

Recommendations for Creating Equitable and Inclusive Paid Family Leave Policies

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Introduction

The United States is one of only seven countries in the world without any kind of national paid parental leave policy^{1,a} and the majority of working parents in the United States do not have access to paid parental leave through their employers.² While a growing number of states have implemented or taken steps to create policies to fill the gaps left by the federal government and employers, many working parents remain without support. Against this backdrop, one quarter of mothers have to return to work only 10 days after giving birth.^{3,b}

Access to paid parental leave is also distributed inequitably. Black and Hispanic workers are less likely to have access to paid family leave than White workers.⁴ Low-wage workers are also less likely to have access to paid family leave than those earning higher wages.^{5,c} Because paid parental leave is strongly linked to family health and economic well-being, disparities in access to parental leave may contribute to the large racial and ethnic disparities in maternal and child health and poverty.^{6,7,8}

Today, four in five Americans support paid family leave (which includes parental leave),⁹ and there is increasing recognition of the importance of paid parental leave among policymakers at both the state and federal levels. In this brief, we outline the impacts of paid parental leave for families and communities and describe the current policy landscape for paid parental leave in the United States. We then offer six research-informed recommendations for policymakers to consider as they work to develop equitable and inclusive paid parental leave policies. These recommendations are designed to guide state-level efforts but may also be applicable to leaders at the local and federal levels who are working to increase access to paid parental leave.

Notes on terminology

Parental leave is leave taken for the addition of a new child to a family through birth, adoption, or foster care placement.

Parental leave is often a subset of the broader category of **family leave**, which can be taken for other reasons, including to care for a sick family member or to assist loved ones when family members are deployed on military service.

This brief focuses on **parental leave**; however, the research-based considerations we present are also applicable to those seeking to advance equitable **family leave** policies.

Existing research and policies related to parental leave often refer to **mothers** and **maternity leave**. Where that is the case, we use similar terminology. However, as we outline in our policy recommendations below, the authors believe that parental leave should be available to—and that it is beneficial for—parents of all genders.





^a Note that many of these policies are available only to mothers.

^b This statistic is taken from the results of a 2012 U.S. Department of Labor survey of 2,852 workers who had taken family or medical leave in the last year. Of these workers, 93 women took leave to care for a new baby, of whom 23 percent returned to work within two weeks of having a child.

^c Among private industry workers, access to paid family leave is highest among those whose hourly wages were above the 90th percentile (43%) and lowest among those whose hourly wages were below the 10th percentile (6%). Hourly wage percentiles are calculated by the Bureau of Labor Statistics as part of the National Compensation Survey.

Impacts of Paid Parental Leave on Families and Communities

Paid parental leave:

-  Improves physical health for parents and children
-  Supports parents' mental health and well-being
-  Supports family economic stability
-  Is one strategy by which the United States can begin to address its nationwide shortage of affordable child care

Paid Parental Leave Promotes Health and Economic Stability for Families and Communities

In this section, we outline the impact of paid parental leave on families and communities.

Paid parental leave improves physical health for parents and children.^{10,11} Paid parental leave has been associated with decreased infant mortality;^{12,13,14,15} decreased risk of low birth weight and preterm birth, especially for unmarried and Black mothers;¹⁶ and decreased maternal and infant rehospitalizations.¹⁷⁻¹⁸ It has also been linked to increased attendance at pediatric and postpartum health care visits;¹⁹⁻²⁰ increased on-time infant vaccination, particularly for families whose incomes are below the federal poverty line;²¹ increased initiation and duration of exclusive breastfeeding;^{22,d} and improved self-reported parent and child health.^{23,24} For children, these health impacts are long-lasting. Paid parental leave has been associated with improved child health outcomes through early elementary school,²⁵ and many of the early health outcomes are in turn associated with improved health throughout childhood.^{26,27,28} For mothers, the positive health impacts of paid leave have similarly been shown to extend into middle age.²⁹

