

# Time Off is Needed: An Argument in Favor of Paid Maternal Leave in the United States

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The U.S. is the only industrialized country that does not offer paid maternity leave. Instead, the federal government has instituted the Family and Medical Leave Act (FMLA) whereby mothers who work at least 12 months in the same company and a minimum of 1,250 hours a year are eligible for up to six weeks of unpaid leave. The flaws concerning FMLA allows very few mothers to fully benefit from it, and as a result, research shows that new mothers report an increase in stress levels and dissatisfaction. Instead of this insufficient policy, having Paid Family Leave (PFL) would allow mothers to bond and properly care for their newborn without having the financial burden. Although PFL can have its cons, extensive research shows that this act can benefit the mother, the child, and the company. This paper analyzes the different aspects regarding FMLA and PFL and demonstrates the superiority of PFL.



A new baby can be a largely joyful or stressful experience, depending on the circumstances. Government family leave policies have a great influence over these circumstance and their long-term outcomes. Developed countries all over the world are providing families with 8 to 87 weeks of paid family leave during this time, yet the U.S. is lagging behind, only offering 12 weeks of unpaid leave (Livingston, 2016). The purpose of this paper is to describe the problems with our current leave policy, the Family and Medical Leave Act, and need for paid maternity leave in the U.S. and analyze the positive short-term and long-term benefits paid leave brings to the mother, the newborn, and the companies that provide it using recent findings from the fields

of psychology, medicine, epidemiology, and public policy.

In 2017, U.S. News and World Report analyzed and classified 60 countries by their wealth and national attributes (i.e., adventure, citizenship, cultural influence, entrepreneurship, heritage, business, quality of life, uniqueness, and global impact). The United States was ranked the seventh best country to live in because of its high cultural influence, entrepreneurship, and quality of life. However, it is the only industrialized country that does not endorse paid maternity leave (U.S. News and World Report, 2017). American women only have three months of unpaid maternity leave, while other countries provide financial assistance to their new mothers for several months in order for them to spend time

bonding with their child (U.S. News and World Report, 2017). For example, in countries such as Spain, the UK, France, Italy, Ireland, Vietnam, Denmark, Serbia, Norway, and Lithuania, mothers receive over 100 days off to be with their newborn and receive between 80-100% of their pay during this time (Killian, 2011; Weller, 2016; Keating, 2015). Due to the lack of financial assistance, some mothers in the U.S. who recently have given birth are not able to stay at home with their newborns and provide their full attention during these imperative days without having negative economic repercussions. Many American mothers have to rely on the Family and Medical Leave Act (FMLA) for job security while they are away (United States Department of Labor, 2016). This is problematic because 57% of employees are women and 70% of these women are mothers (United States Department of Labor, 2015). The bulk of the evidence suggests that Paid

Family Leave (PFL), which includes paid maternity leave, can be beneficial to both the child and the mother (Gholipour, 2014; Rochman, 2013; Pevzner, 2013; Ip et al., 2007). Although the family medical leave act addresses maternity leave, paternity leave, and leave necessitated by serious medical conditions, the focus of the current paper will be on maternity leave. Specifically, this paper will look at how PFL may improve the newborn's health and cognitive development as well as the mother's physical health. Paid maternity leave may also support the strengthening of the bond between the child and the mother without forcing mothers to choose between spending time with their infant and earning an income. Despite the advantages this policy may have, some argue that PFL may hurt small businesses financially. The evidence in support of and against this assertion will be reviewed.

