

Improving Access to Paid Family Leave to Achieve Health Equity

Background on Paid Family Leave Policy in the United States

[A growing body of research](#) demonstrates that paid family leave has short- and long-term health benefits, such as a decreased incidence of low birthweight and preterm births, increased breastfeeding, reduced rates of hospitalizations among infants, and improved maternal health. Moreover, if designed thoughtfully and promoted effectively, paid family leave can reduce health and social disparities.

The United States is the only country among 41 higher-income nations that does not guarantee any paid leave for new parents or to care for a sick family member. Unpaid leave and employer-provided paid leave are available to some workers but are generally less accessible to workers in low-wage jobs and workers of color.

Unpaid Leave

The Family and Medical Leave Act of 1993 (FMLA) grants certain workers up to 12 weeks of *unpaid* job-protected leave for the birth and care of a newborn child; the placement of a son or daughter for adoption or foster care; to care for an immediate family member (spouse, child, or parent) with a serious health condition; and the employee's own serious illness or injury. Leave may also be used to care for an adult child with a serious health condition, but only if the adult child is also incapable of self-care due to disability. Only about 50 percent of working parents are covered under FMLA's [numerous and stringent eligibility requirements](#), which include: employees must work in either a public agency or a private company with at least 50 employees within a 75-mile radius; the employee must have been employed by the company for at least one year and have worked at least 1,250 hours in that year; and employees in the [top 10 percent of the company's pay scale](#) may be excluded.



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Definition of Paid Family Leave

Paid family leave (PFL) provides employees with paid time off for circumstances such as a recent birth or adoption; to care for a parent, spouse, and/or other family member with a serious medical condition; or to care for a sick child.

Employer-Provided Paid Leave

Employer-provided PFL is more prevalent among high-paying, professional occupations and within large companies. Thirty-four percent of U.S. workers in the highest wage brackets have access to paid family leave through their employers, compared to [7 percent of workers in the lowest wage bracket](#) and [6 percent of service workers](#). This leaves approximately 100 million people, or [80 percent of U.S. workers](#), without paid time off after birth or adoption.

Disparities persist with respect to PFL due to a lack of job protections for workers in companies with fewer than 20 employees (almost 20 percent of the U.S. workforce), and especially those newly employed or working part-time. These disparities [disproportionately affect workers of color and workers in lower-wage jobs](#).

Most workers can access PFL only if it is offered by their employer or they happen to live in one of the six states or D.C. that guarantee it. Congress has taken steps in recent years to expand PFL to some federal workers, and provisions in various COVID-19 relief bills have expanded emergency PFL for more workers. However, those laws are limited and/or temporary.



Bridging the Gap: Federal Attempts and State Success

The COVID-19 pandemic prompted Congress to expand PFL to more workers. Under the **Families First Coronavirus Response Act (FFCRA)**, which applies to private businesses with fewer than 500 employees (if less than 50 employees, businesses can apply to be exempt), parents may receive up to 12 weeks of paid leave for reasons related to COVID-19: two weeks of paid sick leave and 10 weeks at two-thirds of salary up to \$12,000. Part-time workers are paid on a scale of average hours worked. Employers, *on a voluntary basis*, may continue to provide such leave in exchange for a payroll tax credit. These provisions were slated to expire on March 31, 2021; the American Rescue Plan Act extends them through September 30, 2021.

Prior to FFCRA, the only other successful attempt to expand PFL at the federal level was the 2019 passage of the **Federal Employee Paid Leave Act (FEPLA)**, which gives federal workers access to [up to 12 weeks of PFL](#) for the birth, adoption, or placement of a new child. To be eligible for FEPLA, federal employees must have: at least 12 months of federal service at an applicable agency; a full- or part-time work schedule; and an appointment of a year or longer.

Because of Congress’ inability to enact a permanent and comprehensive PFL law, efforts to expand PFL have mainly fallen to states and localities, which have considerable variations in their policies.

