TWENTY-FIVE YEARS LATER

What’s Next for American Workers After 25 Years of the Family Medical Leave Act?
A briefing on the state of paid family leave in America
Today in the United States, women of all backgrounds are mobilized in extraordinary ways, including a great reckoning about equality and respect in the workplace. As the Family and Medical Leave Act (FMLA) turns 25, it is clear that a truly equitable culture requires equitable rules in workplaces across Ohio and the nation. That means full access to paid family and medical leave for all American workers.

Twenty-five years ago, the FMLA took the important first step toward transforming our workplaces and our culture by guaranteeing job-protected, unpaid leave for most American workers to care for a sick loved one, bond with a new child, or handle a personal medical condition. But since that time, policymakers have failed to act further, so today the United States lags the rest of the world in access to paid family leave.

While the FMLA guarantees unpaid leave, it actually is inaccessible to 62 percent of workers in Ohio because they either are not covered by the law or cannot afford to take the unpaid leave it provides. A mere 15 percent of the American workforce has access to paid family leave, and just four percent of the low-wage workforce has access to the benefit. For most people, unpaid leave means seriously risking their families’ financial security, typically at a time of additional financial and medical burden. In reality, the option of taking unpaid leave time is no option at all. Yet when that leave is to care for a newborn, sick family member, or personal medical condition, the consequences of not taking leave are severe.

In Ohio, where no paid leave is guaranteed, working people are caught between the demands of their jobs and the needs of their families. This means not only that our economy and businesses are not reaching their full potential, but also that families across Ohio are set up to fail.

- In 72 percent of Ohio households with children – nearly 1.8 million homes – all parents hold jobs; unpaid leave time means financial instability.

- Today, more than 1.4 million Ohioans are caring for an aging family member, and in less than 15 years, the share of Ohio’s 65-and-older population will grow by nearly 40 percent. As the trends continue, older adults and working people of all ages will struggle further to receive and provide critical care.

- Twelve people die every day from drug overdoses in Ohio. A rapidly growing number of next-of-kin must take on guardianship roles for children who are the casualties of overdose, death, or addiction.

The data demonstrates not just the need for paid leave, but the benefits of it too. Research shows that paid family and medical leave strengthens families and supports public health and child development: increased immunization rates, better health outcomes, higher self-esteem and educational attainment later in life, and fewer sick days taken by those who utilize paid leave. Paid leave helps employers recruit and retain valued employees, benefiting businesses and our economy. In fact, firsthand data from states with paid leave show health and economic benefits and strong levels of support from employers.

Twenty-five years after passage of the FMLA, we must take the next step by ensuring that all families can access job-protected, paid time off for family and medical leave. A national or state paid leave plan would reduce significantly the number of working families in Ohio facing economic derailment. It would mean financial security for families, productivity for businesses, and an overall stronger, healthier workforce.
When the FMLA was passed, the picture of the American workforce looked very different than it does today. Currently, women constitute a larger share of workforce, work longer into their pregnancies, and continue working after their children are born forced to balance the demands of work and home.

Yet today’s workplace policies have failed to keep up with the shifting demographics of the workforce and the growing demand for more family-friendly policies. As more women enter the workforce and remain in their jobs at higher rates after having children, it is critical to provide supportive workplace policies like paid family and medical leave. But it is also important to provide a comprehensive, inclusive policy that meets the needs of this changing workforce.

By limiting paid leave policies solely to maternity leave, the burden for child care falls primarily on women in households. Providing access to paid leave for new fathers has been shown to improve gender equity in the household and workplace and to create more involved fathers throughout the child’s life. Gender-neutral policies that cover birth, adoptive, and foster parents help provide all new parents with the benefits that they need to care for and bond with a new member of their family.

Today’s working families also need access to caregiver leave in order to take time away from work to care for an aging or ill family member. Women are more likely to take on these caregiving duties for their aging parents, but are often forced to take a leave of absence from their job or to leave the workforce entirely without access to family medical leave as a part of their paid leave benefit.