Paid parental leave supports parents' mental health and well-being.³⁰ For mothers, it has been associated with greater success in managing stress and with overall improved mental health.^{31,32} For all parents, paid parental leave is associated with decreased psychological distress and a greater ability to cope with the demands of parenting.^{33,34} Through its association with reduced parental distress, paid leave is also associated with reduced abusive behaviors,³⁵ reduced intimate partner violence,³⁶ and improved infant

^d The Centers for Disease Control and Prevention define exclusive breastfeeding as "feeding your baby only breast milk, not any other foods or liquids (including infant formula or water), except for medications or vitamin and mineral supplements." (Source: <https://www.cdc.gov/nutrition/infantandtoddlernutrition/definitions.html>)

attachment.³⁷ Paid leave for fathers has been shown to decrease the intensity of maternal depressive symptoms,³⁸ improve fathers' engagement with their children,³⁹ and lead to higher cognitive tests scores for children.⁴⁰

Paid parental leave supports family economic stability, with few downsides for businesses. For example, paid leave is associated with a decreased risk of poverty and food insecurity for families and with an increased household income in the year following the birth of a child, particularly for mothers with incomes below the federal poverty level.^{41,42} Additionally, paid leave can increase mothers' labor force participation in both the short and long term.^{43,44,45,46,47} Providing paid leave is also relatively unlikely to detrimentally affect employers. A survey of businesses in California, the first state to enact paid family leave, found that the policy had a negligible or positive impact on productivity, profitability, turnover, and morale, with small businesses reporting more positive outcomes than those with 100 or more employees.⁴⁸ Similarly, businesses in New Jersey reported having little trouble adjusting to that state's paid family leave requirements.⁴⁹

Paid parental leave is one strategy by which the United States can begin to address its nationwide shortage of affordable child care. Families have struggled to access affordable, high-quality child care since before the COVID-19 pandemic,⁵⁰ but the situation has worsened in recent years.^{51 52 53} By supporting families who wish to stay home and care for their new babies, paid parental leave policies represent an opportunity to reduce demand for infant child care slots (which are generally the most costly and challenging for families to find).⁵⁴ This may alleviate strain on both the early childhood system and on individual families. Paid parental leave may also facilitate families making child care arrangements by providing them with time to locate care and manage logistics, and giving time for their babies to grow and transition into child care.⁵⁵

Access to Paid Parental Leave is Limited and Varies by State and Employer

In this section, we review the current policy landscape for paid parental leave at the state and federal levels.

The status quo: Few workers have access to paid parental leave.

Paid parental leave has the potential to positively impact children and families, but these benefits are not equitably distributed at present. In 2022, only 25 percent of public and private sector workers^e had access to paid family leave benefits through their employer.⁵⁶ Low-wage workers were the least likely to have access, with only 6 percent of workers in the lowest-wage jobs^f having access to paid leave in 2021.⁵⁷ Access to paid parental leave also varies by race/ethnicity: Black, Hispanic, and Asian women have significantly less access to paid leave compared to White women.⁵⁸ Parents and caregivers who have not given birth also have less access to paid parental leave through their employers than birthing parents.⁵⁹

In 2021, less than half of private-sector workers had access to short term disability insurance, a temporary wage replacement benefit that replaces 50-80 percent of eligible workers' salaries.⁶⁰ Pregnancy and childbirth are generally recognized as disabilities that can be covered for the birthing parent. As with paid parental leave, access to this benefit varies by income and place of employment. Only 19 percent of the

^e This number does not include federal workers. The National Compensation Survey defines public sector workers as "state and local."

^f "Lowest-wage jobs" here refers to private industry workers with the lowest 10 percent of wages.

lowest-wage workers⁸ have access to short-term disability, and workers at smaller companies are less likely to have access than those at larger organizations, regardless of income.⁶¹

FMLA supports unpaid leave for eligible workers.

