



The Economic Importance of Women's Rising Hours of Work

Time to Update Employment Standards

By Eileen Appelbaum, Heather Boushey, and John Schmitt
Center for American Progress and the Center for Economic and Policy Research
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Introduction and summary

Over the past three decades, there has been a steady rise in the share of women, especially mothers, in the workforce. As indicated by the data, the majority of women and mothers work, and many work full time and full year. This dramatic increase in women's working hours has had a substantial impact both on household earnings and the economy more generally. Our analysis finds that:

- Middle-class households would have substantially lower earnings today if women's employment patterns had remained unchanged. Had that been the case, gross domestic product, or GDP, would have been roughly 11 percent lower in 2012 if women had not increased their working hours as they did. In today's dollars, this translates to more than \$1.7 trillion less in output—roughly equivalent to combined U.S. spending on Social Security, Medicare, and Medicaid in 2012.
- Most dramatic is the increase in the share of mothers who work full time and full year—at least 35 hours per week and 50 weeks per year—which rose from 27.3 percent of mothers in 1979 to 46 percent of mothers in 2007 before declining somewhat to 44.1 percent in the wake of the Great Recession. Full-time, full-year employment for all women increased from 28.6 percent of all women in 1979 to 43.6 percent in 2007 before declining to 40.7 percent in 2012.
- The median annual hours worked by women increased 739 hours from 1979 to 2012. All of this increase in median hours took place between 1979 and 2000. Median annual hours of work by mothers increased even more dramatically, rising 960 hours from 1979 to 2012, with all of the increase occurring by 2000.

A great deal of research has explored how the movement of women out of the home and into the labor force affects women and the economic well-being of families, but the importance of the additional earnings of mothers and women to the strength of middle-class families and the economy overall is less understood. In this paper, we look back over more than three decades of women's employment to examine the growing importance of the contribution their

earnings make to the U.S. economy. We document the increase in the labor-force participation of women and their added hours of employment and show the effects of their economic contributions to both the income of the middle class and the size of the U.S. economy.

The importance of mothers' additional hours of work and their earnings to our economy lend a new urgency to rethinking U.S. labor standards for the 21st century. Even as mothers and women are making significant contributions to the U.S. economy, they continue to do so within a set of institutions that too often do not provide them with the kind of support that they need to do this successfully both at work and at home. We recommend giving workers more control over their schedules with a right-to-request law, instituting a national family and medical leave insurance program, and allowing workers to earn paid sick days.

Employment standards fail to reflect changed patterns of women's employment

The United States' labor standards began to take shape more than 75 years ago. They provided the foundation for decades of economic growth because they reflected the realities of the workforce at the time they were implemented.

The Fair Labor Standards Act, or FLSA, was enacted in 1938, just a few years after the Social Security Act.¹ At the state level, workers' compensation laws were adopted during the first third of the 20th century and had been implemented in all states by 1940.² Combined, these laws provide the foundation for the policies that provide income security for both wage and salary workers. When employees are laid off from a job due to no fault of their own, too old to work, or unable to work due to an injury suffered on the job, these laws protect them from loss of livelihood.

These basic labor protections are grounded within the prevailing presumptions of the 1930s and 1940s about which family members work and which family members provide care.³ When these laws were first enacted, most families had a full-time, stay-at-home mother, and men were typically their family's primary breadwinner. Of course, this was never the case for every family; women of color and recent immigrants have always had relatively high rates of participation in the labor force.⁴ But the stay-at-home mom and breadwinner dad model was the most common family type. Because of dominant norms about who worked and who provided care, the Social Security Act, for example, provides insurance benefits for unemployment but not for the birth of a child or to care for an ill family member.⁵ While the FLSA provides rules against overwork—a key issue in the early part of the 20th century—it is silent on whether workers should have any rights to flexibility or predictability in their schedules.⁶

The world has changed a great deal since the 1930s, with implications not only for individual families and employees but also for our economy overall. The slow but steady increase in women's labor-force participation over the course of the 20th

century accelerated after the mid-1970s. The increase was most dramatic for women ages 25 to 44; their labor-force participation rate increased from 47 percent in 1970 to 76 percent in 2000, about where it remains today.⁷ The share of mothers with young children who are employed outside the home and the number of hours they worked both increased dramatically over this time period.⁸ Today, it is more common than not for children to grow up in a family without a full-time, stay-at-home caregiver. Only one in three children is raised in a family with a stay-at-home parent, and most mothers are a breadwinner or co-breadwinner, bringing home at least one-quarter of their families' earnings.⁹

