertising start-up, PaperG, of the 97 tech companies ranging from seed stage to post-IPO that were polled, one-quarter offered less than a month of paid leave for new mothers (Ibid., 2015). One might argue that these smaller and younger companies do not have a human resources infrastructure in place to administer the benefit, or the impetus to offer the benefit simply because it has not become an issue. Nonetheless, this industry is a highly competitive one and smaller companies that do not offer an array of generous benefits may not be perceived by talented professionals as “employers of choice.”

In an interview with Dr. Lotte Bailyn, a pioneering social psychologist and Professor Emerita at MIT’s Sloan School of Management, she expressed bemusement with the term “work-life balance” because it does not express how people want to live their lives. Instead of separating or compartmentalizing “work” and “life,” employers should view their employees as members of a much larger community that extends beyond a business and helps people live integrated lives (Geller, 2015).

Part of this integration includes parental leave that offers the flexibility and financial stability issues discussed in this paper.

Finally, most of this paper reviewed some of the reasons why a lack of paid parental leave can cause serious problems for women and men who are employed in full-time positions that are, for the most part, stable positions. What is missing from this review is an examination of the problems faced by men and especially women who, for whatever reasons, are not working and ineligible to receive parental leave, much less paid parental leave. Inarguably and as briefly referenced at the beginning of this paper, “child poverty rates in the United States have consistently been much higher than child poverty rates in other developed countries” (Pressman and Scott, III, 2014, p. 69). Regardless of the country’s status on the global stage, the United States should view the lack of adequate parental leave as a threat to future generations and a serious public health issue.

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