Currently, the only federal provision for parental leave in the United States is the Family and Medical Leave Act (FMLA),⁶² which Congress passed in 1993 and has amended several times. The FMLA grants eligible employees access to 12 weeks of *unpaid* leave, along with job protections, to care for themselves or family members in a variety of circumstances, including after the birth of a child or the placement of a child through adoption or foster care.⁶³ Eligibility is determined based on several factors, including the size of the employer, length of employment, and hours worked. For example, a worker would need to be employed for at least 12 months by the same covered employer, working an average of 24 hours per week, to be eligible for unpaid leave under the FMLA.⁶⁴ Half of all working parents are not eligible for FMLA leave based on these criteria and low-income and Hispanic workers are the least likely to be eligible.⁶⁵ Furthermore, because FMLA leave is unpaid, many workers cannot afford to take it even when they are eligible. The gap between eligibility and affordability is widest for Hispanic, Black, and Native American working parents.⁶⁶

In 2020, the FMLA was amended to grant eligible federal employees access to 12 weeks of paid family leave to care for a new child through birth, adoption, or foster placement through the Federal Employee Paid Leave Act (FEPLA).⁶⁷

A growing number of states have created paid family leave policies to support working parents.

In the absence of federal policy for paid parental leave that would cover all U.S. residents, a growing number of states are working to expand access to paid parental and family leave. As of July 2023, 13 states and the District of Columbia^h have passed mandatory paid family leave policies.⁶⁸ Eight of these policies are currently in effect and six others will be implemented in the next two to three years. Five additional states (New Hampshire,⁶⁹ Vermont,⁷⁰ Virginia,⁷¹ Arkansas,⁷² and Texas⁷³) have voluntary paid leave programs that grant parental leave to some, but not all, state residents. For example, in New Hampshire, Vermont, and Virginia, employers can purchase paid family leave coverage for their employees through private insurance providers; in New Hampshire, employees can also choose to purchase coverage if their employer has not opted in. In Arkansas, state employees can access up to 12 weeks of paid maternity leave through a bank of sick and vacation time donated by other state employees.^{74,i} States are taking different approaches to their paid parental leave policies, including the length of paid leave, the benefit payment amount, eligibility criteria, and funding mechanisms (see box below, “Features of State Paid Parental Leave Policies”).

⁸ Lowest-wage workers” here refers to private industry workers whose hourly wages are below the 25th percentile.

^h The 13 states are California, Colorado, Connecticut, Delaware, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, Oregon, Rhode Island, and Washington, .

ⁱ This paid leave program is only available to mothers in Arkansas.

Features of State Paid Parental Leave Policies

Length of paid leave

- Policies range from 2 to 12 weeks of paid leave (most states offer 12 weeks).

Eligibility criteria

- Most states require recipients to have worked in the state for a set number of hours or to have earned a set amount of wages prior to receiving the benefit (amounts vary by state).
- States have slightly different events that qualify for paid leave, but all cover leave for the addition of a new child to a family (through birth, adoption, or foster care placement).
- All states but one offer paid leave to all parents. Arkansas offers paid leave only to mothers.

Benefit payment amount

- Benefits range from 60 to 100 percent of wages recouped while on leave.
- Some states recoup wages on a tiered system (i.e., people with lower incomes recoup a higher percentage of their wages while on leave).
- Many states set limits on the maximum total or weekly wages employees will recoup.

Funding mechanisms

- Mandatory paid leave policies are funded through taxes on employers, employee payroll deductions, or a combination of employer and employee contributions.
- In states with voluntary paid leave policies, employers and/or employees purchase coverage through private insurance companies or employees access leave through a bank of sick and vacation leave donated by other state employees.

Source: Bipartisan Policy Center. (2023, July 25). *State paid family leave laws across the U.S.*

<https://bipartisanpolicy.org/explainer/state-paid-family-leave-laws-across-the-u-s/>

Note: For more details on each state's policy, please reference the source above.

There are ongoing efforts to expand access to paid parental leave at the state and federal levels.

