



Job Protection Isn't Enough

Why America Needs Paid Parental Leave

By Heather Boushey, Jane Farrell, and John Schmitt

Center for American Progress and the Center for Economic and Policy Research

December 2013

Introduction and summary

Twenty years ago, the Family and Medical Leave Act, or FMLA, was signed into law. The FMLA granted certain workers new and important rights, including the ability to take up to 12 weeks of job-protected leave after a birth or adoption, but it fell short in at least two important respects.¹ First, the leave guaranteed under the law is unpaid, making it difficult for many covered workers to take advantage of their new rights. Second, the FMLA does not cover about 40 percent of the American workforce.² These workers don't meet the law's eligibility criteria, the most important of which are requirements that the worker have been on the job for at least 1,250 hours in the year preceding the leave and that the worker's employer have at least 50 employees.³ Moreover, since employers mostly control access to time off and there are no federal laws that set minimum standards, time off has been seen as a perk for higher-paid employees. Thus, even within the same firm, some workers may have more access to time off, or paid time off, than others.⁴

Without downplaying the historical significance of the FMLA's guarantee of job-protected leave for a majority of U.S. workers, this review of Census Bureau data from the first two decades of the FMLA suggests that the law had a limited impact on the frequency of parental leave and no impact on the likelihood that parental leave is paid.

For the women workers between the ages of 16 and 44 that we focus on here, the usage rate of parental leave—whether covered by the FMLA or not—is low. In any given week, about 0.7 percent of women in this age range are away from work to care for a newborn or recently adopted child. This rate has remained remarkably stable over the last 20 years, with no trend toward greater use of parental leave in the wake of the FMLA.

The share of women taking parental leave is low across groups defined by age and education. Even so, disparities between these groups are still large and persistent. College-educated women, particularly those in full-time and union jobs, are much more likely to take parental leave than less-educated, part-time, nonunion women.

Even two decades after the FMLA, so few men take parental leave that they are almost undetectable in the large government survey that we analyze here. By our estimates, over the past five years, nine women took parental leave for every man who did so.

The story is similar when we look at the share of workers whose parental leave is paid.⁵ Less than half of workers on parental leave are paid for their time off—a proportion that has not changed in any meaningful way over the past two decades. Older and better-educated women in full-time and union jobs are much more likely to be paid while taking parental leave, but even among college-educated women, only a little more than half are paid during their parental leave. The small share of men who do take parental leave, however, are substantially more likely than women to be paid during that leave.

We analyze data from the Census Bureau’s large, nationally representative Current Population Survey, or CPS. The CPS gathers detailed information on a wide range of household demographics and labor market activities. We focus on worker absences where parental leave was cited as the reason for absence from work and on whether that leave was paid. While this analysis does not tell us whether the individual was covered by the FMLA or whether the pay they are receiving is only for family-leave benefits (as opposed to accrued paid sick or vacation leave), it is still valuable in understanding how rates of use of parental leave have changed in the two decades since the passage of the FMLA. Two additional limitations are that the CPS only started asking respondents about parental leave in 1994—which means we cannot compare before and after the implementation of the FMLA—and that it only identifies workers who took at least a full week of leave away from work. We explain these limitations more fully in our “Data and methodology” section.

The Center for American Progress is a nonpartisan research and educational institute dedicated to promoting a strong, just, and free America that ensures opportunity for all. We believe that Americans are bound together by a common commitment to these values and we aspire to ensure that our national policies reflect these values. We work to find progressive and pragmatic solutions to significant domestic and international problems and develop policy proposals that foster a government that is “of the people, by the people, and for the people.”

Center for American Progress

