



# A Review of the Evidence on How to Cover All Families for Paid Family and Medical Leave

*Twenty-five years ago, the United States passed the Family and Medical Leave Act (FMLA). The FMLA guarantees workers up to 12 weeks of unpaid leave for family or medical reasons, yet this unpaid leave remains unaffordable or inaccessible for millions of American workers. Many states and the federal government are currently considering paid leave policies. Given the wide range of potential policy options, it is critical to better understand what the evidence says about the most effective approaches to improving health and gender equality while supporting a strong economy. Using data from the experiences of U.S. states and other high-income countries that have paid leave, this brief examines the existing evidence on how to ensure that all families have access to paid leave.*

Unless otherwise cited, this brief references data from the WORLD Policy Analysis Center’s analysis of paid family and medical leave policies across the Organisation for Economic Co-operation and Development (OECD). For detailed reports and more information, please visit [www.worldpolicycenter.org/events-and-launches/paid-fmla](http://www.worldpolicycenter.org/events-and-launches/paid-fmla).

## Employer-Specific Tenure Requirements

Tenure requirements exclude workers from being able to enjoy the benefits of paid leave. Evidence from other OECD countries suggests that giving workers access to paid leave benefits that are not tied to specific employers is economically feasible.

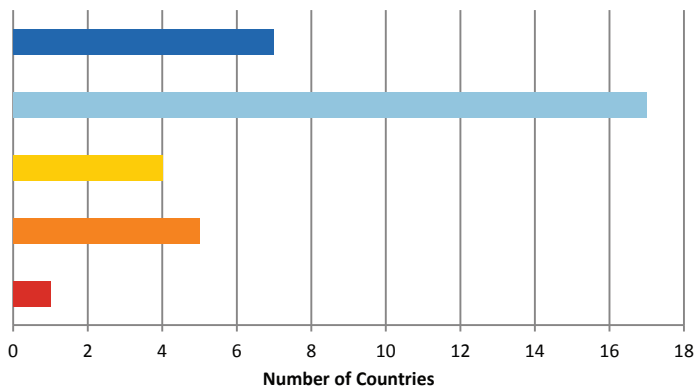
Employer-specific tenure requirements:

- **Limit leave eligibility** for a variety of workers, including those who have changed jobs or fields, lost a job when a company had layoffs or an industry was downsizing labor forces, been seasonally or intermittently employed due to reduced opportunities in an economic downturn, or recently finished a period of education.
- **Limit job mobility** for expecting parents, workers with chronic conditions, parents of children with chronic illnesses, and caregivers of adults with chronic conditions.

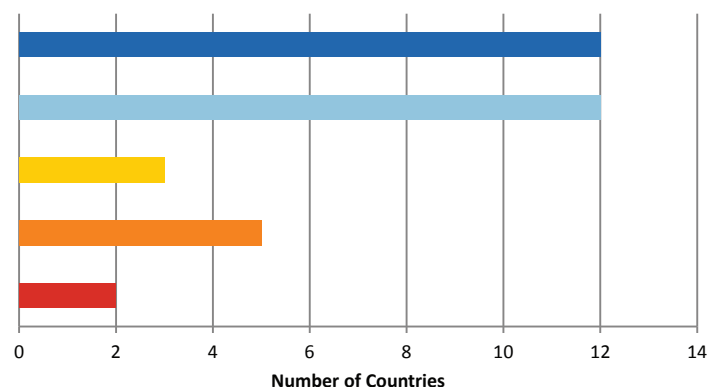
- **Are not necessary for economic feasibility:**
  - o 24 of the 33 OECD countries with paid parental leave do not have any employer-specific tenure requirements.
  - o 17 of the 32 OECD countries with paid leave for personal illness do not have any employer-specific tenure requirements. An additional 9 countries require an employer-specific tenure of a month or less.
  - o Most OECD countries make paid leave without employer-specific tenure requirements feasible by using social insurance programs to provide benefits.
- **Are not needed to ensure economic competitiveness:** There is no evidence that countries need to have job-specific tenure requirements to be economically competitive.

Tenure and contribution requirements in OECD countries

Paid Maternal Leave



Paid Paternal Leave



■ No paid leave

■ More than 6 months of tenure with the same employer

■ 6 months of tenure or less with the same employer

■ Contribution and/or tenure requirement, but not with the same employer

■ No tenure or contribution requirements

## Job Protection

Ensuring job protection during leave is feasible and of critical importance. Job protection supports:

- **Making leave accessible to all workers**, so they can enjoy the health and economic benefits of leave. A study of policy reforms in Austria found that the duration of leave women took after childbirth (as measured by return to work) was most responsive when policy simultaneously changed both the duration of paid leave and the duration of job protection.<sup>1</sup>
- **Continuation of health insurance**: When health insurance is tied to employment, job protection supports maintaining continuous health insurance with the same provider after the birth or adoption of a baby or a major medical event.
- **Feasibility**:
  - Of the 33 OECD countries with paid parental leave, all but 1 guarantee job protection for the full duration of paid maternal leave.
  - 20 OECD countries guarantee job protection for the full duration of paid paternal leave. Explicit job protection is not common for very short paternity leave entitlements, although fathers may have explicit protection during shared parental leave.