Another shift in the American workforce deals directly with the changing nature of work, as the number of contingent workers continues to grow. An NPR/Marist poll from December of 2017 found that there are 32 million contract workers employed throughout the country. In fact, evidence shows that one in five U.S. jobs is held by a contract worker. This population of worker is only expected to grow over time and estimates suggest that contract workers could constitute nearly half of the American workforce within the next decade.

The current way in which most employers provide benefits to workers does not align with this changing nature of work. Half of the contract workers polled in the December 2017 NPR/Marist poll stated that they do not have access to any benefits from their employer. Too often, this means that workers in the gig economy are forced to leave the workforce or sacrifice a paycheck if they need to take off time from work for caregiving responsibilities or in the event of their own medical emergency. Women working in the gig economy are hit especially hard by this lack of paid leave benefits as they are more likely to take on the caregiving duties for their families. A survey by Hyper Wallet found that 70 percent of women working as contract workers serve as the primary caregiver in their households.

There are some key components of a paid leave policy that would ensure contract workers are able to utilize these crucial workplace benefits.
Too many American workers are being left behind when it comes to meeting the dual demands of work and family. Without access to supportive, family-friendly workplace policies like paid family and medical leave, workers - especially working women - will continue to sacrifice their financial security at the expense of caregiving duties or their own health. It is past time for workplace policies to match the reality of the American worker.

**THE CASE FOR PAID LEAVE**

There is significant evidence demonstrating the vast and diverse benefits of providing paid family leave. Studies of programs throughout the world and here in the United States demonstrate the wide-ranging positive impacts that paid leave has for women, families, the local economy, and businesses.

**Paid family leave improves critical health outcomes for both mother and baby.** Without access to paid leave, many women are forced to return to work shortly after giving birth. Access to paid leave allows women the necessary time to heal, adjust to a new schedule, and attend to follow-up medical needs. The health benefits of a complete policy also include mental health improvements for new mothers. Evidence suggests that extended paid leave time is related to lower rates of maternal depression, and symptoms of postpartum depression have been shown to reduce as a result of leave-taking by fathers.

Babies reap huge benefits when their parents have the time to share in their first moments of life. Critical bonding that occurs in the first months of life has a direct link to cognitive and emotional development of a child. Providing paid leave for new mothers in the initial formative months with a newborn, particularly a preterm baby, has been shown to boost immunity and improve breastfeeding rates.

Infant mortality rates are reduced through parental paid leave policies. In fact, by allowing parents worry-free time to focus on an infant’s needs, studies have found that even a 10-week period paid leave is associated with a decrease in deaths in the first month of life by 2.6 percent and in the second through
12th months of life by 4.1 percent. The same research found that other forms of leave, such as unpaid leave or leave without job-protection, do not result in the same measurable effect on mortality rates. These differing rates of impact suggest that parents are less likely to take leave that does not provide some form of financial income or job protection.

Moreover, with paid leave policies in place, a child’s health benefits during infancy and continues over his/her life through reduced rates of infections, allergies, sudden infant death syndrome, obesity, diabetes, childhood lymphoma, and leukemia.

**Paid family leave strengthens families.** Many men want to play a larger role in the caregiving of children, yet the lack of supportive workplace policies presents a barrier to their involvement as fathers. Access to paid leave policies which include both men and women can help foster more involved fathers. Research shows that fathers who take even a week or two of paternity leave are more involved than fathers who chose not to take eave in the care of their children. When fathers take paid leave, there are long-term positive impacts on their involvement and parenting. And, the increased involvement of fathers has a direct impact on the life and future of the child. Active and attentive fathers promote educational attainment and emotional stability.

**Without access to paid leave, the needs of older adults and caregivers are forgotten.** Labor force participation rates for women and men 65 years of age and older have climbed dramatically over the last quarter century, particularly among adults in their late 60s. In less than 15 years, the share of Ohio’s population aged 65 or older will increase by nearly 40 percent.6 However, workplace policies have not been updated to meet these needs, meaning caregivers and older adults without access to paid leave are forced to choose between a paycheck and managing their own or their families’ health needs. As the population ages and people live longer, the need for paid leave will only increase as it will become more common for workers to serve as caregivers to older family members.

