

Fact Sheet

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Maternity Leave in the United States

Paid Parental Leave Is Still Not Standard, Even Among the Best U.S. Employers

Nearly one-quarter (24 percent) of the best employers for working mothers provide four or fewer weeks of paid maternity leave, and half (52 percent) provide six weeks or less, according to an Institute for Women's Policy Research analysis of data provided by Working Mother Media, Inc., publisher of *Working Mother* magazine. Nearly half of the best companies fail to provide any paid leave for paternity or adoption. Each year Working Mother selects the 100 family-friendliest companies in the United States by reviewing employer questionnaires describing their "workforce profile, compensation, child care, flexibility, time off and leaves, family-friendly programs and company culture."¹ While more than one-quarter of companies (28 percent) provide nine or more weeks of paid maternity leave, many of the winners' paid parental leave policies fall far short of families' needs. No company provides more than six weeks of paid paternity leave and only 7 of the 100 best companies provide seven weeks or more of paid adoptive leave.

An Institute for Women's Policy Research review of the Working Mother 2006 100 Best Companies finds that 7 percent of the highest-ranked companies offer no paid maternity leave, and another 7 percent provide only one to two weeks, as shown in Table 1. Some companies model more adequate standards, however. Goldman, Sachs & Co. offers 16 weeks of paid maternity leave, plus 4 weeks for new fathers and 8 for adoptive parents. Eighteen weeks of paid leave is standard for birth mothers at Pillsbury Winthrop Shaw Pittman LLP. New moms with five years of job tenure at Johnson & Johnson, ranked in the top ten of the 100 winners, receive 26 paid weeks of maternity leave.

**Table 1. Working Mother 100 Best Companies, 2006:
Percent offering paid maternity leave for birth mothers, by maximum leave length**

Number of weeks of paid maternity leave	Percent of companies offering specified number of weeks	Cumulative percent of companies offering some paid maternity leave
more than 12 weeks	8%	8%
11 to 12 weeks	11%	19%
9 to 10 weeks	9%	28%
7 to 8 weeks	20%	48%
5 to 6 weeks	28%	76%
3 to 4 weeks	10%	86%
1- 2 weeks	7%	93%
0 weeks ^a	7%	

Note: Years on the job influence the amount of paid maternity leave an individual worker may be entitled to in many establishments. This table shows the longest possible amount of paid leave.

^a Zero weeks includes companies for which no data are provided on paid maternity leave.

Source: Institute for Women's Policy Research analysis of Working Mother Media, Inc.'s employment survey for the 2006 Working Mother 100 Best Companies, as presented at <http://www.workingmother.com/web?service=vpagel/77> (copyright 2007; retrieved 7/12/2007).

Half of the 2006 Working Mother 100 Best Companies do not report any paternity leave, and paid leave is much less available for adoptive parents than for birth mothers (Table 2). Thirty-five percent of the “100 Best” companies provide only one to two weeks of paternity leave, 8 percent provide three to four paid weeks, and 7 percent provide up to six paid weeks for new fathers. Of the 54 companies that reported paid leave policies for adoptive parents, 17 provide one to two weeks, 13 companies offer three to four weeks, and 16 provide five weeks or more for adoptive parents to bond with their new child.

Table 2. Working Mother 100 Best Companies, 2006
Percent offering paid leave for fathers and adoptive parents, by maximum leave length

Number of weeks of paid paternity leave	Percent of companies offering paid paternity leave	Percent of companies offering paid adoptive leave
more than 12 weeks	0%	1%
11 to 12 weeks	0%	3%
9 to 10 weeks	0%	0%
7 to 8 weeks	0%	3%
5 to 6 weeks	7%	9%
3 to 4 weeks	8%	13%
1- 2 weeks	35%	17%
0 weeks ^a	50%	46%

Note: Years on the job influence the amount of paid leave an individual worker may be entitled to in many establishments. This table shows the longest possible amount of paid leave.

^a Zero weeks includes companies for which no data are provided.

Source: Institute for Women’s Policy Research analysis of Working Mother Media, Inc.’s employment survey for the 2006 Working Mother 100 Best Companies, as presented at <http://www.workingmother.com/web?service=vpage/77> (copyright 2007; retrieved 7/12/2007).

Paid Maternity Leave Results in Better Health Outcomes for Mothers and Children

Research establishes that mothers and children benefit from paid maternity leave.

