

The U.S. Needs Paid Family and Medical Leave

The U.S. needs comprehensive paid family and medical leave because no one should have to sacrifice their economic security to care for themselves or their loved ones. All workers should be able to take paid leave when they or a family member have a serious health condition, to bond with a new child, or to address certain military family needs.

Many Americans lack access to paid family and medical leave, causing predictable and devastating consequences for workers and their families.

- Nationwide, about 3 in 5 private sector workers lack access to short-term disability insurance through their employers, leaving them vulnerable when they need time off from work to address their serious health needs.¹
 - Among low-income workers, these numbers are even more stark: over 80% of those in the bottom quarter of earners and over 90% of those in the bottom tenth of earners lack access to short-term disability insurance through their employers.²
- Nearly 1 in 3 seriously ill workers either lose their jobs or have to change jobs as a result of their illness.³ Paid medical leave can help workers balance their health needs with work and keep their jobs.
- Nationwide, only 20% of private sector workers receive paid family leave through their employers to bond with a new child or care for a seriously ill or injured family member; among low-income workers, the number is even lower.⁴ Only 25% of non-federal public and private employers offer paid maternity leave, paternity leave, or both.⁵
 - The U.S. remains one of only two countries in the world, along with Papua New Guinea, with no national paid parental leave benefit of any kind.⁶
 - Nearly 1 in 3 U.S. households provide care for an adult loved one with a serious illness or disability.⁷ Because most caregivers providing care for adults are employed,⁸ the demands of providing care are in constant tension with earning a much-needed income.
- Families who have access to paid leave are healthier, more economically secure, and less likely to require taxpayer-funded public assistance resources. The lack of paid leave costs U.S. workers and their families \$22.5 billion each year in lost wages alone.⁹
 - In addition to helping workers stay attached to the workforce, paid family and medical leave can also help families stay afloat when dealing with the financial burden of costly medical bills.¹⁰
- Military families also lack the protections they need when their loved ones are called to active duty service of our country.¹¹

Paid family and medical leave create substantial health benefits for working families.

- Nationally, 1 in 3 U.S. adults under 65 has at least one chronic health condition.¹² Paid medical leave allows workers to get the treatment they need, when they need it. For example, paid

medical leave helps cancer patients and survivors determine a course of treatment, follow through with that treatment, afford treatment, and manage side effects.¹³

- Generally, paid leave is associated with better physical and mental health for mothers, including a lower risk of postpartum depression.¹⁴ Moms who return to work within 12 weeks of giving birth are less likely to breastfeed and, when they do, breastfeed for less time than those who stay home longer.¹⁵
 - Greater access to paid leave can help redress existing maternal health disparities. One study found that the positive effects of increasing the length of paid maternity leave are especially pronounced for low-resource families.¹⁶ Moreover, there are significant racial disparities in maternal health, especially for Black women who are significantly more likely to die in childbirth or experience serious complications than white women.¹⁷
- Paid leave is also tied to reduction in infant and child mortality. In one study of 141 countries, controlling for other factors, an increase of 10 full-time-equivalent weeks of paid maternal leave reduced neonatal and infant mortality rates by 10% and the mortality rate of children younger than 5 by 9%.¹⁸
- Family care leave provides significant health benefits to both caregivers and care recipients.
 - Ill children have better vital signs, faster recoveries, and reduced hospital stays when cared for by parents.¹⁹ Paid leave is a crucial part of this equation, because parents with paid leave are more than five times more likely to care for their sick children than those without.²⁰
 - Paid family leave also has important health benefits for caregivers, who face many negative health repercussions from caregiving. Research shows that access to paid leave improves caregivers' mental and emotional health.²¹
- Paid leave can help fight substance abuse, including the rising threat of opioid abuse, which costs our nation over \$740 billion each year.²²
 - Key treatment options, including both in-patient and outpatient care,²³ generally require time off work, which is why treatment of substance use disorders is covered under existing leave laws.²⁴
 - Family caregivers are critical in ensuring those with substance use disorders can get treatment,²⁵ but caregiving can come at a high mental, physical, and financial cost.²⁶ Paid leave can ensure they have the time away from work they need, along with easing the financial burdens of caregiving.
- Paid leave also helps keep workers safe on the job, increasing productivity and decreasing employer costs. Workers with paid leave are significantly less likely to suffer dangerous injuries on the job²⁷ or deaths on the job.²⁸
 - Paid leave allows workers to recover and return to full productivity more quickly than they would by continuing to work. When workers must return to work before a chronic condition is stabilized or before they have healed from an injury, they are more likely to relapse or re-injure themselves while working.²⁹

- Paid family and medical leave will be crucial as our nation recovers from the COVID-19 pandemic.
 - States that had paid family and medical leave programs in place prior to the pandemic were better able to respond to workers' needs, while, even with emergency interventions, our lack of a national paid leave policy compromised the effectiveness of our pandemic response.³⁰
 - As we move forward, paid family and medical leave will ensure workers can take the time they need to address their own or a loved one's COVID-related needs in the years to come,³¹ while also responding to longstanding existing needs.