According to U.S. Census Bureau data from 2016, there are currently 44 million unpaid eldercare providers throughout the United States. The lack of paid leave policies covering family medical care is especially troublesome for women, who are more likely to take on the caregiving duties for their parents. America’s working daughters are often forced to take part-time work, take a leave of absence from their jobs, or leave the workforce entirely to take on these caregiving duties for aging or ill family members. Coupled with the demand of women in the “sandwich generation” who are faced with caregiving duties of their parents and children of their own, lack of access to paid leave policies can have detrimental impacts on the employment opportunity and economic security for women and their families. A recent study from MetLife and the National Alliance for Caregiving estimated that women lose an average $324,044 in compensation due to unpaid caregiving duties.7

**Access to paid family leave policies results in positive impacts on workforce participation and the local economy.** When paid leave policies are available to both men and women, it increases the level of women’s employment and participation in the regional workforce. When fathers take paternity leave, it has been shown to increase gender equality in the household and workplace, as the burden of caregiving duties does not fall solely on women. By providing access to paid family and medical leave, women are more likely to be able to remain active in the workforce and to continue employment.

Women are the sole, primary, or co-breadwinner in nearly two-thirds of Ohio households, meaning that families are increasingly dependent upon women’s wages to remain financially secure. In the state, 85 percent of Black mothers, 62 percent of Latina mothers and 53 percent of white mothers are key family breadwinners. By having access to paid family leave, women are less likely to take a leave of absence from their jobs or exit the workforce entirely, which benefits the economy and the whole family. In Ohio,
there is an 11 percentage-point gap between men and women in labor force participation, which can be partially attributed to the lack of supportive workplace policies for parents and caregivers. Paid leave allows them to take off the time needed to heal, care for, and bond with their new child without sacrificing their paychecks or employment entirely.

Paid leave has also been shown to improve employee attachment to an employer, which often contributes to higher employment rates and wages for mothers in the years following childbirth. Women are more likely to return to their jobs and remain in those same jobs for a longer period of time when they have access to paid family and medical leave. Labor force participation has grown by more than 18 percent over two decades in industrialized nations where paid parental leave policies are in place, demonstrating the long-term impacts on the local economy. Meanwhile in the United States, where there is no guaranteed access to a national policy, workforce participation has barely budged or remained stagnant, especially for women.

**Paid leave policies help protect economic security for working families, decreasing the need for public assistance.** By preserving access to family income during the time that a worker needs to take leave to care for a child or family member or address their own health issue, paid leave policies reduce the demand for public assistance and social services. In fact, women who use paid leave are 39 percent less likely to receive public assistance and have a 40 percent lower rate of enrollment in the food stamps program. New fathers who take paid leave are significantly less likely than fathers who do not to report receiving public assistance or food stamps in the year following their child’s birth.

**Paid leave is good for businesses: improving employee retention, job satisfaction, and productivity.**

Paid family leave is a low-cost, high-benefit policy, with meaningful long-term benefits for employers. Though employees are likely to spend more time away from work - only during key times for the employee’s family - due to the benefit, the increased expense to employers that is associated with this additional paid time off has been found to be offset by lower employee attrition, fewer replacement costs, increased worker productivity, and improved mental well-being.

Implementing a national or state paid leave standard would level the playing field for businesses in attracting top talent to the state, especially for small businesses, which are less likely to be able to afford implementing a policy on their own. The improved rates of employee retention associated with paid leave policies can help employers avoid significant replacement and retraining costs. In one survey, 99 percent of employers reported that offering paid leave to their workers resulted in improved employee morale.

---

**STRONG AND DIVERSE SUPPORT FOR PAID LEAVE**

Paid family leave is not only a smart policy for families, the economy, and businesses, it is also one with strong and wide-ranging support. In states with paid leave policies, there has been an overwhelming amount of support and favorability from business owners, employees, and those administering the program.