- Women with any combination of paid vacation or sick time tend to take more time off after childbirth, resulting in positive health effects for both women and children.²
- Women workers who have some form of paid leave take on average 10.5 weeks off after childbirth, while women without any paid leave take 6.6 weeks.³
- The majority of new mothers report one or more physical side effects five weeks after childbirth, and those who had a Cesarean section had significantly more health impacts.⁴
- Newborns have decreased access to follow-up care, lower rates of immunization, and decreased breast-feeding by four and one-half weeks on average as a result of early returns to work.⁵

Paid Maternity Leave is Not Required by any Federal Law

While no federal law requires paid maternity leave, two laws give workers important rights related to pregnancy, parenthood, and taking care of seriously ill family members. The Pregnancy Discrimination Act of 1978 (PDA) requires that employers treat pregnant workers the same as other employees with temporary medical disabilities in all conditions of employment, such as pay and fringe benefits, including paid sick days, health insurance coverage, and temporary disability insurance.⁶ It also forbids employers from discriminating against pregnant women or forcing them to take pregnancy leave. The law does not require employers to provide paid leave, but if they provide it for some medical conditions, they must include pregnancy. (The PDA

applies to firms that are subject to the 1964 Civil Rights Act—those with 15 or more workers.)

The federal Family and Medical Leave Act of 1993 (FMLA) protects workers’ job security during leave taken for the employee’s own disability or illness (including pregnancy and childbirth); the care of the employee’s newly born, adopted, or fostered child; or to care for an immediate family member (spouse, child, or parent) with a serious health condition. The FMLA applies to employees who work 20 or more weeks in a year and have worked at least 12 months for their current employer and who work for a firm employing at least 50 workers. This federal policy ensures that eligible employees receive:

- up to 12 weeks of unpaid leave annually (leave may be taken all at once or intermittently, and for part or all of a day);
- continued health insurance benefits (if ordinarily provided by the employer); and
- a guarantee of return to the same, or an equivalent, job.

Table 3. Percent of U.S. private sector workers with access to paid or unpaid family leave, 2007

Characteristics	Family Leave ^a	
	Paid	Unpaid
All workers	8%	83%
Worker characteristics		
Management, professional and related	14%	90%
Service	5%	79%
Sales and office	9%	84%
Natural resources, construction, and maintenance	6%	75%
Production, transportation, and material moving	4%	84%
Full-time	9%	86%
Part-time	5%	73%
Average wage less than \$15 per hour	5%	80%
Average wage \$15 per hour or higher	11%	88%
Establishment size		
1 to 99 workers	6%	75%
100 workers or more	10%	93%
Region		
New England	9%	88%
Middle Atlantic	8%	84%
East North Central	8%	81%
West North Central	6%	82%
South Atlantic	9%	84%
East South Central	6%	89%
West South Central	8%	81%
Mountain	6%	80%
Pacific	10%	84%

Note: ^a Because employers report that some workers have access to both paid and unpaid family leave, percents given may add to more than 100 percent. For the same reason, it is not possible to determine how many workers lack access to any form of leave, paid or unpaid.

Source: U.S. Department of Labor, Bureau of Labor Statistics, *National Compensation Survey: Employee Benefits in Private Industry in the United States*, <http://www.bls.gov/ncs/ebs/sp/ebsm0006.pdf> (August 2007).

Very Few U.S. Workers Have Paid Family Leave

Expanding from the “100 Best” companies to the entire private sector workforce, an even more inadequate picture emerges of access to paid family leave in the United States. The U.S. Department of Labor tracks the kinds of leave offered by employers. According to the most recent DOL data, family leave is nearly absent in U.S. workplaces.⁷ Only 8 percent of workers have paid family leave to care for newborns and other family members (Table 3). Managerial and professional workers and those in larger establishments have a distinct advantage over service and blue-collar workers and those employed in smaller firms. Full-time workers are nearly twice as likely as part-timers to have paid family leave. Workers in the Pacific Northwest and New England are also more likely to have paid family leave. Only 5 percent of the lowest-earning workers (earning less than \$15 per hour) have paid family leave. Even the federal government, which is typically thought of as a model employer, fails to give its employees paid parental leave. Instead, federal employees who become parents must use paid vacation or sick days or unpaid time off.⁸

State-Level Initiatives Improve on the FMLA

Several states have enacted policies to provide workers with family leave above the Family and Medical Leave Act requirements. These policies provide eligible workers in covered establishments with pay and/or more time to care for a newly born or adopted child or to care for an ill parent, child or spouse.