While the United States does not currently have any federal policies that grant universal access to *paid* parental leave, efforts to change this have been gaining momentum in recent months. Members of the U.S. House of Representatives recently launched a bipartisan working group aimed at creating a federal policy for paid family leave in the United States,⁷⁵ and President Biden included increasing access to paid family leave in his 2024 budget priorities.⁷⁶ Specifically, President Biden proposed spending \$325 billion over 10 years⁷⁷ to “establish a national, comprehensive paid family and medical leave program, providing up to 12 weeks of leave” to eligible workers.⁷⁸ Although paid family leave did not end up in the final budget passed by Congress,⁷⁹ its inclusion in the president’s budget signals that this is a priority for the Biden administration in 2023. There is also continued momentum to expand paid family leave at the state level, where other states (e.g., New Mexico⁸⁰) have introduced legislation that would expand access to paid parental leave.

Research-Based Recommendations for Equitable Paid Parental Leave Policies

Despite evidence that underscores the importance of paid parental leave policies for healthy and economically stable families and communities, too few people have access to such leave. There is no federal paid parental leave policy, and only 18 states and Washington, DC offer mandatory or voluntary paid parental leave. Only one quarter of U.S. workers have access to paid parental leave through their employers.⁸¹ However, momentum is building at the state level to expand and improve on these policies, and policymakers can draw on a body of research to ensure that policies are equitable and maximally beneficial to children, families, and communities. Based on this research, we offer six recommendations to guide the development of equitable and inclusive paid parental leave policies. While primarily written for state policymakers, these recommendations are also relevant to those working at the local and federal levels to expand access to paid parental leave.

Defining equity

Child Trends defines *equity* as “just and fair inclusion that is achieved by environments, systems, and policies that support equal access to opportunity.”¹ There are multiple dimensions of equity, including gender equity and racial and ethnic equity.

Equity is both an outcome and a process. As an outcome, it is achieved when characteristics like race, ethnicity, or gender do not predict the course of a person’s life. As a process, equity is applied when those most impacted by structural inequities are involved in the creation and implementation of the policies and practices that impact their lives.

¹Andrews, K., Parekh, J., Peckoo, S. (2019). *How to embed a racial and ethnic equity perspective in research: Practical guidance for the research process*. Child Trends. https://cms.childtrends.org/wp-content/uploads/2019/09/RacialEthnicEquityPerspective_ChildTrends_October2019.pdf

1. Paid parental leave policies should have inclusive definitions of families and workers.

When paid parental leave policies have narrowly defined or restrictive eligibility requirements, some workers are denied access. For example, on a survey of access to paid parental leave among the lesbian, gay, bisexual, transgender, and queer (LGBTQ) community, less than half (45%) of LGBTQ respondents reported that their employer's paid and/or unpaid leave policies were inclusive of LGBTQ families and identities.⁸² Inclusive eligibility requirements reduce barriers and increase the overall accessibility of paid parental leave. For families, eligibility should be inclusive of all parents—not just mothers or birthing parents—to account for different family structures and the different ways in which children may join a family (e.g., through birth, fostering, adoption, or surrogacy).

Similarly, these policies should have inclusive definitions of workers, including those who are self-employed, work part-time, have recently changed jobs, or work in the informal sector. Existing state paid parental leave policies have a wide range of eligibility requirements for workers, with most having relatively low requirements for minimum wages earned (e.g., \$6,000 in the past year in Massachusetts⁸³) and some allowing for portability across employers (e.g., workers remain eligible even if they change jobs).⁸⁴ However, some states have more stringent and exclusive eligibility requirements. For example, Delaware requires workers to have been employed for at least 12 months by the employer from which they are requesting leave,⁸⁵ which could limit many workers' ability to access paid leave. Lawmakers should take care to ensure that paid parental leave policies do not exclude workers (either intentionally or in practice) based on their race, ethnicity, gender, family structure, income, work industry, or job stability.