Yet despite these changes in the composition of the U.S. labor force, our nation's basic labor standards have not been updated to reflect the economic realities of today's workers. This lack of adaption may contribute to the plateau in mothers' labor-force participation rates since 1990. The labor-force participation rate of women ages 25 to 54 was 74.0 percent in 1990; 21 years later, it had only increased to 74.7 percent in 2011.¹⁰ This is in marked contrast to women in most other advanced industrial economies that have experienced substantial increases in women's labor-force participation. New research by Cornell economists Francine Blau and Lawrence Kahn finds that women's labor-force participation in the United States has fallen behind that of most other developed countries—the United States now ranks 17th out of 22 such countries.¹¹ They point to the lack of family-friendly policies as a likely explanation:

Unlike the United States, most other economically advanced nations have enacted an array of policies designed to facilitate women's participation in the labor force, and such policies have on average expanded over the last 20 years relative to the United States.¹²

Cross-national studies on the role of policies that reconcile work and family demands have found that the work hours of women in dual-earner families are similar to those of men when child care is publicly provided.¹³ Paid maternity and parental leave also increases the employment rate of mothers,¹⁴ and more generous paid leave benefits increase the economic contribution of wives to family earnings.¹⁵

For the most part, the United States has left labor standards for workers with care responsibilities to the private sector. This means that while professional workers often have access to paid sick days and paid family leave for their own illness or to care for a new child or ill family member and the capacity to address scheduling issues, middle-class and low-income workers do not. For example, among private-

sector workers in the bottom 10 percent of their occupation's wage distribution, only one in four has the ability to take a paid sick day when they are sick or need to care for an ill child.¹⁶ Professional workers commonly have access to paid vacation time and sick days that allow them to cobble together paid time off to deal with family care responsibilities.¹⁷ These workers are also more likely to have on-the-job flexibility that makes it possible for them to cope when a child is sick or a family member needs to be cared for.¹⁸ Furthermore, professional workers can often be away from work without losing earnings, which is typically not the case for workers at the low end of the income distribution, as well as for many workers in the middle class.¹⁹

The need to update labor standards has become increasingly important for working families. Because our labor standards were established in an era when families worked and cared differently for one another, they are not providing as stable a foundation for our working families today. As detailed in the next sections, women's hours of work and their contribution to family economic well-being have increased over the past three decades, which has implications for both their families and the economy.

Women’s rising hours of work

Increases in both the working hours of all women ages 16 to 64 and all mothers since 1979 and women’s wages relative to men’s over that period are driving the rising economic contribution of women and mothers.²⁰ In this section, we consider the overall changes in employment status and annual hours of work of women and mothers in households with children under the age of 18 before turning to an examination of middle-class women’s and mothers’ hours of work in the next section.

All women and mothers in households with children

We begin by examining the employment status and annual hours worked for women ages 16 to 64 and all mothers between 1979 and 2012. (see Table 1) We compare employment status and hours of work at business cycle peaks—1979, 1989, 2000, and 2007—and in 2012, the most recent year for which data are available.

TABLE 1
Employment status, 1979-2012 (percent)

Employment status	1979	1989	2000	2007	2012	1979-1989	1979-2007	1979-2012
(a) Women, 16-64								
No work	34.6	27.3	25.4	29.3	32.2	-7.3	-5.3	-2.4
Part time, part year	36.7	35.4	30.4	27.1	27.1	-1.3	-9.6	-9.6
Full time, full year	28.6	37.3	44.2	43.6	40.7	8.7	15.0	12.1
(b) Mothers								
No work	35.4	27.2	22.9	25.7	28.0	-8.2	-9.7	-7.4
Part time, part year	37.2	35.9	31.1	28.3	27.9	-1.3	-8.9	-9.3
Full time, full year	27.3	36.9	46.0	46.0	44.1	9.6	18.7	16.8

Source: Author’s analysis of the Center for Economic and Policy Research Extracts of the March Current Population Survey.

This analysis demonstrates that the share of women who work outside the home increased drastically from 1979 to 2012, though the Great Recession and subsequent jobless recovery dampened this trend. As demonstrated in Table 1a, nearly one-third of women ages 16 to 64 currently have zero hours of paid employment. The proportion of women who do not work fell from 34.6 percent in 1979 to 25.4 percent in 2000 before rising to 29.3 percent in 2007—prior to the onset of the economic crisis. Eventually, it increased to 32.2 percent in 2012, after the recession and the beginning of the recovery.