A comprehensive, national paid family and medical leave program will benefit historically marginalized workers.

- The COVID-19 pandemic has shown how critical paid family and medical leave are for women, especially Black and Latinx women.
 - According to one survey, 17% of women and 12% of men reported that COVID-19 caused them to take unpaid time off from work or give up a job in order to care for their families.³² 28% of Latinx women and 27% of Black women took time off work during the pandemic to care for themselves or their families.³³
- Access to paid leave for low-income workers in particular is crucial. According to the Department of Labor's 2018 FMLA survey, the most common reason cited by workers who needed leave but didn't take it was that they couldn't afford to take unpaid leave.³⁴
 - The survey also emphasized how important protections against job loss and discrimination are, as fear of losing their job is one of the most common reasons that employees cite for not taking needed leave.³⁵
- Women without paid leave are more likely to be pushed into lower-paying jobs or to drop out of the work force entirely.³⁶ In contrast, women who take paid leave after a child's birth are more likely to be employed 9 to 12 months after the child's birth than working women who take no leave, and new mothers who take paid leave are also more likely to report wage increases in the year following the child's birth.³⁷
- A comprehensive paid leave law that allows workers to care for all of their closest loved ones will also benefit LGBTQ workers and people with disabilities.³⁸ In a 2020 national survey, 63% of LGBTQ workers (including 71% of transgender workers) reported having to take time off work to care for a close friend or chosen family member.³⁹

State paid family and medical leave programs have proven to be successful for workers, businesses, and families.

- Nine states (Rhode Island, California, New Jersey, New York, Washington State, Massachusetts, Connecticut, Oregon, and Colorado) and Washington, D.C. have enacted paid family and medical leave laws,⁴⁰ which provide (or will provide) benefits to workers when they are unable to work due to a serious off-the-job illness or injury, to bond with a new child (including children

newly placed for foster care or adoption) or to care for a family member with a serious health condition.

- Six states also provide (or will provide) paid family leave benefits to workers dealing with certain needs in connection with a family member’s military deployment.
- Four states also provide (or will provide) benefits known as “safe time,” which covers certain needs arising from domestic or sexual violence.
- In recent years, several states have expanded their programs to provide greater protections to workers, including increasing the wage replacement rate of benefits that workers receive while on leave and covering more family members for which workers can take leave to care for.
- The state paid family and medical leave programs offer proven examples from which to build a national, publicly run paid family and medical leave program that is equitable and sustainable.

Paid family and medical leave programs can benefit business and help small businesses thrive.

- As shown in states with paid family and medical leave laws, contrary to opponents’ claims, paid leave does not hurt businesses and can even help.
 - For example, in California, 92.8% of employers reported that paid family leave had a positive or neutral effect on employee turnover,⁴¹ saving employers the costly step of replacing an existing employee.⁴² A majority of California employers also reported positive or neutral effects on productivity (88.5%), profitability/performance (91.0%), and employee morale (98.6%).⁴³
- Providing paid leave through a government program also levels the playing field for small businesses. Small businesses that cannot afford to offer the same generous leave benefits as larger companies are at a competitive disadvantage in hiring.⁴⁴
- Employers have adapted well to state paid leave programs. The vast majority of employers in California, for example, reported a positive or neutral effect on employee productivity, profitability and performance.⁴⁵ And the California Society for Human Resource Management, a group of human resources professionals that initially opposed the state’s paid family leave law, declared that the law is less onerous than expected, and few businesses in their research reported challenges resulting from workers taking leave.⁴⁶

For more information about paid family and medical leave, visit <https://www.abetterbalance.org/our-issues/paid-family-medical-leave/>.

¹ U.S. Bureau of Labor Statistics, *Employee Benefits Survey: Mar. 2020*, Table 16 (2020), <https://www.bls.gov/ncs/ebs/benefits/2020/employee-benefits-in-the-united-states-march-2020.pdf>.

