



# It is Time for the FMLA to Fulfill the Promise of Inclusive and Paid Leave

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February 5th, 2021 marks the 28th anniversary of the Family and Medical Leave Act (FMLA). While this landmark federal legislation has protected the health and incomes of millions of workers, it still leaves out an overwhelming share of low- or moderate-income workers and their families, limiting their ability to care for themselves when seriously sick or to care for their family in times of illness without jeopardizing the jobs.

Many lower-income workers who have access to the FMLA leave cannot afford to take it. The FMLA leave is unpaid and highly contingent on a worker's job tenure, work hours, and employer size. Eligibility for an FMLA leave depends on how many people are on the employers' payroll, how long the worker has been employed by their current employer, and how many hours the employee works each week. Although the FMLA is intended to provide a 12-week unpaid leave for workers due to serious illness or major life events, including but not limited to childbirth or the addition of a new child to the family, it is far from universal.

The FMLA does not cover approximately 44 percent of workers due to ineligibility (working for a small employer or not having sufficient tenure with their current employer).<sup>1</sup> This has a damaging impact on children living in these families, particularly those with limited resources. Low-income parents are more likely to work in low-wage jobs,<sup>2,3</sup> to work for smaller-sized employers, and to juggle multiple jobs,<sup>4</sup> disqualifying them from receiving leave.<sup>5</sup> Yet, some who are fortunate to work for an eligible employer often cannot afford to take unpaid time off. Those who choose to take unpaid leave may face negative income shocks. Consequently, many workers, with or without access to the FMLA's guarantee of a job to come back to, suffer from unmet needs for leave. The stress they experience has an adverse impact on their children's ability to succeed in the long-term.

Family configuration may further amplify disparities in the ability to take or to afford unpaid leave. Single motherhood, for example, is related to a loss of parental resources<sup>6</sup> and this may affect their ability to take unpaid leave. There are reasons to believe that economically

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<sup>1</sup> Abt Associates, Inc 2020.

<sup>2</sup> Harknett, Kristen, Daniel Schneider, and Rebecca Wolfe 2020.

<sup>3</sup> Henly, Julia R., and Susan J. Lambert 2014.

<sup>4</sup> Morduch, Jonathan, and Rachel Schneider 2017

<sup>5</sup> Han, Wen-Jui, Christopher Ruhm, and Jane Waldfogel 2009

<sup>6</sup> McLanahan, S., & Jacobsen, W. 2015



disadvantaged single parents, single female-headed households with children in particular, may confront more challenges in taking leave. There is a documented increase in the number of US children born in unmarried female-headed families,<sup>7</sup> and women on average are increasingly tied to the labor force, particularly lower-educated mothers.<sup>8</sup>

We analyze the 2018 FMLA Employee Survey to show how the coverage in leave-taking varies by family type and presence of children. Persons living in families with children are disproportionately represented among leave needers (**Table 1**). Although most workers surveyed were able to take leave when needed, a small share still could not. Overall, slightly more than 7 percent of surveyed employees have unmet needs for leave (**Figure 1**).

**Table 1**

**Family Composition Among Employees Having Unmet Needs for Leave, 2018**

(percent)

|              | Single, Child | Single, No child | Married, Child | Married, No child |
|--------------|---------------|------------------|----------------|-------------------|
| All          | 6.5           | 33.1             | 30.4           | 30                |
| Leave Needer | 13.7          | 29.4             | 40.1           | 16.8              |

Source: Authors' analysis of the FMLA Employee Survey, 2018.