California, Rhode Island, New Jersey, New York, Oregon, Connecticut, Washington state, Colorado, Massachusetts, and the District of Columbia have passed legislation to provide paid family leave to workers, regardless of size of employer or industry. Six states and the District of Columbia [have implemented their programs](#) and their qualifications and benefits are listed below.

At a Glance: Features of Implemented State Paid Family Leave Programs

State	Effective date	Maximum weekly benefit	Maximum weeks of leave allowed	Job protection	Eligibility criterion
California	2004	\$1,357	8	No	Have earned at least \$300 from which State Disability Insurance deductions were withheld during the base period
New Jersey	2009	\$903	12	No	Worked for at least 20 weeks, making at least \$220 weekly; or have earned at least \$11,000 in the base period
Rhode Island	2014	\$887	4	Yes	Earned at least \$13,800 in base period wages; or \$2,300 in one of the base period quarters and total base period wages of at least 1.5 times the highest quarter earnings and total base period earnings of at least \$4,600
New York	2018	\$971.61	12	Yes	Employed full-time for 26 weeks or part-time for 175 days
Washington	January 2020	\$1,206	12	Yes	Worked at least 820 hours during the qualifying period
District of Columbia	July 2020	\$1,000	8	No	Employee works in DC over 50 percent in the year preceding the qualifying event for leave
Massachusetts	January 2021	\$850	12	Yes	All Massachusetts W-2 employees and some 1099-MISC workers (Eligibility is not based on the size of an employer or length of service with a particular employee)

Adapted from Donovan SA. *Paid Family leave in the United States, Washington, DC.* Congressional Research Service (2018 Sep 12; cited 2019 Mar 4) Available from <http://fas.org/sqp/crs/misc/R44835.pdf>.

Benefits of Paid Family Leave

The research and data domestically and internationally show that PFL provides a range of benefits:

1 Paid Family Leave Policies Improve Health of Mother and Child

- [Increases the use of parental leave](#) to recover and care for children after childbirth, particularly for mothers with lower levels of education and who are Black or Hispanic.
- Gives parents [more time for bonding with a new child](#), which is key to healthy child development.
- Increases overall breastfeeding duration [by nearly 18 days](#). ([Breastfeeding protects against allergies, asthma, sickness, and obesity](#).)
- Improves rates of on-time vaccinations, with the [strongest impact on families below the poverty line](#).
- [Reduces infant hospitalizations](#) and [lowers infant mortality rates](#), particularly in [households with lower income](#).

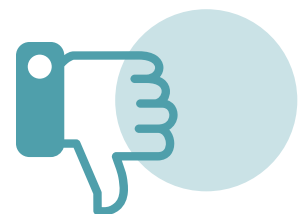
Length of leave matters as well. One [study](#) found increasing the length of maternity leave from under eight weeks to eight to 12 weeks showed the biggest improvement in mental health. Ten weeks or more of PFL results in a 2.5 percent drop in infant deaths.

2 Paid Family Leave Policies Address Health, Racial, and Gender Inequities

Workers of color typically are in lower-paying jobs with fewer employer-provided leave benefits, which drives economic insecurity. As a result, unpaid leave under FMLA is often insufficient and unaffordable.

In a [2020 national survey](#), 28 percent of Black workers reported that their PFL requests were denied, compared to 9 percent of White workers. In the same survey, 28 percent of Latina women and 27 percent of Black women said they had taken unpaid time off of work or given up a job to provide child or elder care, compared to 12 percent of White women and 12 percent of men. This is problematic when considering [a 2018 survey](#) showed that workers of color—including Latinx, Black, Native American, Pacific Islander, and multiracial workers—have a significantly harder time affording unpaid leave compared to White workers.

PFL is also a gender equity issue. The average inflation-adjusted weekly cost of childcare for families with working mothers who make childcare payments has increased over 70 percent



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in the past 30 years, a challenge that is particularly problematic for families with lower incomes, who already spend as much as [30 percent of their family budgets on childcare](#). This is a particularly salient concern for women, who are often the primary caregivers for children and aging parents and also comprise [nearly half](#) of the nation’s workforce.