2. Paid parental leave policies should adequately reimburse workers' wages.

To ensure that paid parental leave is accessible to all workers, policies should ensure that wages are adequately reimbursed. Wage reimbursement rates have important implications for which employees are able to take leave. Insufficient reimbursement may lead to limited uptake among lower-income workers who cannot afford to take leave, a result that perpetuates existing inequities. For example, studies of paid parental leave in New Jersey and California found that the percentage of wages workers could receive was an important factor in their decision to take paid parental leave.^{86,87} In California, nearly one third of workers who were aware of the state's paid leave policy but did not take leave when they needed it indicated that the policy's wage replacement rate was too low.⁸⁸

Among states with existing paid parental leave policies, some provide workers with their full wages while on leave, but most only reimburse a percentage of the full wages.⁸⁹ For example, in Rhode Island, workers who take paid leave through the state's Temporary Caregiver Insurance program are only paid 60 percent of their weekly wages.⁹⁰ Some states also stipulate minimum benefit amounts (e.g., \$63.48 per week in Oregon⁹¹). A review of evidence from other countries in the [Organization for Economic Cooperation and Development \(OECD\)](#) suggests that a benefit equivalent to at least 80 percent of wages is necessary for families to meet their essential needs and to facilitate leave-taking among men.⁹²

While some states reimburse all workers at one universal percentage (e.g., New York⁹³ reimburses employees 67% of their average weekly wages, Delaware⁹⁴ reimburses 80%, and New Jersey⁹⁵ reimburses 85%), other states use a tiered, progressive approach to ensure that workers with lower wages receive a higher percentage of their wages while on leave.⁹⁶ For example, through Oregon's paid leave program, workers receive all of their wages up to 65 percent of the state average weekly wage and half of any wages above that, with a cap of 120 percent of the state average weekly wage.⁹⁷ These tiered approaches have the potential to address both concerns about inequities and budget constraints.

3. Paid parental leave policies should provide at least 12 weeks of leave.

A key component of any paid parental leave policy is the length of leave offered. Many families do not currently have access to enough paid parental leave to support their health and adequately bond with their new child. In states where paid family leave is mandatory, current policies offer recipients 6 to 12 weeks of leave, with all but two states offering 12 weeks.⁹⁸ Twelve weeks of leave is consistent with the scientific literature: One systematic review of 21 studies concluded that parental leave of at least 12 weeks offers the greatest benefit for mothers and infants; this review additionally found that longer leaves may lead to improved mental and physical health for mothers and result in decreased infant mortality, longer duration of breastfeeding, and more positive mother-child interactions.⁹⁹ Longer leave times have also been associated with fathers having greater involvement in the care of their children and increased satisfaction with parenting.^{100,101,102,103}

Globally, 62 percent of countries offer at least 14 weeks of paid leave for birthing parents.¹⁰⁴ An international review of the health and economic effects of paid leave highlights the critical importance of offering a minimum of three months of paid parental leave and recommends at least six months of paid leave.¹⁰⁵ By providing a minimum of 12 weeks of paid parental leave, state policies have the potential to advance equity by making these benefits more accessible to all new parents.

4. Paid parental leave policies should ensure job protection for all workers taking leave.

One key element of the FMLA is job protection: Workers cannot be discriminated against, punished, or fired for requesting or using FMLA leave.¹⁰⁶ However, more than half of all working parents are not currently eligible for FMLA leave—many of whom are lower-wage and part-time workers.¹⁰⁷ Additionally, because the FMLA only protects *unpaid* leave, many working parents cannot afford to use FMLA even if they are eligible, disproportionately affecting lower-income workers of color.¹⁰⁸ Despite federal laws protecting pregnant workers, analyses of U.S. Equal Employment Opportunity Commission charges against employers show that pregnant workers continue to face discrimination, including job loss, and that Black pregnant workers are disproportionately affected by this discrimination.¹⁰⁹ In turn, job loss would make pregnant workers unable to take any form of leave, whether paid or unpaid. State policies should proactively protect pregnant and parenting workers by including anti-retaliation and job protection provisions.

About half of current state paid parental leave policies offer job protections for workers who access leave.¹¹⁰ A lack of job protections may lead to fewer workers accessing paid parental leave policies. For example, in California, a study identified a lack of job protections as a potential barrier to low-wage workers taking paid parental leave.¹¹¹ Building on the foundation of the FMLA, state paid parental leave policies should include similar job protections for *all* workers to promote equity and reduce barriers to participation.

