

America's family leave disgrace ^[1]

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EXCERPTS

What do Papua New Guinea, Oman, and the United States of America have in common? They are the only three countries in the world with no paid-maternity-leave law. When you point out the deficiencies of the United States in this regard, somebody often replies, “This isn’t Scandinavia; we can’t impose cuddly capitalism”—the M.I.T. economist Daron Acemoglu’s phrase—“and still enjoy economic growth.” Granted, we’re not Sweden, but neither are we Romania, Uganda, Bolivia, or any of the hundred and eighty-five other countries that, according to a 2014 report from the U.N.’s Institute of Labor, provide their citizens with paid leave to care for a new child. Ninety-eight of those countries offer paid leave for fourteen weeks or more. In his State of the Union address on Tuesday, President Barack Obama vowed to make family leave and sick days a priority in the final two years of his Presidency. He has work to do. In the United States, where all sorts of powers are commonly attributed to the private sector, many people might imagine that employers take up the slack. But the majority of U.S. employers do not offer paid family leave, for the simple reason that they don’t have to.

When it comes to unpaid leave, the picture is brighter, thanks to the Family and Medical Leave Act, which Congress passed in 1993. Remarkably little progress has been made in the two decades since then, despite the F.M.L.A.’s manifest weaknesses. The law allows workers to take up to twelve weeks’ leave without losing their jobs if they or their close family members fall ill, or when a baby arrives. But the leave is unpaid, so most low-wage workers cannot take advantage of it. And, because the law exempts workplaces with fewer than fifty employees, among other eligibility regulations, it only covers about sixty per cent of workers, anyway.

The F.M.L.A. had all the hallmarks of a first step; the problem was that there was never a second or third one. The economic downturn made the expansion of family leave—or, for that matter, guaranteed sick days—look much too cuddly, and congressional Republicans tended to want nothing to do with it. Nor was it an issue that feminists and women’s-rights activists focussed on all that intently. In recent years, it seems, we’ve heard more about work-life balance among professional women than among the working classes—more about how the Sheryl Sandbergs and the Marissa Mayers might finesse the demands of a job and a family than how a nurse, a bus driver, or a cashier could. Women in managerial and professional positions are more likely to work for employers that offer paid leaves, and if you happen to be a new parent who works at a tech company like Google or Facebook you can count on generous policies. But most workers can not.

There’s a similar divide when it comes to paid sick days, which, as President Obama noted in his address, about forty-three million American workers do not have. The Washington Post reported this week that eighty-eight per cent of private-sector managers and financial workers can take paid sick days, compared with only forty per cent of service workers. In November, Massachusetts voters passed a ballot measure that allows workers to earn up to forty hours of guaranteed sick leave a year; they can use it to stay home when a child is sick, or when they themselves are.

The Boston Globe told the stories of a few of the people the new law would help. There was Rosario Cabrera, a home health aide who’d gone into debt after she took a few days off from work to care for her son, who had been hospitalized. Barbara Fisher, of Hyde Park, had gone to work at Dunkin’ Donuts, “‘coughing and sneezing everywhere,’ wearing gloves and a mask,” because she couldn’t get the day off. Kettly Dehoux had to bring “her feverish 10-year-old daughter to work at Logan Airport, propping her up on a couch and sneaking into the break room to check on her throughout the day.”

“If you don’t work, you don’t get paid,” Dehoux, a fifty-six-year-old contract customer-service agent for two airlines, told the Globe. “It’s not human.”

Obama is offering two billion dollars in incentives to states that come up with their own family-leave laws. And he urged Congress to mandate paid sick days for the forty-three million workers who lack it, so that, as he said, people wouldn’t have to “make the gut-wrenching choice between a paycheck and a sick kid at home.” The Republican Congress is unlikely to take him up on these proposals, but Obama can at least do something for federal employees. He has signed a memorandum that allows them to take up to six weeks of paid leave to care for a new child or a seriously ill family member.

To those who worry that such policies are too costly for small businesses, the government, or maybe even women hoping to advance in

their careers, there is some reassuring data. In the years since the F.M.L.A. was passed, California and New Jersey have both instituted six-week, partially paid family leave, funded by employees in the form of a small payroll tax.

The New Jersey law went into effect in 2009, and three years later the Center for Women and Work at Rutgers conducted a study that showed some remarkably robust and positive results. Women who had taken the leave were far more likely to be working nine to twelve months after the birth of their child than new mothers who had not; they were also thirty-nine per cent less likely to be on public assistance, and fifty-four per cent more likely to have seen an increase in their wages. This finding is important: in some of the European countries that offer very long leaves—of a year or more—women who take advantage of the policies often pay a price in promotions and earning potential. But, based on the evidence here, shorter leaves seem to boost women's wages.

Studies also showed that, after the law in California went into effect, in 2004, people there took more and longer leaves. This was especially true for less advantaged women—non-college-educated, unmarried, and non-white mothers, who had previously taken maternity leaves that lasted, on average, only a week. (Among their college-educated, higher-income counterparts, the average was three to five weeks.) For all the attention being paid to the importance of bonding with infants, the fact that bonding isn't instantaneous receives relatively little notice. A week of maternity leave goes by in a twilit blur; it's hardly long enough for a new mother to get her physical strength back, let alone figure out the operating instructions for a tiny, dependent new creature. Women who went on paid leave breastfed their babies longer. Meanwhile, most of the businesses surveyed in California reported either positive or no noticeable impact from the family-leave law. Presumably, their employees came back to work happier, healthier, and less distracted.

The data on the California and New Jersey laws suggests something not altogether expected but very encouraging. Since women who take paid family leaves are more likely to see a wage increase and less likely to go on welfare, such policies may exert a positive effect not only on gender inequality but on economic inequality.

Obama's new proposals don't offer sweeping changes, but they are significant as the first real expansions of family-friendly—people-friendly, really—policies in a long time. There is popular momentum behind the idea of guaranteed sick days, in particular; along with Massachusetts, California, Connecticut, and a number of cities have now enacted such laws. These measures, along with minimum-wage laws, were among the few victories for Democrats in the midterm elections. If conservatives oppose these policies now, they will have to explain why American workers, virtually alone in the world, must struggle on without such basic protections. And that won't be easy.

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