However, over the same period, the share of women working full time rose sharply. Part-time and/or part-year employment declined from 36.7 percent of women in 1979 to 27.1 percent in 2007, and remained there in 2012. Full-time, full-year employment—at least 35 hours per week and 50 weeks per year—increased dramatically from 28.6 percent of all women in 1979 to 43.6 percent in 2007 before declining to 40.7 percent in the wake of the Great Recession. Even after the recession, women in 2012 were 12 percentage points more likely to work full time and full year than in 1979.

For mothers with children under the age of 18 in the home (see Table 1b), the decline in the proportion who do not work at all is even more dramatic than the decrease for all women, falling from 35.4 percent in 1979 to 25.7 percent in 2007 before increasing to 28.0 percent in 2012.

Furthermore, the decline in part-time and/or part-year employment of mothers was equally steep, dropping from 37.2 percent of all mothers in 1979 to 28.3 percent in 2007 before falling further to 27.9 percent in 2012. Most dramatic is the corresponding increase in the share of mothers who work full time, full year, which rose from 27.3 percent of mothers in 1979 to a peak of 46 percent in 2007 before declining to 44.1 percent in 2012. That is, 44.1 percent of mothers worked full time and full year in 2012, compared with 27.9 percent who worked part time or part year and 28 percent who did not work at all.

TABLE 2

Annual hours worked, 1979-2012 (hours per year)

Percentile	1979	1989	2000	2007	2012	1979-1989	1979-2007	1979-2012
(a) Women, 16-64								
10th	0	0	0	0	0	0	0	0
Median	925	1,530	1,820	1,820	1,664	605	895	739
90th	2,236	2,600	2,600	2,600	2,600	364	364	364
(b) Mothers								
10th	0	0	0	0	0	0	0	0
Median	600	1,200	1,600	1,596	1,560	600	996	960
90th	2,080	2,080	2,080	2,080	2,080	0	0	0

Source: Author's analysis of the Center for Economic and Policy Research Extracts of the March Current Population Survey.

Table 2a shows the dramatic increase in the median hours worked by women between 1979 and 2007 or 2012. The typical woman worked 925 hours per year in 1979. This nearly doubled to 1,820 hours in 2007 before declining to 1,664 hours in 2012 following the economic crisis. That is, the median annual hours worked by women increased 739 hours between 1979 and 2012. All of this increase in median hours took place between 1979 and 2000.

The median annual hours worked by mothers (see Table 2b) increased even more dramatically, from 600 hours per year in 1979 to 1,596 in 2007 and 1,560 in 2012. This is an increase of 960 hours between 1979 and 2012, with all of the increase occurring by 2000.

It is here that the time squeeze experienced by working families is most apparent. The typical woman's annual hours of work nearly doubled from 1979 to 2007. Even with the effects of the recession, the annual hours worked by the typical woman increased 80 percent between 1979 and 2012. For the typical mother, annual hours worked increased 150 percent between 1979 and 2012.

Women at the 90th percentile of the hours distribution (see Table 2) worked 2,600 hours per year in 2012—the equivalent of 50 hours per week for the full year. Mothers at the 90th percentile worked 41.5 hours per week or 2,080 hours per year. However, mothers at the 90th percentile were already working full time in 1979, and there was no increase in hours of work for this group of women between 1979 and 2012. As a result, the increase in the annual number of hours worked by women at the 90th percentile—an increase of 16 percent—is smaller than at the median.

It is important to note that 32.2 percent of all women and 28.0 percent of all mothers did not work at all in 2012. Thus, the annual number of hours worked by women and mothers at the 10th percentile is zero. While hours of work increased dramatically for the typical woman, a substantial minority of women and mothers did not work for pay in 2012. This may be due in part to the lack of paid leave and other policies that facilitate women’s employment. For example, evidence from a study of paid family leave in California suggests that women who had access to paid family leave—either through an employer or through the state’s program—were more likely to return to work following the birth of a child.²¹

Middle-class women’s share of household hours of work

While there is no generally accepted definition of middle class, there are three definitions that have been used in previous research: household income between 75 percent and 200 percent of the median, households in the middle three quintiles of the income distribution, and households that fall in the “middle” between low-income and professional households—or the “three faces” definition of the middle class.²² We present our findings using each of these definitions. Table 3a reports results using 75 percent to 200 percent of the median as our definition of middle class; Table 3b shows the middle three quintiles; and Table 3c uses the three faces definition.²³ The results for the hours of work of women and mothers below the middle class, in the middle class, and above the middle class are broadly similar using each of the three definitions.