**Paid leave has increasingly gained support in the United States, and the majority of Americans want a national standard.** In 2016, in advance of the 23rd anniversary of the passage of the FMLA, the National Partnership for Women & Families released national polling data to demonstrate the overwhelming support from voters for a national paid family and medical leave law. It shows that over the years since the passage of the FMLA, there has been growing support and desire for our country to take the next steps in establishing a national paid leave standard. The poll results found that nearly four in five (or 79 percent) likely voters in the 2016 election believe that it is important for elected officials to update the law to guarantee that working families have access to paid family and medical leave. And 57 percent of respondents surveyed said that it is “very important.”

---
There has been support and overall favorable experiences from both businesses and workers in states with currently enacted paid family and medical leave programs. According to evidence from state-based programs, very few employers suspect abuse, and even fewer have confirmed abuse. States with paid leave policies have reported that program administration is not challenging and programs often result in cost-savings for employers rather than a financial drain. A majority of businesses in California (87 percent) had no increased costs as a result of the program and nine percent indicated that the program had generated cost savings for their businesses by reducing employee turnover and/or reducing their own benefit costs. Several New Jersey employers noted that the state’s paid leave program helped reduce stress among employees and improve morale among employees who took leave and their co-workers.

Paid family leave policies also have support from business owners, particularly small business owners, and a large number of employers are already offering the policy. According to a Small Business Majority poll released in 2017, seven in ten small business owners stated their support for a national publicly-administered family and medical leave insurance fund, either at the state or national level, funded by employer and employee contributions. The SBM polling found that 61% of small business owners support paid family and medical leave insurance programs set up at the state level that would provide employees with a portion of their wages for a limited number of weeks when the employee has a serious illness, has a new baby to care for or needs to care for a seriously ill family member.

And while the majority of small business owners would support a statewide paid leave program, some of them are already providing a policy for their workforce in the absence of a state or national standard. Some small businesses already offer some sort of parental leave to allow employees to care for a new child: 26% offer maternity leave, and nearly 4 in 10 (37%) offer both maternity and paternity leave. Of the small business owners polled, 7 in 10 of them already have some type of policy—formal or informal—in place when it comes to family leave—time an employee would take to care for a family member with a serious illness or caregiving need.10

THE STATE OF PAID FAMILY AND MEDICAL LEAVE IN THE U.S.

Until there is a national standard in place, workers’ access to paid family leave will depend entirely on whether their employer has enacted a policy. Unfortunately, the overwhelming majority of American workers - and most Ohioans - do not have access to the benefit. Paid family leave policies are gaining momentum across the United States, with a growing number of municipalities, states, and private sector businesses taking the lead on implementing policies in the absence of a national program.

Private sector companies are continuing to recognize the benefit of paid leave for their employees and for their bottom-line as a company. A number of Fortune 500 and technology companies have been leading the way, including companies like Facebook, Netflix, Google, and Amazon. Some Ohio companies are among the list of those offering paid leave policies, such as Cardinal Health, JPMorgan Chase, and Procter and Gamble. Over the last three years, there have been more than 100 brand name companies across a range of job sectors that have announced new or expanded paid leave policies for their workforce. A full listing of these companies can be found at the ‘Lead on Leave’ Document created by the National Partnership for Women & Families, available online here.

Nationally, there are currently five states—California, Rhode Island, Washington, New Jersey, and New York—and the District of Columbia with enacted paid family and medical leave legislation. A number of other states have paid family leave bills pending in their legislature, including a few bills with bipartisan support. To find out more about those specific policies, you can view the ‘State Paid Family Leave Insurance Laws’ chart compiled by the National Partnership for Women & Families available online here.
Momentum for paid leave is also moving at the local level as local elected officials across the country are enacting programs for their workforce. In fact, over 50 cities, counties, and townships have provided policies since 2010, including the following Ohio municipalities: Dayton, Cincinnati, Newburgh Heights, Summit County, Columbus, and Franklin County. The majority of the local policies are specifically paid parental leave for new parents, however, Columbus is the first Midwest city and one of only three cities in the U.S. to institute a comprehensive paid family and medical leave policy. The National Partnership for Women & Families created a chart with more information on municipal paid leave policies across the country, available online here.