² *Id.*

³ The Commonwealth Fund, The New York Times, & Harvard T.H. Chan School of Public Health, *Being Seriously Ill in America Today* 8 (Aug. 2018), <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/94/2018/10/CMWF-NYT-HSPH-Seriously-Ill-Poll-Report.pdf>.

⁴ *National Compensation Survey: Employee Benefits in the United States, Mar. 2020*, U.S. Bureau of Labor Statistics, Table 31 (2020), <https://www.bls.gov/ncs/ebs/benefits/2020/employee-benefits-in-the-united-states-march-2020.pdf>.

⁵ Kaiser Family Foundation, *Paid Family and Sick Leave in the U.S.* (Dec. 14, 2020), <https://www.kff.org/womens-health-policy/fact-sheet/paid-family-leave-and-sick-days-in-the-u-s/>.

⁶ INTERNATIONAL LABOUR ORGANIZATION, MATERNITY AND PATERNITY AT WORK: LAW AND PRACTICE ACROSS THE WORLD 16 (2014), available at http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_242615.pdf.

⁷ Catherine Albiston & Lindsey Trimble O'Connor, *Just Leave*, 39 HARV. J. L. & GENDER 1, 16 (2016).

⁸ *Caregiving in the U.S.*, AARP & National Alliance for Caregiving (June 2015), p. 56, available at <http://www.aarp.org/content/dam/aarp/ppi/2015/caregiving-in-the-united-states-2015-report-revised.pdf>.

⁹ S. J. Glynn, *The Rising Cost of Inaction on Work-Family Policies*, Ctr. for Am. Progress (Jan. 21, 2020), <https://www.americanprogress.org/issues/women/news/2020/01/21/479555/rising-cost-inaction-work-family-policies/>.

¹⁰ See generally U.S. Congress Joint Economic Committee, *The Economic Benefits of Paid Leave: Fact Sheet*, https://www.jec.senate.gov/public/_cache/files/646d2340-dcd4-4614-ada9-be5b1c3f445c/jec-fact-sheet---economic-benefits-of-paid-leave.pdf (last accessed July 22, 2021).

¹¹ See A Better Balance, *Military Families & The Need for Paid Leave* (Apr. 21, 2021), <https://www.abetterbalance.org/resources/military-families-the-need-for-paid-leave/>.

¹² *Workers Affected By Chronic Conditions: How Can Workplace Policies And Programs Help?*, GEORGETOWN UNIV. HEALTH POLICY INST., Issue Brief Number 7 (June 2004), <https://hpi.georgetown.edu/workplace/>.

¹³ The results of this survey strongly suggest that other workers with chronic or serious illnesses will have better access to treatment and care when they are able to take paid time off from work. Elizabeth Harrington & Bill McInturff, *Key Findings -- National Surveys of Cancer Patients, Survivors, and Caregivers*, American Cancer Society Cancer Action Network (2017), <https://www.acscan.org/sites/default/files/ACS%20CAN%20Paid%20Leave%20Surveys%20Key%20Findings%20Press%20Memo%20FINAL.pdf>.

¹⁴ Zoe Aitken et al., *The Maternal Health Outcomes of Paid Maternity Leave: A Systematic Review*, SOCIAL SCIENCE & MEDICINE 130 (2015) 32-41; Belinda Hewitt et al., *The Benefits of Paid Maternity Leave for Mothers' Post-Partum Health and Wellbeing: Evidence from an Australian Evaluation*, SOCIAL SCIENCE & MEDICINE 182 (2017) 97-105; Pinka Chatterji & Sara Markowitz, *Family Leave After Childbirth and the Mental Health of New Mothers*, THE JOURNAL OF MENTAL HEALTH POLICY AND ECONOMICS 15 (2012).

¹⁵ Lawrence M. Berger, Jennifer Lynn Hill, & Jane Waldfogel, *Maternity Leave, Early Maternal Employment and Child Health and Development in the US*, 115 THE ECON. J.L. no. F29, F39-F40 (2005).

¹⁶ Louise Voldby Beuchert et al., *The Length of Maternity Leave and Family Health*, 43 LABOUR ECONOMICS 55, 67 (2016).

¹⁷ National Partnership for Women & Families, *Black Women's Maternal Health: A Multifaceted Approach to Addressing Persistent and Dire Health Disparities*, <http://www.nationalpartnership.org/research-library/maternal-health/black-womens-maternal-health-issue-brief.pdf> (April 2018).