TABLE 3

Women's and mothers' share of hours, by three definitions of middle class, 1979-2012 (percent of total household hours)

	Women (all households)			Mothers (households with children)		
(a) 75 percent to 200 percent of median						
	Below	Middle	Above	Below	Middle	Above
1979	37.1	36.2	36.2	31.4	27.9	26.2
1989	41.5	40.4	39.8	35.1	33.1	30.4
2000	44.9	42.4	40.9	37.6	34.4	32.6
2007	44.8	43.4	42.7	37.5	34.8	35.5
2011	46.2	43.9	42.7	37.1	35.0	36.6
2012	46.1	43.6	42.8	36.3	34.6	36.3
1979-1989	4.3	4.2	3.6	3.7	5.2	4.3
1979-2007	7.7	7.1	6.5	6.1	6.9	9.3
1979-2012	8.9	7.4	6.6	5.0	6.8	10.2
(b) Middle three quintiles						
	Below	Middle	Above	Below	Middle	Above
1979	38.2	35.9	36.8	32.9	28.4	26.6
1989	43.7	40.2	40.1	37.6	33.1	31.4
2000	46.9	42.5	41.4	40.8	34.5	33.3
2007	47.5	43.3	42.8	40.2	34.9	35.3
2011	48.2	44.1	42.8	40.0	35.0	36.3
2012	47.9	43.9	42.8	39.1	34.5	36.1
1979-1989	5.5	4.3	3.3	4.6	4.7	4.8
1979-2007	9.3	7.3	6.0	7.2	6.5	8.7
1979-2012	9.6	8.0	6.0	6.2	6.1	9.4
(c) "Three faces"						
	Low income	Middle	Professional	Low income	Middle	Professional
1979	37.2	36.3	35.9	38.2	35.9	36.8
1989	41.5	40.4	40.0	43.7	40.2	40.1
2000	45.1	42.3	41.0	46.9	42.5	41.4
2007	45.0	43.3	42.8	47.5	43.3	42.8
2011	46.6	43.6	43.1	48.2	44.1	42.8
2012	46.3	43.6	43.0	47.9	43.9	42.8
1979-1989	4.3	4.1	4.1	5.5	4.3	3.3
1979-2007	7.9	7.0	6.9	9.3	7.3	6.0
1979-2012	9.2	7.3	7.0	9.6	8.0	6.0

Source: Author's analysis of the Center for Economic and Policy Research Extracts of the March Current Population Survey.

As noted above, almost one-third of all women and more than one-quarter of all mothers did not work in 2012. Women are less likely to work than men, and they are more likely to work part time and/or part year.²⁴ Women with zero hours of work or part-time or part-year status are found in households across the income distribution. Despite the dramatic increase in hours worked by the typical woman and mother, women in middle-class households consequently contributed less than 50 percent of total household hours of paid employment in 2012. And as we saw earlier, while mothers are more likely to work and more likely to work longer hours than in 1979, they still work less than women without children.

Table 3 reports the contribution of women ages 16 to 64 to total household hours of paid employment and the contribution of mothers to total household hours of paid employment in households with children. This is reported separately for middle-class, below-middle-class, and above-middle-class households. We find that women's share of household hours of work increased 7 percentage points for all three definitions of middle class, from about 36 percent in 1979 to nearly 44 percent in 2012. Mothers' share of hours in households with children increased between 6 percentage points and 8 percentage points, depending on the definition of middle class. For mothers, the increase in hours was greatest using the three faces definition, where the share increased from about 36 percent of total hours in households with children in 1979 to 44 percent in 2012. Using the other two definitions, we find that mothers' share of total hours increased from about 28 percent in 1979 to a bit more than 34 percent in 2012.

There has been a steady rise in the share of women, especially mothers, in the workforce over the past three decades. As indicated by the data, the majority of women and mothers work, and many work full time and full year. Discussed in detail in the next section, this dramatic increase in women's working hours has had a substantial impact on household earnings.