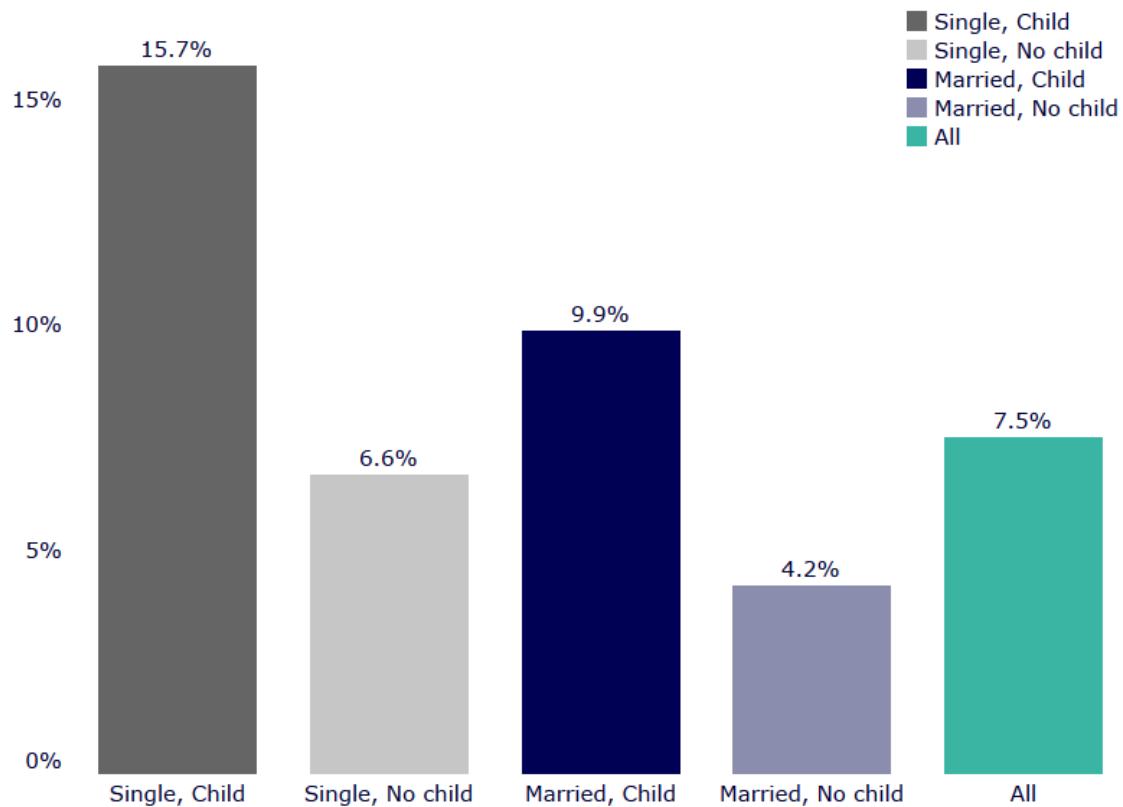
Among all employees, families with children appear to have greater needs for taking leave, with single parents disproportionately reporting needing leave. More than 15 percent of solo parents needed leave but did not take it, 6 percentage points and 9 percentage points higher than their married counterparts and childless single employees, respectively.

<sup>7</sup> McLanahan, Sara 2004

<sup>8</sup> Cianci, Maria, and Deborah Reed 2008

**Figure 1**

Percentage of Employees Having Unmet Needs for Leave, by Family Structure, 2018  
(percent)