All workers, including those with disabilities, need access to paid family leave for many of the same reasons—to care for a new child, to address a family member’s illness, or to seek care for their own health condition. People with disabilities are disproportionately likely to hold lower paying jobs that do not offer paid leave. Compared to workers without disabilities, workers with disabilities are [twice as likely to be engaged in part-time work](#), where [fewer than 10 percent of the workforce has access to paid family leave](#). For people with disabilities that have employer-provided paid family leave, fear of losing their job or [concern about stigma related to their disability](#) can be a barrier to access.

[Research shows](#) that paid family and medical leave programs can help address these health, racial, and gender inequities.

3 Paid Family Leave Policies Help Women Stay in the Workforce

In states that have implemented PFL, fewer women are leaving jobs and employment rates have increased among younger women. Short-term PFL [increases the likelihood](#) that mothers will remain in the labor force after childbirth. [States that have implemented PFL policies](#) have experienced a 20 percent reduction in the number of female employees leaving their jobs in the first year after giving birth—and up to a [50 percent reduction](#) after five years.

A national study found that family paid time off (planned use of vacation time, sick days, or PFL) nearly closed the gap in workforce participation between mothers with young children and women without minor children. For women without access to PFL, [nearly 30 percent](#) dropped out of the workforce within a year after giving birth and one in five did not return for over a decade.

4 Paid Family Leave Policies Help Businesses Recruit Skilled Workers

[Assessments](#) of statewide PFL policies in California and New Jersey suggest little negative impact on employers, including [no detrimental effects on wage costs or employee turnover](#). Many employers report that PFL policies level the competitive playing field, [especially for smaller employers](#) who are recruiting skilled workers.

After five years of a six week fully paid PFL program, [research](#) found a significantly increased proportion of San Francisco employers offered paid parental leave. Few employers reported negative impacts of changing their paid leave policies, and some reported positive impacts.



Paid Family Leave

- Leads to [fewer low-birthweight and small-for-gestational-age births](#), especially for Black mothers.
- Increases [parity in the duration of maternity leave](#) taken between White women and women of color.
- [Reduces rates of food insecurity](#) in the year following a birth, especially for households with very low food security, which are disproportionately Black or Latinx.
- [Improves the physical and mental health of new mothers](#), with the strongest impacts on single mothers and mothers with lower incomes, who are disproportionately women of color.

Program Design Considerations

Length and Pay: Conditions that reduce the impact of PFL on racial or socioeconomic disparities include length of leave and amount of pay. New parents, especially those with low incomes, may object at participating if leave pay is too small a percentage of their regular pay. Limited PFL programs may not fully maximize the health benefits associated with more comprehensive approaches.

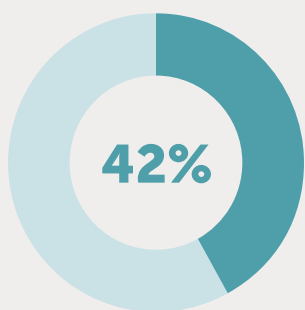
A [study](#) of San Francisco's PFL program participation found that before the ordinance took effect, women with lower incomes were less likely to take over six weeks of leave; were less likely to receive pay from the government or their employer during their leave; and were offered shorter amounts of leave at a lower wage replacement rate by their employers than women with higher income.

Complexity and Awareness: Another stumbling block to robust participation is if a PFL system is too complex or if workers do not know about it. This may cause gaps in accessibility and create uneven implementation across businesses, income levels, and regions.

In San Francisco, health providers, not employers, were the sources of trusted information. Even after an extensive public awareness campaign, fewer than 2 percent of mothers with low income had accurate information about the PFL program.