- Temporary Disability Insurance (TDI) is offered to all workers in *California, Hawaii, New Jersey, New York, Rhode Island, and Puerto Rico*, by state mandate. These programs provide temporary income to workers with non-work related, short-term disabilities, including pregnancy and childbirth. Funded by employee or employer contributions, or both, TDI ranges in coverage from 26 to 52 weeks.⁹
- The *State of California* gives workers in all firm sizes the right to six weeks of partially paid family leave to care for a newborn, an adoptive child, or an ill family member. The payment amounts to 55% of wages, to a maximum of \$728 per week.¹⁰ This provision was enacted in 2002 by expanding the state's TDI program.
- *Washington State's* 2007 Family Leave Insurance Law (S 5659) instructed a task force to form a Leave Insurance program to begin October 1, 2009. The program will provide \$250 per week for up to five weeks to a full-time worker (pro-rated for part-time workers) to care for a newborn or newly adopted child.¹¹
- Some states have elected to mandate family leave policies for firms smaller than the federal FMLA guideline of 50 employees or more. The family and medical leave policy of the *District of Columbia* covers employees of all firm sizes. *Maine* covers establishment with 15 or more employees, and *Minnesota* covers those with 21 or more, though the entitled length of leave is less than the FMLA 12-week period. *Oregon* covers firms with 25 or more employees and requires more than the 12-week federal minimum.¹²

Congress is Considering New Proposals to Support Working Parents

Two bills have been introduced in the 110th Congress to provide paid time off for new parents and other workers. The proposed Family Leave Insurance Act (S 1681) would offer up to eight weeks of paid leave to new parents or those caring for seriously ill family members. It is co-sponsored by Senators Chris Dodd (CT) and Ted Stevens (AK). Eligibility criteria mirror the FMLA. Representatives Carolyn Maloney (NY), Steny Hoyer (MD), and Tom Davis (VA) are co-sponsors of the proposed Federal Employees Paid Parental Leave Act (HR 3158), which would give federal employees up to eight weeks of paid parental leave. These bills, if passed, would provide U.S. workers with much more paid family leave than they currently have, on average, improving families' economic security and health outcomes for mothers and children.

¹ Information collected by Working Mother Media, Inc. from employers and edited by Working Mother Media, Inc. 2007. <<http://www.workingmother.com/web?service=vpwage/77>> (downloaded July 12, 2007).

² Patricia McGovern, Bryan Dowd, Dwenda Gjerdingen, Ira Moscovice, Laura Kochevar, and Sarah Murphy, 2000. "The Determinants of Time Off Work After Childbirth." *Journal of Health Politics, Policy and Law* 25 (June 2000): 528-564.

³ Ibid.

⁴ Patricia McGovern, Bryan Dowd, Dwenda Gjerdingen, Cynthia R. Gross, Sally Kenney, Laurie Ukestad, David McCaffrey, and Ulf Lundberg, 2006. "Postpartum Health of Employed Mothers 5 Weeks After Childbirth." *Annals of Family Medicine*. 4 (March/April 2006): 159- 167.

⁵ Lawrence M. Berger, Jennifer Hill, and Jane Waldfogel, 2005. "Maternity Leave, Early Maternal Employment and Child Health and Development in the U.S.," *The Economic Journal*, 115 (February 2005): F29-F47.

⁶ Roberta M. Spalter-Roth, Claudia Withers, and Sheila R. Gibbs, *Improving Employment Opportunities for Women Workers: An Assessment of The Ten Year Economic and Legal Impact of the Pregnancy Discrimination Act of 1978*, Publication #A108, Washington, DC: Institute for Women's Policy Research, 1990.

⁷ According to the Bureau of Labor Statistics, the National Compensation Survey considers paid family leave, a paid leave given to an employee to care for a family member. The leave may be available to care for a newborn child, an adopted child, a sick child, or a sick adult relative. Paid family leave is granted in addition to any sick leave, annual leave, vacation, personal leave, or short-term disability leave that is available to the employee. Unpaid family leave is unpaid leave given to an employee to care for a family member. The leave may be for caring for a newborn child, an adopted child, a sick child, or a sick adult relative (personal communication, August 30, 2007).

⁸ United States Office of Personnel Management. 2001. *Report to Congress on Paid Parental Leave*, <http://www.opm.gov/oca/Leave/HTML/ParentalReport.htm> (August 29, 2007).

⁹ Vicky Lovell and Hedieh Rahmanou. *Paid Family and Medical Leave: Essential Support for Working Women and Men*, Publication #A124. Washington, DC: Institute for Women's Policy Research, 2000.

¹⁰ Employment Standards Administration. *Federal vs. State Family and Medical Leave Laws*. Washington, DC: Department of Labor. <<http://www.dol.gov/esa/programs/whd/state/fmla/index.htm>> (downloaded August 3, 2007).

¹¹ Ibid.

¹² Ibid.

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