Improving Access to Paid Family Leave to Achieve Health Equity
Executive Summary

- **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.

- **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 with respect to eligibility, duration of benefits, and wage replacement and promoted effectively, paid family leave can reduce health and social disparities.

Background on Paid Family Leave Policy in the United States

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. Workers with low incomes and workers of color are less likely to have access to FMLA and to be able to afford going without pay.

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% 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 11 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 temporarily expanded emergency PFL for more workers but are now expired.

Bridging the Gap: Federal Attempts and State Success

The Federal Employee Paid Leave Act (FEPLA), 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, Colorado, Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, Oregon, Rhode Island, Washington state, and the District of Columbia have passed legislation to provide paid family leave to workers, regardless of size of employer or industry.

As some states are making progress, other locations are facing threats to passing and enacting paid leave laws. As many as 23 states have passed laws that prohibit local governments from enacting their own paid leave or paid sick time policies. When it is used in this way, state preemption of local policymaking threatens not only public health but also health equity—and even democracy—by undercutting community and grassroots engagement and hindering local efforts to advance equity-driven policies.
At a Glance: Features of Implemented State Paid Family Leave Programs

<table>
<thead>
<tr>
<th>State</th>
<th>Effective date</th>
<th>Maximum weekly benefit</th>
<th>Maximum weeks of leave allowed</th>
<th>Job protection</th>
<th>Eligibility criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>2004</td>
<td>$1,357</td>
<td>8</td>
<td>No</td>
<td>Have earned at least $300 from which State Disability Insurance deductions were withheld during the base period.</td>
</tr>
<tr>
<td>New Jersey</td>
<td>2009</td>
<td>$903</td>
<td>12</td>
<td>No</td>
<td>Worked for at least 20 weeks, making at least $220 weekly; or have earned at least $11,000 in the base period.</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>2014</td>
<td>$887</td>
<td>4</td>
<td>Yes</td>
<td>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.</td>
</tr>
<tr>
<td>New York</td>
<td>2018</td>
<td>$971.61</td>
<td>12</td>
<td>Yes</td>
<td>Employed full-time for 26 weeks or part-time for 175 days.</td>
</tr>
<tr>
<td>Washington</td>
<td>January 2020</td>
<td>$1,206</td>
<td>12</td>
<td>Yes</td>
<td>Worked at least 820 hours during the qualifying period.</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>July 2020</td>
<td>$1,000</td>
<td>8</td>
<td>No</td>
<td>Employee works in DC over 50 percent in the year preceding DC over 50 percent in the year preceding</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>January 2021</td>
<td>$850</td>
<td>12</td>
<td>Yes</td>
<td>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).</td>
</tr>
<tr>
<td>Connecticut</td>
<td>January 2022</td>
<td>$840-$900</td>
<td>12-14</td>
<td>No</td>
<td>Benefit recipients must have earnings of at least $2,325 in the highest earning quarter within the base period. They must also be currently or recently employed (i.e., employed in the last 12 weeks).</td>
</tr>
</tbody>
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At a Glance: Features of Soon-To-Be-Implemented State Paid Family Leave Programs

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>Oregon</td>
<td>September 2023</td>
<td>$1,375</td>
<td>12</td>
<td></td>
<td>Worked in Oregon and made at least $1,000 the year before they apply for paid leave.</td>
</tr>
<tr>
<td>Colorado</td>
<td>January 2024</td>
<td>$1,100</td>
<td>12</td>
<td>Yes</td>
<td>Must have earned at least $2,500 in wages that were subject to the paid family and medical leave insurance payroll tax over the worker’s base period.</td>
</tr>
<tr>
<td>Maryland</td>
<td>January 2025</td>
<td>$1,000</td>
<td>12</td>
<td>Yes</td>
<td>Worked 680 hours or more in the 12-month period immediately preceding the first day of benefits.</td>
</tr>
<tr>
<td>Delaware</td>
<td>January 2026</td>
<td>$900</td>
<td>12</td>
<td>Yes</td>
<td>Must by employed by their current employer for 12 months and have worked for the current employer for at least 1,250 hours in the 12- months preceding leave.</td>
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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

Paid leave is unevenly distributed among workers, by type of leave taken, by gender and race/ethnicity, by earnings and family income levels, and by family type (with marginalized communities receiving fewer benefits).

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. 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.

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 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. 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. Research also shows that more outreach is needed to all workers but especially to low-earning workers who may not be served by employer personnel services that can provide accurate information about public benefits and how to apply for them.
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 1 in 5 did not return for over a decade.

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.

Low-income working parents disproportionately lack job-protected leave

- Only 42% of Medicaid-covered workers have job-protected leave
- 71% of higher income workers have job-protected leave
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.
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
- A Better Balance’s [Comparative Chart of Paid Leave Laws](#)
- 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
- 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
- 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