Contribution of women to middle-class household earnings

Table 4 reports the contribution that women and mothers make to total household earnings because of their greater employment. Women's and mothers' share of earnings is highest in households below the middle class and lowest in households above the middle class. This reflects two realities:

- The high concentration of households with only one female earner in the below-middle group, often single mothers or single women without children.
- The lower hours and pay of men in households below the middle class as well as the higher hours and pay of men in households above the middle class.

These are substantial increases in the share of middle-class household earnings contributed by women and mothers. Middle-class households would have substantially lower earnings today if women's employment patterns had remained unchanged. This increase in women's contribution to earnings is due in part to an increase in their hours of paid employment between 1979 and 2012, and in part to an increase in women's wages relative to men's over this period.²⁵ As reported in Table 3, women in middle-class households increased their share of household hours of work by about 7 percentage points and their share of middle-class household earnings (see Table 4) by about 13 percentage points between 1979 and 2012. This suggests that about 6 percentage points of the increase in women's share of middle-class household earnings is due to the increase in their pay relative to middle-class men over this period.

TABLE 4

Women's and mothers' share of earnings, by three definitions of middle class, 1979-2012 (percent of total household earnings)

	Women (all households)			Mothers (households with children)		
(a) 75 percent to 200 percent of median						
	Below	Middle	Above	Below	Middle	Above
1979	29.5	24.8	23.0	25.0	18.9	16.9
1989	35.3	31.5	28.7	30.3	26.3	22.4
2000	40.0	35.5	26.7	33.8	29.7	21.3
2007	40.4	37.2	32.3	34.2	30.6	27.6
2011	42.6	38.2	33.1	34.8	31.3	29.7
2012	42.7	37.9	33.3	34.3	30.7	29.5
1979-1989	5.8	6.7	5.6	5.3	7.4	5.4
1979-2007	10.9	12.4	9.3	9.2	11.6	10.6
1979-2012	13.2	13.1	10.2	9.3	11.8	12.6
(b) Middle three quintiles						
	Below	Middle	Above	Below	Middle	Above
1979	33.5	25.0	23.8	29.1	19.7	26.6
1989	39.9	31.8	29.2	34.7	26.7	31.4
2000	44.0	35.9	28.1	38.7	29.9	33.3
2007	44.5	37.4	33.0	38.1	30.9	35.3
2011	45.9	38.8	33.4	38.3	31.7	36.3
2012	45.8	38.6	33.5	37.8	31.2	36.1
1979-1989	6.4	6.8	5.4	5.6	7.0	4.8
1979-2007	10.9	12.4	9.2	8.9	11.2	8.7
1979-2012	12.3	13.6	9.7	8.7	11.5	9.4
(c) "Three faces"						
	Low income	Middle	Professional	Low income	Middle	Professional
1979	29.5	24.9	22.6	25.0	19.2	16.1
1989	35.4	31.2	29.1	30.5	26.2	23.1
2000	40.3	34.2	27.8	34.1	29.0	22.4
2007	40.7	37.0	32.4	34.4	30.6	27.7
2011	43.4	37.1	34.0	35.5	31.0	30.2
2012	43.1	37.3	33.7	34.7	30.4	30.1
1979-1989	5.9	6.3	6.5	5.6	7.0	7.0
1979-2007	11.2	12.1	9.8	9.5	11.4	11.6
1979-2012	13.6	12.4	11.1	9.7	11.2	14.0

Source: Author's analysis of the Center for Economic and Policy Research Extracts of the March Current Population Survey.

In middle-class households, women's contribution to household earnings increased between 12.4 percentage points and 13.6 percentage points from 1979 to 2012, depending on the definition of middle class. Women's share of earnings increased from 24.8 percent to 37.9 percent of earnings in households with income between 75 percent and 200 percent of the median; from 25.0 percent to 38.6 percent in households in the middle three quintiles; and from 24.9 percent to 37.3 percent using the three faces definition.

Mothers' contribution to the earnings of middle-class households with children increased between 11.2 percentage points and 11.8 percentage points from 1979 to 2012, depending on the definition of the middle class. Their share of earnings increased from 18.9 percent to 30.7 percent of total earnings in households with children and incomes between 75 percent and 200 percent of the median; from 19.7 percent to 31.2 percent in the middle three quintiles; and from 19.2 percent to 30.4 percent using the three faces definition.