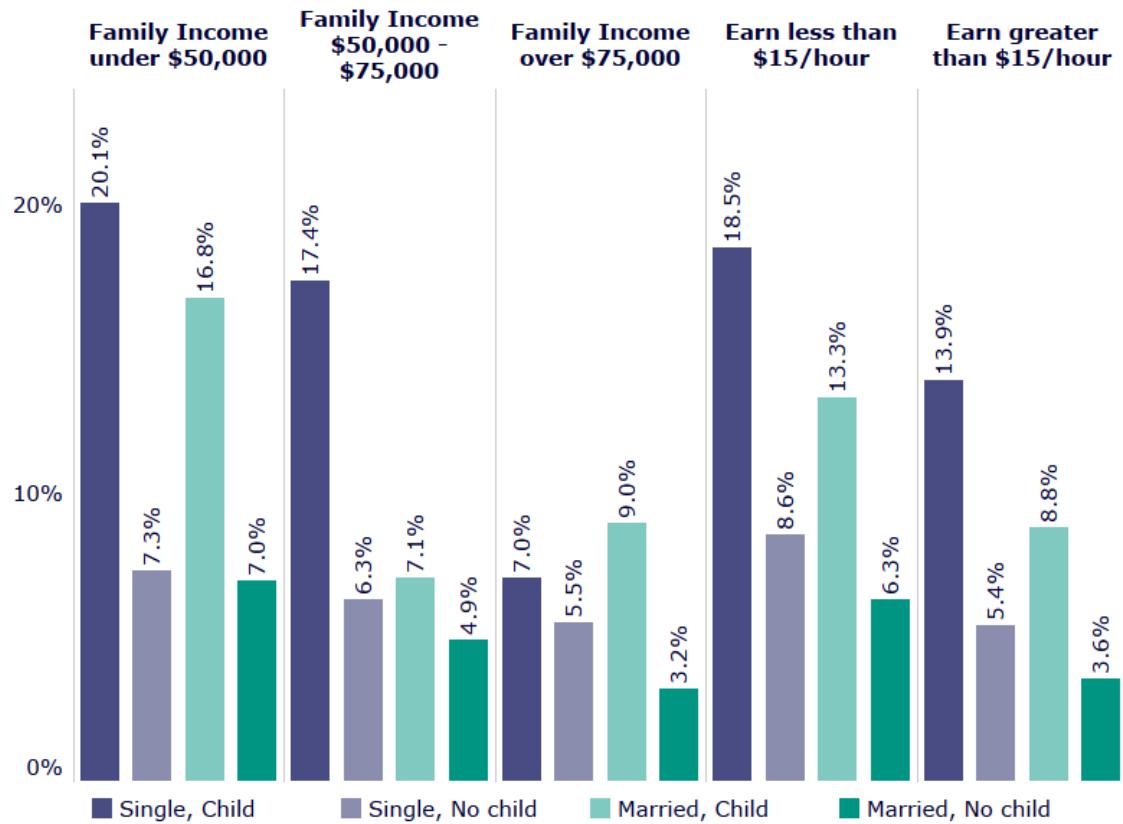


**Source:** Authors' analysis of the FMLA Employee Survey, 2018.

There exists a large disparity in the need for leave across family types and income strata. Parents with children are more likely to need leave than are childless workers (**Figure 2**). However, one-in-five, or 20 percent of solo-parent employees at the bottom income group (family annual income less than \$50,000) reported needing leave in the 12 months prior to the survey. That is 13 percentage points higher than their peers with family incomes greater than \$75,000 per year.

**Figure 2**

Percentage of Employees Having Unmet Needs for Leave, by Family Structure and Economic Status, 2018  
(percent)



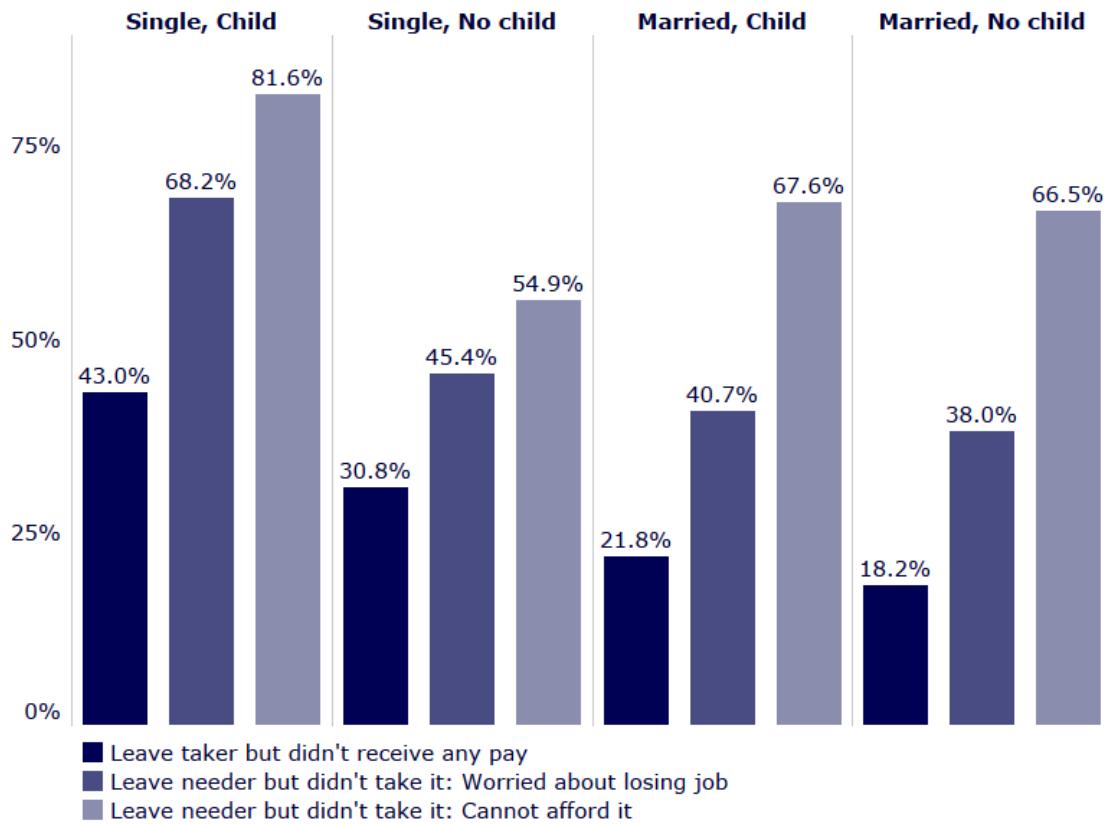
Source: Authors' analysis of the FMLA Employee Survey, 2018.