Ohio is not one of the states to have taken action to enact a family and medical leave insurance program, which means that unfortunately, the vast majority of Ohioans still lack access to the policy through their workplace. What is even more alarming is the overwhelming 62 percent of workers in the state who are unable to even access unpaid leave under the FMLA.

However, that may change with new legislation being proposed at the Ohio Statehouse. For the first time in our state’s history, legislation was introduced in the 131st General Assembly (2015 - 2016) to create a program. While the legislation did not move beyond a first hearing, it was a starting point for Ohio to begin the process of providing workers with the kind of workplace policies that they need.

At the beginning of 2018, legislators in the Ohio House and Senate announced that they would be re-introducing the same legislation in both chambers for this new 132nd General Assembly (2017 - 2018). The legislation would create a Family and Medical Leave Insurance program for Ohio workers to continue to earn a percentage of their paycheck for up to 12 weeks of leave within a 12-month period in order to:

- Care for and bond with a newborn, newly-adopted child, or newly-placed foster child
- Care for a family member with a serious health condition
- Address one’s own medical health condition

The bill would create an insurance program run through the Ohio Department of Jobs and Family Services (ODJFS), which is funded entirely by employee payroll deductions. The premium amount will be determined following an actuarial evaluation conducted by the Director of ODJFS. The Ohio policy is based on legislation previously pending in Colorado, which has estimated that the total cost to an employee would be approximately $25 to $30 per year.

Participation in the program is not mandatory for individuals, and those wishing to opt-out of the program will be given that option and will not be required to pay premiums towards the program. Independent contractors will have the ability to join the program for an initial period of coverage lasting at least three years, allowing for the growing number of freelance and contract workers in Ohio to have access to the policy.

All employers are covered, but employers offering more generous paid leave benefits will have the option to continue offering that policy. As the program is completely employee-funded, businesses will not bear the financial costs of funding such a program. In fact, employers currently offering paid leave policies in Ohio that are employer-funded or a combination of employer- and employee-funded would be able to alleviate the financial costs of providing such a policy themselves as a result of this proposed policy.
I went into labor five weeks early, on a highway in rural Ohio. We pulled into the closest hospital, where a sign said horse and buggies to park on the left ... cars on the right. This tiny, rural hospital didn't have the technology, expertise or equipment to deliver my son, who was breach. With contractions minutes apart, we were life-lighted to another hospital.

After an emergency C-section, my son was moved into the NICU, where he spent the next 13 days. For nearly two weeks, I remained singularly focused on doing whatever I could do get him healthy and home. During this time, I never wondered if I'd have a job to go back to or if I'd get paid for this time away from the office.

That's because in 2009, I launched Geben Communication, a Columbus-based PR agency. I'm the boss. Of course, I'd have a job to go back to, and of course I'd get paid. But, that's a luxury most Americans don't have. Only 14% of employees – and only 4% of hourly workers (the people who need it most!) – have access to paid family leave. Giving birth to a child any circumstances is stressful. I can't imagine going through that period of my life while also panicking about my employment status or wondering how to pay the bills.

This first-hand experienced motivated me to introduce Geben Loves Families, my company's paid parental leave policy. We provide 10 weeks of paid leave (at 100% of their salary), plus a two-week transition period, for new moms and new dads, whether they give birth or adopt.

While more companies are beginning to offer their own versions of paid leave, it's not enough. A funded, statewide policy – or better yet, a national policy! – will accelerate progress. Access to paid leave shouldn't be luck of the draw. It should be a right. We need our legislators to act because paid leave is good for families and good for business.

“There’s no way I can switch jobs.” I was sitting across from my husband at the dinner table, with tears in my eyes.

I had just come across a job posting that seemed to have been written expressly for me. I had already begun writing the cover letter in my head and knew I could knock the interview out of the park. There was only one issue: I was three months pregnant.

Ultimately, I decided to interview for and accept the new and exciting role. I did not disclose the fact that I was pregnant until after I had accepted the position and although the organization did not have an established maternity leave policy, they were open to allowing me to take as much unpaid leave as I wanted. My husband and I decided on eight weeks – not because that's the amount we thought would be best for our family but because, between sick time, vacation time, and time donated by generous coworkers, I was able to garner one month of paid leave and an additional month was as much time as we could afford to live on a single paycheck.