## PAID MATERNITY LEAVE BENEFITS

Research on states that offer paid maternity leave supports the idea that it benefits both the child and the mother, especially those with lower and middle class income who are often forgotten in the FMLA (Anthony, 2008; Gerstel & McGonagle, 1999). Having paid maternity leave can be beneficial for newborns as it can improve their health; for example, it grants the mother the time to go to the doctor's office for the child's checkups and immunizations. Research conducted by Daku, Raub, and Heymann (2012) found that mothers that stay home are 22.2% - 25.3%, more likely to have their child vaccinated for measles and polio but they did not find an increase in child vaccination when the mother was not provided with paid leave. Furthermore, Rapaport (2016) found that infant mortality decreased when a parent stayed home, especially after the 1st month and in lower class families, it was found that with every additional month the

mother is able to stay at home due to parental leave, the infant mortality rate decreases by 13%. Rossin (2011) also showed that leave is associated with an increase in newborn's birth weight. Unfortunately, because paid leave is often not offered, according to MacDorman, Mathews, Mohangoo, and Zeitlin (2014), the U.S. has the highest infant mortality rate in comparison to other industrialized countries, which can be linked in part to the inability to provide infants with the health care necessary for proper early development.

Paid family leave can also help increase an infant's cognitive development. Gholipour (2014) performed a study on 87 newborn brains and concluded that their brain grows an average of 1% a day for the first 3 months and .4% in the months following. Therefore, in the first 3 months alone, a newborn's brain grows by 64% (Gholipour, 2014). If a parent is available to provide cognitive stimulation

to their child during these crucial days of development, it could have long-term payoffs. An infant's development during their first months can also affect their cognitive development when they grow older. For example, a study conducted in Norway analyzing the long-term effects of paid leave, showed that mothers who took advantage of this program and were able to spend more time with their newborn, in the future that child was less likely to drop out of high school by 2.7% (Carneiro, Loken, & Salvanes, 2015). The researchers also concluded that the child was more likely to receive a higher income at age 30 by 5% (Carneiro, Loken, & Salvanes, 2015). Thus, paid maternity leave may allow the mother to take time off and later provide a stimulating environment for their child, perhaps positively affecting the newborn's cognitive development even years later.

Paid maternity leave also appears to support breastfeeding. Although there are numerous reasons why mothers may not be able to breastfeed their newborns, such as because of an infection or not enough glandular tissue to produce milk, some of the problem is undoubtedly financial. Research shows that because mothers are not getting paid when taking care of their child and have to return to work immediately, only 27% of newborns are breastfed for a year (National Center for Disease Prevention and Health Promotion, 2014). More surprisingly, 10% of one-week-old newborns are fed formula and by six months, this percentage increases to 43% (Pevzner, 2013; Rochman, 2013). Due to the time constraints imposed by work schedules, many families lack the opportunity to breastfeed their newborn, decreasing the infant's protection against infectious disease and Sudden Infant Death Syndrome by 36% (Ip et al., 2007). Furthermore, according to Stuebe (2009), infants who are not breastfed are more likely to have an increased risk for developing asthma, diabetes 1 and 2, and leukemia. Specifically, Ip et al. (2007) analyzed over 9,000 studies on the

correlation of breastfeeding and children's health in different developing countries, and found that children who had been breastfed for three months showed a 27% decrease in the risk of developing asthma and a 24% decrease in the risk of developing obesity. Breast milk also produces minerals, vitamins, fats, protein, and natural antibodies that can help the newborn fight off illnesses (Martin, Ling, & Blackburn, 2016). However, because of the number of mothers who return to work after just a few weeks, breastfeeding has become almost impossible to maintain (Murtagh & Moulton, 2011). Therefore, paid maternity leave through PFL can grant mothers the time to more fully meet their child's short-term and long-term health needs, which as recently mentioned, can be beneficial to the child's health (Huang & Yang, 2015; Appelbaum & Milkman, 2011).

Breastfeeding can also be beneficial for the mother's health. When a mother breastfeeds for a year, it decreases her risks of cancer, specifically ovarian cancer by 21% and breast cancer by 28% (Ip et al., 2007). Researchers also found that mothers who breastfeed show a decrease in risk of developing cardiovascular disease as breastfeeding lowers the individual's serum lipid levels (Schwarz et al., 2009; Peters et al., 2017; Ip et al., 2007). Breastfeeding also helps the mother return to her original body weight at a quicker rate and there is a reduction in developing type 2 diabetes mellitus by around 36-57% (Gunderson et al., 2015). In addition, researchers believe that breastfeeding can decrease the risk of postpartum depression by around 50% because breastfeeding helps release oxytocin, a hormone that increases trust and empathy, playing a central role in bonding (Borra, Iacovou, Sevilla, 2015; Kim et al., 2015). Uvnas-Moberg and Prime (2013) found that women who breastfed reported higher feelings of calmness, more social interactions, and lower stress. Because of the immense benefits breastfeeding has towards both the mother and the newborn,

the American Academy of Pediatrics recommends

mothers to breastfeed for at least six months (Bartick & Reinhold, 2010).

