

Time To Care: Paid Family and Medical Leave and the FAMILY Act

Care is an issue that impacts everyone—at some point, we will all need to provide care for a loved one or receive care ourselves. Yet the U.S. remains one of the only nations in the world with no national paid family and medical leave policy to support caregivers. As a result, people across the country—especially women—are struggling to care for themselves and their loved ones while paying the bills and supporting their families.

It has been five years since the COVID-19 pandemic highlighted the deep gaps in our economic and social infrastructure that have resulted from decades of failure to center the needs of women, people of color, and families, and workers are still waiting for Congress to act. A national paid family and medical leave program, like the FAMILY Act, is a proven policy solution that will help ensure working people can care for themselves and their families without risking their jobs or economic security.

Working people are struggling without policies that support caregivers

Only 27% of workers in the United States have access to paid family leave through their employers (i.e., paid time away from work to, for example, care for a family member with a serious health condition or a new baby),¹ and 43% have paid medical leave to address their own serious health conditions through an employer-provided short-term disability program.² For people working in low-paid and part-time jobs—most of whom are women³—access is even more limited; among workers in the lowest 25% of wage earners, for example, only 14% have access to paid family leave.⁴ And while men are taking on increasing shares of family caregiving,⁵ women are still spending more time caring for children and other family members,⁶ and are therefore more likely to need paid time off to ensure loved ones receive the medical care and attention they need.

In 1993, Congress passed the Family and Medical Leave Act (FMLA), which provides eligible workers with unpaid, job-protected leave to care for themselves and their families. In the intervening 30 years, it is estimated that workers have used FMLA leave nearly 500 million times.⁷ Unfortunately, strict eligibility requirements, including employer size thresholds, hours worked requirements, and job tenure minimums means that millions of workers, nearly half of all workers in the U.S., never qualify for FMLA leave.⁸ And because the FMLA only provides unpaid leave, many workers are still forced to choose between providing or receiving care and their own economic security.

The way forward is clear: it is time to establish paid family and medical leave for all working people.

Paid family and medical leave is a proven solution to help families manage work and care

In the absence of action by the federal government to establish a universal paid family and medical leave program, several states have passed their own laws. Thirteen states and the District of Columbia currently have laws guaranteeing workers paid leave.⁹ The impact of these laws clearly demonstrates the effectiveness of paid leave policies and the benefits felt by workers, businesses, and our overall economy.

- **PAID LEAVE PROMOTES GENDER EQUITY:** Women working full time, year-round are typically paid only 83 cents for every dollar paid to men; that translates to \$462,000 lost over a 40-year career.¹⁰ That lifetime loss doesn't account for the women who are pushed out of the labor force each year when their caregiving responsibilities come into conflict with their jobs. Women are particularly likely to struggle as they are overrepresented in low paid and part-time jobs, which are less likely to offer employer sponsored benefits like paid leave.¹¹ But providing national paid family and medical leave can help narrow these disparities by increasing women's ability to stay attached to the workforce,¹² destigmatizing caregiving for men, and increasing father's involvement in child care.¹³
- **PAID LEAVE IMPROVES INDIVIDUAL AND PUBLIC HEALTH:** Guaranteeing paid time off work means workers are more likely to stay home to recover when they fall ill¹⁴ and their loved ones are more likely to receive necessary medical care.¹⁵ When new mothers have access to paid leave, they experience improvements in their own physical and mental health, including a decrease in postpartum depression,¹⁶ and children are more likely to receive necessary medical check-ups and critical immunizations.¹⁷ A national paid leave policy would contribute to improved health outcomes¹⁸ and could help lower health care costs.
- **PAID LEAVE SUPPORTS A STRONGER ECONOMY:** Research shows that paid leave strengthens businesses of all sizes by reducing turnover costs, increasing employee loyalty.¹⁹ A national paid family and medical leave policy also helps businesses by minimizing administrative and financial costs,²⁰ which is particularly important for small business owners. And because paid leave helps improve women's labor force participation, implementing strong care and family friendly workplace policies could help

increase the country's gross domestic product (GDP) by \$775 billion per year.²¹

- **PAID LEAVE HELPS COMBAT RACIAL INEQUALITY:**

Workers of color are less likely to have access to paid family and medical leave than white workers.²² At the same time, Black women are more likely to be both primary breadwinners and caregivers in their families.²³ And when faced with an unforeseen illness or caregiving need, the racial and gender wealth gaps²⁴ in this country mean that women of color and their families are less likely to have the economic resources to allow them to take time away from work. Providing all workers with paid time to care would help close these gaps, while also improving persistent racial health disparities.²⁵

There is also evidence from the national level that paid leave is effective. In 2020, Congress passed the Families First Coronavirus Response Act (FFCRA),²⁶ which provided some employees with up to 10 weeks of paid, job-protected "public health emergency leave" for parents caring for children whose school, child care provider or usual source of care had closed. Research shows that the law helped flatten the curve in the early days of the pandemic and was cost effective,²⁷ with a lower price tag than the government initially predicted.²⁸ But the FFCRA paid leave program expired in 2021.

The evidence is clear: It is past time for a permanent, national paid family and medical leave program that is comprehensive, inclusive, and economically viable for working people.

The Family and Medical Insurance Leave (FAMILY) Act: a comprehensive, national solution

There is a way forward. The Family and Medical Insurance Leave (FAMILY) Act²⁹ would provide workers with 12 weeks of paid time away from work to address their medical needs and caregiving responsibilities, including caring for a new child after birth or adoption; serious personal health conditions—which includes pregnancy and post-partum care; caring for a child, parent, spouse, or partner; for specific military caregiving and leave; and for absences related to sexual assault, domestic violence, or stalking. The FAMILY Act would apply to all workers, regardless of the size of their employer or how long they have been in their job.

The design of a paid family and medical leave program is critical to ensuring that the law has the desired impact of

supporting working families. Years of progress in states have helped policymakers identify components that make a strong paid family and medical leave program. Key elements included in the FAMILY Act that will increase equity in access include:

- **EQUITABLE WAGE REPLACEMENT RATE:** The FAMILY Act will replace up to 85% of monthly wages for the lowest paid workers—with all other workers earning up to two-thirds of their regular wages—to ensure workers in low-paid jobs can meaningfully access the benefit.
- **JOB PROTECTION:** The FAMILY Act will guarantee that all workers are protected from retaliation for taking leave, and workers who have been at their job for more than 90 days will have the right to return to their jobs following leave.
- **EXPANSIVE AND INCLUSIVE USES:** The FAMILY Act will provide support to all types of families in this country, allowing people to take leave to care for themselves and their loved ones, including spouses, domestic partners, parents, children of any age, siblings, grandparents, grandchildren, and other individuals who comprise someone’s “chosen family.”

Building an economy that works for all people requires us to address the deep underlying flaws in our social infrastructure that have long harmed women of color and their families. Paid family and medical leave is a vital part of how we create an economy that finally works for women—and for all of us.

FOOTNOTES

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- 5 Amanda Lenhart, Haley Swenson & Brigid Schulte, “Lifting the Barriers to Paid Family and Medical Leave for Men in the United States,” New America - Better Life Lab, Dec. 2019, <https://www.newamerica.org/better-life-lab/reports/lifting-barriers-paid-family-and-medical-leave-men-united-states>.
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