While I was excited by my pregnancy and looked forward to becoming a mother, the stress of planning for maternity leave certainly put a damper on what should have been a purely joyful time. (Well, if you consider morning sickness and bathroom
trips every five minutes to be “purely” joyful, that is.) Thankfully, my organization was on the cusp of instilling a new family leave policy and after many thoughtful conversations with and between our board and senior leadership team, the organization announced a new policy of four weeks of paid family leave which I was able to take advantage of retroactively.

My story ended up with a happy ending but I think often of all the ways it might not have. If my new employer had guessed about my pregnancy and decided not to offer me the job. (Yes, it’s illegal. Yes, it still happens.) If, after finding out about the pregnancy, they had not been open to me taking extended leave – even unpaid. And finally if my employer – a non-profit organization – had determined that it could not afford this benefit, my situation could have been very different.

As I contemplate what this means for any future children my husband and I may have, there is one thing I know for sure: The health and sustainability of families isn’t something that should be left up to chance.

Trevor Elkins
Mayor of Newburgh Heights, Ohio

The birth of my third daughter really was the impetus for introducing legislation for a paid family leave policy. My wife and I were fortunate to have a disability policy that allowed her to stay home for twelve weeks and still collect about half of her income. I was able to utilize sick time to stay home for the first three. We were luckier than most but still, returning to the office was tough and we actively discussed ways to extend my wife’s leave. Unfortunately, no matter how we did the math, it simply wasn’t feasible. Back to work we went.

This led to conversations about how lucky we actually were and to the importance of time with a newborn. We actively talked about how much of a challenge it must be, especially for those without the means, to leave their baby in the care of a stranger. Then it happened, the moment when I knew I had a responsibility to try to lead on this critical issue.

My wife emailed a story about a couple, in New York City I believe, that experienced the tragedy of losing their newborn on the very first day they took her to daycare. Before their loss, their experience seemed very typical. It was similar to our own in that their FMLA policy was ending and the couple had no choice but to return to work. Maybe it was the similarity but, their heartbreaking story was the final straw. Shortly after, I began drafting a policy for our employees.

With the unanimous consent of the Newburgh Heights village council, our policy took effect. The policy sent a clear message to our workforce that we value them, their families, and the balance between work and their personal lives. In Newburgh Heights, a full-time employee is eligible for six months of paid leave at 100% of their rate of pay. The benefit is for men or women, natural birth or adoptions. Since we’ve adopted the policy, we’ve had two employees take advantage of the benefit and dozens of other communities have requested details regarding the policy. We’re confident that this small example will become a model for Ohio or even the nation as we begin to recognize as a society the importance of family leave policies.
TAKE ACTION

No one should be forced to choose between caring for a loved one and earning a paycheck. Unfortunately, this is the reality for far too many Ohio families lacking access to paid family leave. It’s time for Ohio lawmakers to lead on leave and enact a state paid family and medical leave policy.

**Ohio legislators announced that they would be introducing legislation in the Ohio House and Senate to implement a statewide paid family and medical leave program. Contact your legislators and urge them to sign on as co-sponsors of the legislation by March 5, 2018.**

*Use our Advocacy Tools to Urge Your Legislators to Co-Sponsor the Ohio Family Medical Leave Insurance Act:

**House** – Sponsored by Representative Kristin Boggs and Janine Boyd

**Senate** – Sponsored by Senator Tavares

Nearly everyone will need to take time away from work at some point in life to address a personal medical emergency or to care for a new child or aging or ill family member. A person’s job and income should not be on the line when that happens. Paid family and medical leave means that workers can take the time away from work that they need without sacrificing their economic security.

*Visit the Women’s Public Policy Network* paid leave landing page *for more information about the issue and ways to get involved.*

---


6 “Paid Leave Means A Stronger Ohio.”


8 “Paid Leave Means A Stronger Ohio.”