¹⁸ Jody Heymann, Amy Raub, & Alison Earle, *Creating and Using New Data Sources to Analyze the Relationship Between Social Policy and Global Health: The Case of Maternal Leave*, PUBLIC HEALTH REP. 126 (Suppl 3): 127-134 (2011), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3150137/>.

¹⁹ See S. J. Heymann, A. Earle & B. Egleston, *Parental Availability for the Care of Sick Children*, Pediatrics, Vol. 98 No. 2 (Aug. 1996), p. 226-30; S.J. Heymann, THE WIDENING GAP: WHY AMERICA'S WORKING FAMILIES ARE IN JEOPARDY AND WHAT CAN BE DONE ABOUT IT (2000), p. 57.

²⁰ Jody Heymann, Sarah Toomey, & Frank Furstenberg, *Working Parents: What Factors Are Involved in Their Ability to Take Time Off from Work When Their Children Are Sick?* ARCHIVES OF PEDIATRICS & ADOLESCENT MEDICINE, vol. 163, no. 8, fn 4-2 (Aug 1999).

²¹ Alison Earle & Jody Heymann, *Protecting the Health of Employees Caring for Family Members with Special Health Care Needs*, SOCIAL SCIENCE & MEDICINE, 73:68-78 (July 2011), <http://www.sciencedirect.com/science/article/pii/S0277953611002917?via%3Dihub>; Mark A Schuster, et al., *Perceived Effects of Leave from Work and the Role of Paid Leave Among Parents of Children with Special Health Care Needs*. AMERICAN JOURNAL OF PUBLIC HEALTH, 99(4):698-705 (April 2009), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2661484/>.

²² National Institute on Drug Abuse, *Costs of Substance Abuse*, <https://www.drugabuse.gov/drug-topics/trends-statistics/costs-substance-abuse#supplemental-references-for-economic-costs> (last accessed July 22, 2021).

²³ National Institute on Drug Abuse, *Principles of Drug Addiction Treatment: A Research-Based Guide (Third Edition)* (January 2018), <https://www.drugabuse.gov/download/675/principles-drug-addiction-treatment-research-based-guide-third-edition.pdf?v=74dad603627bab89b93193918330c223>.

²⁴ 29 C.F.R. § 825.119(b).

²⁵ Robin E. Clark, Ph.D., Family Support and Substance Use Outcomes for Persons With Mental Illness and Substance Use Disorders, *Schizophrenia Bulletin*, Volume 27, Issue 1, 2001, Pages 93-101, <https://doi.org/10.1093/oxfordjournals.schbul.a006862>.

²⁶ Mannelli P. (2013). The burden of caring: drug users & their families. *The Indian journal of medical research*, 137(4), 636-638.

²⁷ Abay Asfaw et al., *Paid Sick Leave and Nonfatal Occupational Injuries*, 102.9 AMERICAN JOURNAL OF PUBLIC HEALTH e59-e64 (2012), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3482022/>.

²⁸ Daniel Kim, *Paid Sick Leave and Risks of All-Cause and Cause-Specific Mortality Among Adult Workers in the USA*. 14.10 Int. J. of Env. Research and Pub. Health 1247 (2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5664748/pdf/ijerph-14-01247.pdf>.

²⁹ T.G. Hollo, *Evaluating family and medical leave insurance for Washington state*, 11 Economic Opportunity Institute (May 2012), <http://www.opportunityinstitute.org/wp-content/uploads/family-leave-insurance/EvaluatingFamilyandMedicalLeave-Jan13.pdf>.

³⁰ Chantel Boyens, *State Paid Family and Medical Leave Programs Helped a Surge of Workers Affected by the COVID-19 Pandemic*, Urban Institute (June 2020), https://www.urban.org/sites/default/files/publication/102325/state-paid-family-and-medical-leave-programs-helped-a-surge-of-workers-affected-by-the-covid-19-pandemic_0.pdf; Jeffrey E. Stokes & Sarah E. Patterson, *Intergenerational Relationships, Family Caregiving Policy, and COVID-19 in the United States*, 32 J. Aging & Social Pol'y 416, 420 (June 3, 2020), available at <https://www.tandfonline.com/doi/pdf/10.1080/08959420.2020.1770031?needAccess=true>.

