



Program on Gender, Work & Family

*"Reshaping the workplace
around the values people hold
in family life."*

ALL WORKERS DESERVE A FEW DAYS OF PAID FAMILY/MEDICAL LEAVE

In 1993, Congress passed the Family and Medical Leave Act (FMLA), which allows workers to take up to twelve weeks of unpaid leave for family medical emergencies or the birth or adoption of a child. While this legislation was an important step in providing leave for employees, the FMLA is still inadequate in many respects.

Many workers are still ineligible for benefits under the FMLA. The FMLA only applies to those who have worked 1,250 hours during the past year, excluding those who work part-time jobs. The FMLA also only covers employees in companies with 50 or more workers, excluding 43 percent of the private workforce.

Without paid leave, low-income families are forced to choose between caring for their families and maintaining economic stability. The FMLA only provides unpaid leave, which many workers are unable to afford: 78 percent of employees who have needed FMLA-covered leave but have not taken it report that this was because they could not afford it. Taking unpaid leave often causes families to drop below the poverty line: almost one in ten of those who took unpaid leave reports that they were forced to go on public assistance while on leave.

The FMLA fails to cover many critical family and medical needs. While the FMLA provides coverage for the period immediately following the birth or adoption of a child and for some limited medical emergencies and illnesses, it does not cover many of the family and medical leave problems that workers face on a daily basis. For example, FMLA leave is not available for routine doctors' appointments, common childhood illnesses, and emergency child care.

Meaningful family and medical leave should:

- **Provide at least seven days of paid leave a year.** This would allow workers the option of taking care of their families and themselves in cases of medical emergency, without risking their jobs or their economic security.
- **Cover part-time workers.** Part-time workers should be given a proportional amount of leave based on their work hours.
- **Extend leave to all critical care situations.** This would allow leave not only for medical emergencies, but also for common illnesses, routine check-ups and emergency childcare.

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THE PROGRAM ON GENDER, WORK & FAMILY is a research and advocacy organization, based at American University, Washington College of Law, that seeks to restructure the workplace around the values held in family life. Please visit our website at <http://www.wcl.american.edu/gender/workfamily> for more information about the program.

¹ National Partnership for Women and Families, “Family Leave for More Working People: Expanding the FMLA to Cover Mid-Sized Businesses” (2002), <http://www.nationalpartnership.org/Content.cfm?L1=202&TypeID=1&NewsItemID=354>.

² Betty Holcomb and the National Partnership for Women and Families, “Why Americans Need Family Leave Benefits and How They Can Get Them” (2002), <http://www.nationalpartnership.org/content.cfm?L1=8&L2=2.0&GuideID=45&ArticleID=0>.

³ Ibid.