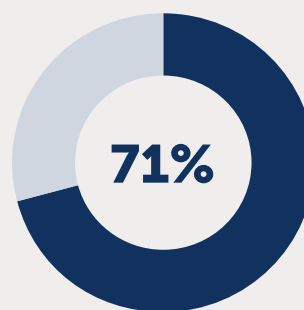
Job Protection: Expanding job protection to workers at smaller firms has significantly increased access to parental leave and use by workers in low-wage jobs and men. Large disparities remain, however, due to incomplete coverage in firms with fewer than 20 employees, and especially for those in newer or part-time jobs. Working parents with low incomes disproportionately lack job protection: [only 42 percent of Medicaid-covered workers have job-protected leave, compared to 71 percent of workers with high income.](#)

Low-income working parents disproportionately lack job-protected leave



Only 42% of Medicaid-covered workers have job-protected leave

vs.



71% of higher income workers have job-protected leave

Principles for a Paid Family Leave Program for All

PFL policies can address racial and socioeconomic disparities, support economic growth, and improve health. State programs can address regional and local needs, while federal officials can learn from state examples.

Giving all children a healthy start to life should include PFL for all workers and should take into account the following principles:

- **Accessibility:** Leave should be universally accessible, not tethered to a zip code or where workers are employed.
- **Eligibility:** Eligibility should extend to independent contractors, gig workers, or employees of any size business.
- **Reason for Leave:** Eligibility for PFL should be broad, including: new baby/adoption/foster; care for a family member with a serious health condition; a worker's own serious health condition; partner in active-duty military, or a survivor of domestic violence.
- **Definitions of Family:** The definition of 'family' should be similarly broad, including: a child, parent or parent of a spouse or domestic partner, spouse, domestic partner, grandparent, grandchild, sibling, or an individual with whom the covered individual has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship.
- **Portability:** Like Social Security, a program is attached to the worker, not the employer.
- **Leave Period:** The program offers at least 12 weeks, and ideally up to 24 weeks, of leave.
- **Wage Replacement:** Wage replacement rates should be progressive (meaning workers in low-wage jobs get a higher percentage of their wages covered) and regularly adjusted for inflation to ensure low to moderate claimants receive benefit amounts close to their earnings.
- **Protection:** Participants receive full job protection.
- **Implementation and Enforcement:** The program provides a streamlined application and claims process. Funds are available for awareness and outreach to key groups that underutilize leave benefits and to businesses to help them comply. Legal advocates and workers' rights organizations work in tandem with administering agencies to highlight and address noncompliance among businesses and, as needed, take legal actions.

Resources

- 1,000 Days' [Furthering Our Case for Paid Family Leave with Real Stories](#)
- American Enterprise Institute and the Brookings Institute's [Paid Leave Working Group](#)
- Change Lab Solutions' [Paid Family Leave Ensures Equity for All](#)
- Evidence for Action's [Parenthood and Health: Measuring the Effects of Maternity Leave, Paternity Leave, and Child Care](#)
- Family Values @ Work [Paid Family Leave Factsheets](#)
- Institute for Women's Policy Research's [Paid Family Leave—Vital Benefits at an Affordable Cost](#)
- National Partnership for Women and Families' [Resources on Paid Leave](#)
- National Women's Law Center [Pregnancy, Parenting & The Workplace](#)
- [Paid Leave and Childcare are Fundamental to Recovery](#), The Hill
- Policies for Action's [Among Low-Income Women In San Francisco, Low Awareness of Paid Parental Leave Benefits Inhibit Take-Up](#)
- Policies for Action's [Expanded Job Protection Improves Racial and Socioeconomic Equity of Parental Leave Access](#)
- The Arc and National Center for Children in Poverty at Columbia University's [Disability Perspectives on Paid Leave](#)
- The Arc and the Georgetown Center on Poverty and Inequality's [Paid Family and Medical Leave and Its Importance to People with Disabilities and their Families](#)
- Urban Institute's [Research on Paid Family, Medical, and Sick Leave](#)

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