³¹ Rebecca Rosenquist & Caroline La Rochelle, *Paid Leave: Will COVID-19 be a Catalyst for This Essential Policy?*, Children's Hospital of Philadelphia Policy Lab (Sept. 25, 2020), <https://policylab.chop.edu/blog/paid-leave-will-covid-19-be-catalyst-essential-policy>.

³² Rakeen Mabud et al., *Foundation for a Just and Inclusive Recovery* 15, <https://www.nelp.org/wp-content/uploads/Foundations-for-Just-Inclusive-Recovery-Report.pdf> (last visited July 22, 2021).

³³ *Id.* at 16.

³⁴ Sixty-six percent of employees report that their reason for not taking needed leave is their inability to afford unpaid leave. Scott Brown et al., *Employee and Worksite Perspectives of the Family and Medical Leave Act: Results from the 2018 Surveys* at Exh. 6-3 (2020), https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHD_FMLA2018SurveyResults_FinalReport_Aug2020.pdf.

³⁵ *Id.*

³⁶ Sara Cohen, *Have Your Cake and Eat It Too: How Paid Maternity Leave in the United States Could End the Choice Between Career & Motherhood*, 36 WOMEN'S RTS. L. REP. 1, 9 (2014).

³⁷ Linda Houser & Thomas Vartanian, *Pay Matters: The Positive Economic Impacts of Paid Family Leave for Families, Businesses and the Public*, CENTER FOR WOMEN AND WORK (2012), p. 6-7, available at <http://www.nationalpartnership.org/research-library/work-family/other/pay-matters.pdf>.

³⁸ For more information, see A Better Balance, *Fact Sheet: The Importance of Inclusive, Realistic Family Definitions for Paid Leave* (July 15, 2021), <https://www.abetterbalance.org/resources/fact-sheet-importance-of-broad-family-definitions-for-paid-leave/>.

³⁹ Lindsay Mahowald & Diana Boesch, *Making the Case for Chosen Family in Paid Family and Medical Leave Policies*, Ctr. for Am. Progress (Feb. 16, 2021), <https://www.americanprogress.org/issues/lgbtq-rights/news/2021/02/16/495680/making-case-chosen-family-paid-family-medical-leave-policies/>.

⁴⁰ A Better Balance, *Overview of Paid Family & Medical Leave Laws in the United States* (July 20, 2021), <https://www.abetterbalance.org/resources/paid-family-leave-laws-chart/>.

⁴¹ Eileen Appelbaum & Ruth Milkman, *Leaves That Pay: Employer and Worker Experience with Paid Family Leave in California* (2011), CENTER FOR ECONOMIC AND POLICY RESEARCH, p. 8, available at <https://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>.

⁴² Replacing an employee costs 50-75% of an hourly employee's annual pay and up to 150% of a salaried employee's annual pay. Jodie Levin-Epstein, *Getting Punched: The Job and Family Clock* (2006), CENTER FOR LAW AND SOCIAL POLICY, p. 9, available at <http://www.clasp.org/resources-and-publications/files/0303.pdf>.

⁴³ Eileen Appelbaum & Ruth Milkman, *Leaves That Pay: Employer and Worker Experience with Paid Family Leave in California* (2011), CENTER FOR ECONOMIC AND POLICY RESEARCH, p. 8, available at <https://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>.

⁴⁴ Eileen Appelbaum & Ruth Milkman, *Achieving a Workable Balance*, CENTER FOR WOMEN AND WORK (2006), p. 23, available at <https://smlr.rutgers.edu/sites/default/files/images/achieving%20a%20workable%20balance%202006%20Appelbaum.pdf>.

⁴⁵ Appelbaum, E., & Milkman, R. (2013). *Unfinished Business: Paid Family Leave in California and the Future of U.S. Work-Family Policy*. Ithaca, NY: Cornell University Press; Bartel, A., Baum, C., Rossin-Slater, M., Ruhm, C., & Waldfogel, J. (2014, June 23). *California's Paid Family Leave Law: Lessons from the First Decade*. Retrieved 20 August 2019, from U.S. Department of Labor website: <http://www.dol.gov/asp/evaluation/reports/PaidLeaveDeliverable.pdf>.

⁴⁶ Redmond, J., & Fkiaras, E. (2010, January). *California's Paid Family Leave Act Is Less Onerous Than Predicted*. Society for Human Resources Management Publication. Retrieved 27 August 2020, https://www.sheppardmullin.com/media/article/809_CA%20Paid%20Family%20Leave%20Act%20Is%20Less%20Onerous%20Than%20Predicted.pdf.