## Inclusive of All Family Types

Paid family leave can be structured as an individual or family entitlement. In the U.S. context, most policy proposals are based on individual entitlements, which has a number of advantages:

- **Supporting cooperative care for family members**: Allowing multiple caregivers to take leave ensures that care is available for many more people and reduces the burden on any single caregiver or employer.
  - Allowing workers to take leave to care only for certain categories of family members may exclude some families. Under current FMLA regulations, adult children are unable to take leave to care for their aging grandparents, unmarried couples are unable to take leave to provide care for their partners, and adults cannot take leave to care for their siblings. These exclusions can leave millions of Americans without care if a parent or child is not able to care for them.
  - All close family members who are currently covered under the FMLA should remain covered, and immediate family members who are not currently covered under the FMLA should gain coverage. For example, siblings should also receive coverage, as they may not have other family available to provide care. 8 OECD countries allow workers to take paid leave to care for family members broadly, without limiting the types of relationships that are covered.

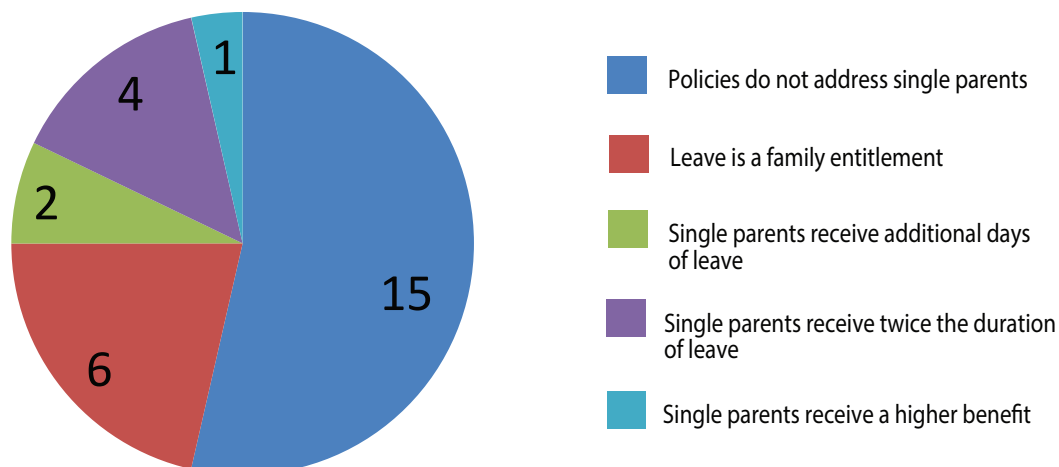


- As long as legislative language states that leave is available to the primary caregiver for the person who is sick, providing coverage of a broader range of relationships will not lead to higher overall societal costs and will ensure that leave is accessible to everyone.
- **Encouraging gender equality**:
  - Evidence from Nordic countries and the Republic of Korea shows that men are more likely to take leave when it is specifically reserved for them.<sup>2,3</sup>
  - Women's economic opportunities may also benefit from increased leave-taking by men, which may combat discrimination by employers who expect only women to take leave.
- **Including LGBT, unmarried, and adopting families**:
  - Gender-neutral individual entitlements support the inclusion of all families.
  - In some OECD countries, policies that may be meant to ensure mothers have enough time for recovery after birth or to promote fathers' more equal involvement in caregiving may result in less leave being available to gay and lesbian couples or to unmarried couples when benefits are limited based on marital status or gender.

However, individual entitlements can disadvantage **single parents**:

- In the absence of additional provisions, single parents, including widows/widowers, have access to half as much leave as married parents after the birth or adoption of a child or during a child's serious illness.
- 5 OECD countries have explicit provisions that allow single parents to take parental leave reserved for another parent, or give a higher entitlement to single parents, and 2 do so just for single mothers.

## Paid leave for children's health needs: Approaches to addressing single parents in OECD countries



### About This Study

- **Systematic literature review** of the paid leave literature from high-income countries, including more than 5,500 studies.
  - Focused on studies that analyzed the impact of paid parental, family medical, and personal medical leave on economic, health, and gender equality outcomes.
- **Review of medical needs:** Medical experts reviewed the evidence on how paid leave can support health and recovery.
- **Study of OECD laws and policies:** Systematic analysis of the national laws and policies in place as of September 2016 for 34 OECD countries to better understand which approaches have been economically feasible.
  - Comparative measures were created on the duration, payment levels, financing mechanisms, tenure requirements, and other aspects of each paid leave policy.

For more information, download the full reports from [www.worldpolicycenter.org/events-and-launches/paid-fmla](http://www.worldpolicycenter.org/events-and-launches/paid-fmla).

### Acknowledgments

*We are deeply grateful for the support from Pivotal Ventures, executive office of Melinda Gates, which made this research possible.*

### References

1. Lalive R, Schlosser A, Steinhauer A, Zweimüller J. Parental Leave and Mothers' Careers: The Relative Importance of Job Protection and Cash Benefits. *The Review of Economic Studies*. 2014;81(1):219-265.
2. Organisation for Economic Co-Operation and Development. Parental Leave: Where Are the Fathers?. 2016. Available at: <http://www.oecd.org/employment/parental-leave-where-are-the-fathers.pdf>
3. Haas L, Rostgaard T. Fathers' rights to paid parental leave in the Nordic countries: consequences for the gendered division of leave. *Community, Work & Family*. 2011;14(2):177-195.

About WORLD: The WORLD Policy Analysis Center aims to improve the quantity and quality of globally comparative data on policies affecting human health, development, well-being, and equity. With this data, WORLD informs policy debates, facilitates comparative studies of policy progress, feasibility, and effectiveness, and advances efforts to hold decision-makers accountable.