## THE HISTORY OF THE FAMILY MEDICAL LEAVE ACT

In the last 30 years, there has been slow progress when it comes to establishing maternity leave policies in the United States. The first formal act that was proposed to help families with maternity leave was the Family Employment Security Act (FESA) in 1984 (Wisensale, 2001). Unfortunately, President Reagan, Congress, the U.S. Chambers of Commerce, and the National Association of Manufacturers strongly opposed the extra cost of the proposed paid maternity leave, which made it impossible to carry the act through (Wisensale, 2001). Legislation achieved a step forward in 1993 when a similar law, the Family and Medical Leave Act (FMLA) was passed. The FMLA is a policy that allows certain employers to provide their employees with unpaid leave due to medical or family reasons, without the fear of losing their jobs. Specifically, in regard to newborns, the FMLA requires companies to provide

both the mother and the father with unpaid leave for up to 12 weeks per year in order to take care of their newborn, newly adopted child, or because they, or a family member, are experiencing a serious health condition (United States Department of Labor, 2016). The purpose of the FMLA is to decrease the burden on individuals by securing their job while they are away, and at the same time, not hindering companies financially (Waldfoegel, 2001). Unlike the Family Employment Security Act, the FMLA does not promote leave pay for mothers, but instead, only job security while they are home (Wisensale, 2001). However, this does not guarantee the mother with the same job upon her return. The individual may receive any job that benefits the company as long as it provides the same pay and benefits as the previous job (Wisensale, 2001). However, FMLA is still an advancement towards achieving maternity leave.

## DISADVANTAGES OF THE FAMILY MEDICAL LEAVE ACT

Although the FMLA is an advancement compared to the FESA, the act has numerous gaps. Research shows that because the purpose of the FMLA is to try to broadly aid all companies equally, the government is not able to have full control of the way FMLA is implemented and only establishes rules that dictates who qualifies as an “eligible” employee (Berman, 2011). Not all workers are able to qualify for this program; one has to be employed for at least 12 months in the same company and work a minimum of 1,250 hours prior to approval (The United States Department of Labor, 2017; Berman, 2011). The individual must also work at least 25 hours every week for a minimum of 50 weeks. Furthermore, the company must have more than 50 employees who work at the local company

or 75 miles from the company’s location in order for employees to be eligible to benefit from FMLA (The Spitz Law Firm, 2017; United States Department of Labor, 2016).

The National Partnership for Women and Families (2016), a non-profit organization that focuses on promoting equality and fairness concerning health issues such as health care, reproductive rights, and paid leave, conducted an analysis regarding the U.S. policies and how well the government protects company employees and awarded each state with a letter grade. Specifically, this grade demonstrates how each state enforces paid and unpaid family leave and job protection while the employee is away. The grade provides a simple index of FMLA performance by state. The highest grades were

given to the states that enforced and “guarantee[d] paid family leave and pregnancy accommodation” (National Partnership for Women and Families, 2016, p. 5) and required companies to support their employees by providing job protection while mothers were on leave. In contrast, failing grades were given to the states that neglected to implement laws that could benefit and support families spending time with their newborn (National Partnership for Women and Families, 2016). Unfortunately, they found that 74% of the fifty states achieved a C or lower when it came to supporting individuals during paid/unpaid maternity leave, paid sick days, or nursing leave. Overall, 2 states received A’s, 11 states received B’s, 10 states received C’s, 15 states received D’s, and 12 states received F’s (National Partnership for Women and Families, 2016). The fact that 54% of the state governments are failing to enforce a minimum amount of support to families during their leave shows that the application of government acts such as FMLA are not as beneficial as they could be to employees (National Partnership for Women and Families, 2016). Knowing the grades of each state allows us to consider which states need more help and require attention with FMLA, and which states with higher grades could be used as a positive example. For instance, knowing that California received an “A” could allow the government to re-strategize and use California as a model and apply their tactics to states that received lower grades.