5. Paid parental leave policies should be funded and implemented in a way that advances equity.

When drafting paid parental leave policies, states should create funding and implementation mechanisms that ensure leave benefits reduce—rather than exacerbate—inequities in access to and use of paid parental leave. Voluntary paid parental leave programs, which rely on employers to opt in by purchasing coverage through private insurance companies, represent one way to expand access to paid parental leave. However, relative to mandatory programs, they do not grant comprehensive and equitable access to paid

parental leave. As a result, they have the potential to leave behind low-wage workers—who are already less likely to have access to paid parental leave—if their employers opt out of providing this benefit.^j

States with mandatory paid parental leave policies should also be mindful of the equity implications of their chosen funding mechanism. Some proposals for paid parental leave at the federal level would require workers to repay their benefits, which would likely act as a significant barrier to low-income families taking paid leave.^{112,113,114} More equitable funding approaches may include payroll taxes—currently used in most states with mandatory paid parental leave—income taxes, or corporate taxes.¹¹⁵ States should consider implementing a tiered funding approach in which lower-income families and/or smaller businesses are taxed at a lower rate than their higher-income or larger counterparts.

6. Paid parental leave policies should include outreach and communication plans.

Paid parental leave policies should include detailed plans and funding to ensure that all eligible families are aware of the policy and know how to access the benefits. Limited public awareness of policies, eligibility rules, and enrollment processes can hinder uptake and exacerbate existing racial, ethnic, and economic inequities. For example, a study in California found that just half of eligible workers were aware of the state’s paid family leave program and that workers who were immigrants, and/or Hispanic, and/or earned less than \$15 per hour were the least likely to know about it.¹¹⁶ Similarly, a survey of mothers in San Francisco found that just 9.7 percent of women covered by Medicaid were aware of that city’s expanded parental leave policy, compared to 61.6 percent of those covered by private health insurance.¹¹⁷

To increase awareness and uptake of paid parental leave, some states have successfully partnered with state and community-based agencies and worked closely with employers to share information about the policies with families.¹¹⁸ States should consider engaging navigators to help families enroll in paid leave programs.¹¹⁹ Additional enrollment supports include simplifying the application process to expand reach and establishing automatic referrals and/or enrollment into paid leave programs for workers. Evidence from other social welfare programs suggests that these types of supports can reduce administrative burden and expand access to services.^{120,121} Throughout the planning process, states should be proactive in considering potential barriers to outreach and enrollment. Engaging key partners in the design of paid leave policies—including the families least likely to currently have access to paid parental leave—is one strategy to advance equity and ensure that families’ needs are being met, especially when states include these partners in outreach and enrollment plans.¹²²

Conclusion

Paid parental leave supports the health and economic stability of families and communities and represents a promising strategy to address the nationwide shortage of affordable, high-quality child care. However, 75 percent of working parents do not have access to paid leave through their employer, a status quo that disproportionately excludes low-wage workers and Black and Hispanic workers. In recognition of the importance of paid parental leave and the detrimental effects of leave accessibility gaps, a growing number of states are working to create paid parental leave policies. As lawmakers design or update these policies, they should draw on existing research about what makes paid parental leave accessible to the families who need it most. Namely, paid parental leave policies should be inclusive of all families and workers, cover at least 12 weeks of job-protected leave with adequate wage replacement, carefully consider the equity

^j These policies were recently passed and have not yet been evaluated. Future evaluations should include assessments of low-wage workers’ access to paid parental leave.

implications of different funding and implementation mechanisms, and include plans for outreach and communication. We encourage policymakers to look to this research in their efforts to support healthy families and communities.

Additional Resources

- [State Paid Family Leave Laws Across the US](#) (Bipartisan Policy Center)
- [A National Paid Leave Program Would Help Workers, Families](#) (Center on Budget and Policy Priorities)
- [Evidence Review: Paid Family Leave](#) (Prenatal-to-3 Policy Impact Center)

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