Among workers in a slightly higher income group (earning between \$50,000 and \$75,000 annually), about one-in-six, or 17 percent of solo parents had unmet leave needs for family and medical reasons. Furthermore, as shown in the fourth panel of Figure 3, the proportion of low-wage single parents who needed leave is about 18 percent, 5 to 12 percentage points higher than low-wage employees in any other family configurations.

Among leave takers, 43 percent of solo parents did not receive any pay while on leave in the past 12 months, compared to approximately 20 percent of married workers who took leaves that were completely unpaid (Figure 3). This may reflect that a majority of solo parents are socioeconomically disadvantaged and work in low-wage industries where paid leave may not be an option.

**Figure 3**

**Percentage of Employees for Each Category, by Family Structure, 2018  
(percent)**



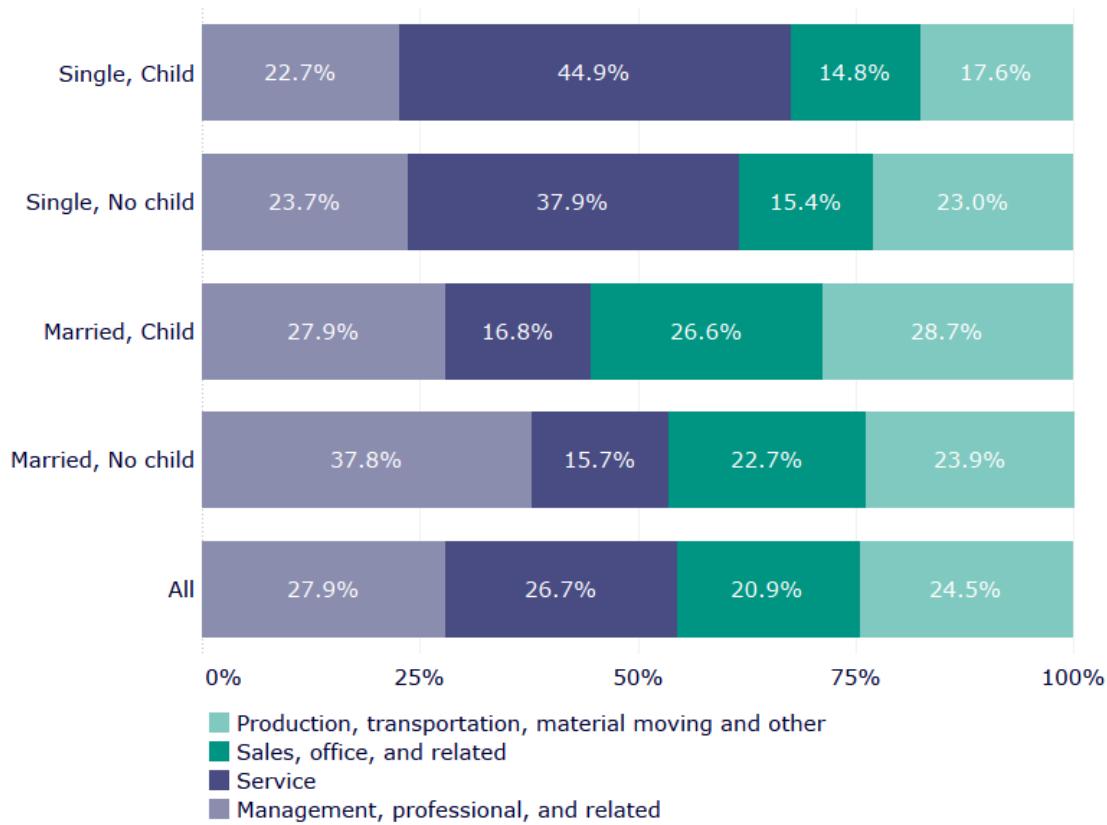
**Source:** Authors' analysis of the FMLA Employee Survey, 2018.