Models of more expensive and effective family leave programs can also be found in the policies of other nations, especially Europe. For example, the United Kingdom offers mothers 273 days of paid leave and 91 days of unpaid leave to spend with their newborn and to adjust to the new changes in their lives (The Huffington Post Canada, 2012). Similarly, Sweden provides mothers a year and two months, with 80% of their pay, to spend with their child (The Huffington Post Canada, 2012). Denmark, Croatia,

and Norway provide mothers with their full pay for 252 days while on maternity leave and in Finland, mothers are provided with 161 days of paid leave along with a free maternity grant, which is a package the family receives that contains baby products, such as a sleeping blanket, a crib, clothes, a book, personal care items, bedding, towels, a toy, and bibs (Weller, 2016; Kela, 2017). More importantly, in Finland a mother receives financial assistance and a maternity package regardless of her current employment status (Weller, 2016). The comparison between European countries with the U.S. on maternity leave is important because it allows a deeper understanding of how the U.S. is performing on a more global level in this area.

In the U.S., the lack of governmental control over company leave policies through the FMLA allows the potential for companies to manipulate the system and decide which employees should or should not receive FMLA benefits. Since 1995, the number of companies who use the FMLA has decreased by 61.8% in only five years (Waldfoegel, 2001). More specifically, according to Wen-Jui Han and Jane Waldfoegel (2003), only 46% of Americans are fully protected from losing their jobs when using FMLA. Even if by law the company cannot deny an individual FMLA benefits if the employee meets the government requirements, the business can purposely delay when the individual receives the benefits and they may even ask the individual to use their paid vacation days before final approval (United States Department of Labor, 2016). The company can also delay the individual’s application by asking for a second or third opinion from different doctors or request a medical certification and can deny the application if either latter requirements does not provide enough evidence that the leave is necessary (United States Department of Labor, 2016).

As a result of this sort of company leave policy manipulation, the amount of discrimination in

the workforce towards lower income employees has increased. According to Gerstel and McGonagle (1999), women who have higher salaries and can afford to take the time off are most promising to qualify for FMLA benefits, and therefore, are more likely to spend time with their newborn. Their study showed that two-thirds of middle-class white mothers who make \$50,000 or more are able to benefit from the FMLA, while a little over one-third of individuals who make \$20,000 or less will receive the same benefits. Furthermore, white mothers are more likely to take leave compared to African Americans by almost 52% (Gerstel & McGonagle, 1999). For this reason, many low-income employees return to work only a couple weeks after their child is born, as they cannot afford to stay at home without pay. Furthermore, according to research conducted by Wisensale (2001), 60% of low-income individuals (individuals who make less than \$30,000 a year) who qualify for FMLA benefits, do not take the 12 weeks off because of the economic burden it would bring them. In other words, the options supplied by the FMLA put many soon-to-be mothers in the position of having to choose between their financial stability and spending time with their newborn.

Additionally, due to the amount of control that companies have over granting FMLA benefits, many soon-to-be mothers have to depend on the “employers’ generosity” (Human Rights Watch, 2011, p. 2) for time off and, therefore, only around 20% of new mothers fully benefit from this act. Since one can use FMLA benefits before or after the child’s birth, businesses try to maximize the employee’s time in the company and often only allow the mother to go on maternity leave when they are no longer able