For those needing leave but not taking it, the percent reporting concern about job loss is highest among persons living in families headed by a single parent, at 68 percent. In contrast, married couples had the lowest reported job loss concern — 38 percent for those with no children residing with them and 41 percent for those with children. Again, an overwhelming majority — 81 percent — of working single parents said affordability was a major reason they were leave needers but could not take leave. That is a sharp contrast to nearly 55 percent of childless single workers. Among those taking unpaid leave, a relatively equal distribution of occupation structures is apparent (Figure 4). One noticeable exception is solo parents taking unpaid leave who disproportionately worked in the service sector (45 percent versus 27 percent for all unpaid leave takers).



**Figure 4**

**Occupational Composition Among Unpaid Leave Takers, by Family Structure, 2018  
(percent)**



**Source:** Authors' analysis of the FMLA Employee Survey, 2018.

# Implications of the Analysis

Workers' job histories and worksites play a major role in the disparities we observe in access to leave. Affordability of unpaid leave and the lack of job security are real concerns when it comes to actually taking leave. Together, these two barriers can have particularly harmful effects on financially disadvantaged single parents raising children. In the 28 years since enacting the FMLA, a universal paid leave policy is needed more than ever to mitigate existing labor market disparities linked to parenting status, particularly in a time of dual economic and public health crises.

As precarious employment has increasingly characterized low- and moderate-income individuals' and families' economic lives, low-income parents are often forced to cut hours or take unpaid leave to accommodate their children's needs, particularly if they lack consistent childcare. Making leave paid and universal could be regarded as a vital policy prescription, incorporating the nature of cash benefits and the recognition of parenthood, which might act as a promising instrument of social policy that reduces economic disparity among families in a child's earlier years.

The benefits of a universal paid leave policy for children's well-being stresses the role of family economic support through two major channels. First, such a policy prevents families from immediate unfavorable income shocks following the birth of a child or the illness of children or their parents. Multiple states and the District of Columbia have passed or implemented such policies. In California, for example, the paid leave policy has been shown to reduce the likelihood among low-income mothers of falling into poverty following a birth.<sup>9</sup> Allowing workers (women in particular) to have more control over their schedules by, for example, enabling them to take leave when they need it rather than reducing hours or quitting their jobs would greatly improve economic security.<sup>10</sup> Such policies also increase the chances of mothers remaining in the labor force,<sup>11</sup> which has significant implications for them and for society's long-run economic prospects. Second, such job or economic security translates to better psychological and mental responses from caregivers and to quality family

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<sup>9</sup> Stanczyk, Alexandra B 2016

<sup>10</sup> Appelbaum, Eileen, Heather Boushey, and John Schmitt 2014

<sup>11</sup> Brady, David, Agnes Blome, and Julie A. Kmec 2020



functioning and parenting, which is particularly beneficial among families with limited economic resources.

Twenty-eight years after the United States took the first important step toward providing family and medical leave, it is time to fulfill the promise to workers of inclusive and paid leave to care for oneself and one's natural or chosen family members, especially children. We all have an interest in seeing children grow into caring and productive adults.

We should all have the interest and commitment to share the risks and costs of raising children. This means providing parents with the resources to care for them when they are sick without jeopardizing their jobs. This will mitigate the intergenerational transmission of advantage or disadvantage. If more resources, including paid leave, are distributed more equitably to families with children, allowing parents, especially those in single parent families, to work with greater job security and income stability, we could expect more positive outcomes for their children over the life course, which will save society from the costs of neglect and mitigate the effects of an unequal sharing of prosperity.



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