to work due to their pregnancy. For example, in Alabama, an employee “must work until she is disabled as a result of pregnancy” (Employment Law Headquarters, 2012, p. 1) and even then, the organization “may require a doctor’s verification of disability,” (Employment Law Headquarters, 2012, p.1) making it very difficult for mothers to have time off while pregnant and requiring the additional time and expense of doctor visits and reports for verification. In an effort to improve this, the government implemented a tax benefit (depending on the contributed amount) to individuals that donate some of their sick days (up to 80 hours a year) to other mothers in the hopes to increase their maternity leave days (Georgia Institute of Technology, 2015). However, even though the donor can collectively give 80 hours, each recipient can only request up to 40 hours. The recipients must also be employed for at least a year and have exhausted all of their vacation and sick days, as well as provide a certification from their physician before using the donated hours (Georgia Institute of Technology, 2015). Even then, if there is a disability because of the delivery or pregnancy, the individual is ineligible to receive donated days. Lastly, if for any reason the awarded times are not used by the recipient, they cannot be returned to the donor (Georgia Institute of Technology, 2015). Therefore, even though the FMLA is a positive step toward maternity leave, the amount of control companies have over how, when, and for whom to implement the leave mandated by the act and the difficulty for those who try to receive additional leave hours can be seen as obstacles that outweigh the positive aspects of FMLA benefits.

## THE PROGRESS OF PAID MATERNITY LEAVE

Despite some of the negative aspects regarding the FMLA policies, there has been positive progress within state legislation. One act, Paid Family Leave

(PFL), was created with the hopes of helping families during their leave, including establishing paid maternity leave. There are currently four states that

benefit from PFL: California, New Jersey, Rhode Island, and New York (National Partnership for Women, 2017). As a result, 11% of Americans are able to benefit from paid maternity leave, which is an improvement (Devlin, 2015). California became the first state to institute the PFL act in 2004, allowing employees to receive 55% of their pay, but no more than \$1,173 a week for six weeks (Rossin-Slater, Ruhm, & Waldfogel, 2011; State of California Employment Development Department, 2017). Research conducted by the Human Rights Watch (2011) demonstrates that Californians only pay a minimal tax of 1.1% for maternity leave, making the PFL act a highly efficient tactic to collectively create positive change. Five years later in 2008, New Jersey became the second state to have paid family leave with the passing of the New Jersey Family Leave Act (Department of Law & Public Safety Division on Civil Rights, 2008; National Partnership for Women, 2017). This act granted soon-to-be mothers 66% of their pay for a maximum of \$633 a week for six weeks (National Partnership for Women, 2017). Similarly, in 2014, Rhode Island enacted the Temporary Caregiver Insurance (TCI) program where soon-to-be mothers may be provided with four weeks of partial paid leave in order to bond

with their newborn (Silver, Mederer, & Djurdjevic, 2016). Individuals pay a tax of .0012% of their wage base income (the maximum amount the individual made that year collectively) and are able to receive between \$72 to \$736 a week, depending on their salary (Human Rights Watch, 2011; Laurence, 2017). To benefit from the TCI act, the employee has to give the company a 30 day written notice and “be out of work” (Rhode Island Department of Labor and Training, 2014, p.1) for a week before the mother can apply. Unfortunately, if an individual tries to apply before their date of leave, the application will be sent back to them. Additionally, through the Temporary Caregiver Insurance program, the mother’s job is protected while she is away, but similar to the FMLA, it does not necessarily protect her specific job; the company may ask the individual to return to a “comparable position” (Rhode Island Department of Labor and Training, 2014, p.2) as long as the company provides the same pay and benefits as before. The fourth state, New York, just recently implemented Paid Family Leave this year (2017); thus, the benefits of this policy in this state are yet to be seen but may include the individual receiving 55% of their pay for ten weeks (National Partnership for Women, 2017b).

## PAID MATERNITY LEAVE OPPOSITION

Some economists and business owners are concerned with implementing Paid Family Leave in other states because of the extra cost it can bring to the government, the employee, and the company itself. Some economists argue that even though the states that do provide paid leave finance the policy through higher taxes and federal government aid, the act’s cost to companies is still very large, especially for small businesses (Costanzo, 2016). Small companies might not be able to afford this additional cost and as a result, many do not offer paid leave because of the expense to hire and train new employees during the

individual’s absence. Researchers also argue that hiring new personnel and trying to find the best worker for their company is an additional time cost (Sadler, 2016). Michael Nutter, the mayor of Philadelphia, vetoed paid leave, especially paid sick leave, two years ago because it was considered too expensive for local companies. He believed that providing this benefit could cause small companies an economic and administrative burden (Brown, 2011). However, according to the National Partnership for Women and Families (2017a) “there is no evidence that businesses suffer when workers have paid leave,”

(p. 2) and they instead found that the act can benefit both the employer and the employee.

Although researchers agree that small companies are important in the equation of maternity leave, many refute the idea that companies are negatively impacted by paid maternity leave (Gault et al., 2014; Appelbaum & Milkman, 2011). Some economists have argued that even though Paid Family Leave is an additional short-term cost for the company, the overall long-term benefits may outweigh the short-term expense (Stroman et al., 2017). Specifically, proponents suggest that the act can have a positive impact on small businesses because it saves them money, time, and improves the employee's performance and profitability upon return. According to Appelbaum and Milkman (2011), 86.9% of the companies that participated in the Paid Family Leave program demonstrated that it did not increase their overall cost, and instead, 8.8% of the companies demonstrated an increase in profit. Additionally, 91% of companies stated that the PFL act created a "positive effect" (Appelbaum & Milkman, 2011, p.5) in their company, and 88.5% of companies stated that it helped increase their business productivity. This may be because paid parental leave helps mothers feel supported and it allows them to stay in the job that they may enjoy doing, which can increase their productivity levels upon return. This also saves the companies from having to waste time and money finding, recruiting, and training new employees. Additionally, states such as California have become proactive in incorporating small businesses by expanding their PFL act to

include smaller companies with 35 or more employees starting in July 2017 and companies with 20 or more employees starting in January 2018 (National Partnership for Women and Families, 2017b).

Along with focusing on the impacts of including smaller companies in PFL benefit reforms, future research should also focus on how to make the transition back to work as smooth as possible for mothers. As previously stated, companies may require mothers to commence a different role upon their return, which may make it harder for them to adjust as they are now having to accommodate to a new child, a possible new position, and responsibilities simultaneously. Different strategies and alternatives for temporarily reassigning responsibilities should be further investigated.

In order to increase the number of individuals who can benefit from Paid Family Leave, all states should be provided with funding for this act. Specifically, every company, regardless of how many employees they have, should take part in this program. Mothers should receive a minimum of 55% of their pay during these months to ensure they can provide their child with the resources they need. Yet, it is up to each state to decide if they would like to allocate the mother more than the original 55% of pay, as some of the previously mentioned states have (e.g., New Jersey). However, one of the difficulties in implementing this act is the question of how it will be funded. Future research may be able to help establish the most efficient organizational tactics for keeping PFL costs to a minimum for all parties involved.

## CONCLUSION

In conclusion, even though there are gaps in the Family and Medical Leave Act, states have enacted different legislation to help address this problem and try to provide employees with Paid Family Leave. Furthermore, every year more states

are following this positive progress as research demonstrates that providing employees with the benefits of PFL has numerous advantages to the mother, the child, and the company (Gault et al., 2014). For example, the District of Columbia in

Washington D.C., has recently legislated PFL which is scheduled to go into effect in July 2020 (National Partnership for Women and Families, 2017). There are also other acts that have been formed and developed to help implement more positive family leave policy progress. For example, in 2009, a new federal bill was introduced, The Family Income to Respond to Significant Transitions (FIRST) Act, that would help increase paid leave by providing \$1.5 billion in grants to make it easier for soon-to-be mothers to take time off (Marrero, 2009).

Acts like the PFL and FIRST can be used as a foundation for future maternity leave reforms. Addressing these issues in a comprehensive way may improve the newborn's health, the mother's health, the bond between the mother and the child, and the profitability and functioning of businesses. In the end, the infants' and mothers' health and social benefits resulting from paid family leave may go hand in hand with corporate financial benefits.

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