The median earnings of women who are employed full time relative to men in full-time jobs changed little from 1950 to 1980, but has increased substantially since then. The ratio of women's earnings to men's rose from about 60 percent in 1980 to 76 percent in 2000,²⁶ about where it remains today.²⁷ The surge in women's relative wages can be attributed to women's increased educational attainment, college graduation rates that are higher than those of men, their increased work experience, women's movement into traditionally male occupations, and laws that made discrimination against women illegal.²⁸

Contribution of the increase in women's hours of work to GDP

Up to this point, we have examined how the increase in women's and mothers' hours of work since 1979 has affected their contributions to household earnings. We turn now to an examination of the impact that the increase in women's hours of work has had on the economy as a whole. Specifically, we ask: How much smaller would GDP be today if women had the same work patterns as in 1979?

The population has grown since 1979 and the number of women ages 16 to 64 is much larger today than it was then. Thus, even if women had the same pattern of work hours in 2012 as they had in 1979, the total hours worked by women would have increased. In examining the effect of the increase in women's work hours, therefore, we need to be careful to control for the increase in population.

Table 5 summarizes a simple exercise to estimate the impact on GDP of the large increase in the average number of hours worked by women. We estimate the reduction in average hours of work in the economy as a whole in 2007 if women worked only the same average annual number of hours in 2007 as in 1979. As noted above, 2007 and 1979 are both business cycle peaks. This comparison avoids the not-yet-recovered decline in hours due to the Great Recession.

TABLE 5

Estimated impact of women's increased annual hours of work on GDP, 1979-2012

	Average annual hours of work	
	1979	2007
Men	1,717	1,685
Women	907	1,203
All	1,295	1,438
All, assuming women worked 1979 average hours	1,295	1,285
Ratio of counterfactual to actual hours		0.894
Implied change in GDP		
Percent		-10.6%
Billions of 2012 dollars		-\$1,661

Note: Average annual hours are weighted by the share of the population ages 16 to 64. Women were 51.4 percent of the working-age population in 2012.

Source: Author's analysis of the Center for Economic and Policy Research Extracts of the March Current Population Survey.

We begin by computing the average annual hours of work for all women and all men ages 16 to 64 in 1979 and again in 2007, including women and men who worked no hours. We calculate the overall average annual hours worked by adding average annual hours of women and men in each year, weighted by their relative shares in the population ages 16 to 64 for that year.

Note that the actual average annual hours of work—among the working-age population, where nonworkers are recorded as having zero hours per year—was 1,438 hours in 2007. If women had worked at only their 1979 level, this average would have fallen to 1,285 hours—a decline in total hours worked of about 10.6 percent. With almost 11 percent fewer hours worked in the year, GDP would have been roughly 11 percent lower in 2012. In today's dollars, this translates to over \$1.7 trillion less in output²⁹—roughly equivalent to total U.S. spending on Social Security, Medicare, and Medicaid in 2012.³⁰

The 10.6 percent increase in women's contribution to GDP as a result of their increased hours of work is almost twice the 5.9 percent GDP contribution of the information, communications, and technology-producing industries combined in 2012.³¹

Employment standards for the 21st-century workforce

As demonstrated in the earlier sections of this paper, women's increased hours of work are important to both their families' standard of living and the size of the economy. The importance of women's earnings to our economy lends a new urgency to rethinking U.S. labor standards for the 21st century. Even as mothers and women are making significant contributions to the economy, they continue to do so within a set of institutions that too often do not provide them with the kind of support that they need both at work and at home. These facts should inform federal policymaking about basic labor standards.

Despite the importance of women's—and especially mothers'—earnings to family economic well-being and the economy, the wage-and-hours regulatory system and the social insurance infrastructure put in place in the 1930s by President Franklin Roosevelt and Secretary of Labor Frances Perkins have not been systematically expanded. U.S. employment standards should specifically address the dual role that most of today's employees play as both workers and caregivers. The patchwork of work and family policies that has evolved over the years typically does not cover everyone or address the need for time off to fulfill caregiving responsibilities. Overtime regulations, for example, tend not to apply to the highest-paid workers, leaving them subject to long workweeks.³² Additionally, the unpaid job protection provided by the Family and Medical Leave Act, or FMLA, is available to only about half of all workers, leaving a disproportionate share of low-wage workers with no access to job-protected leave or, typically, paid leave of any kind.³³

The market has failed to come to grips with this issue on its own. Economists hypothesize—based on the theory of “compensating wage differentials”—that workers who need or value workplace flexibility will choose jobs that offer flexibility and will be willing to trade off higher wages in exchange.³⁴ But researchers have found that many workers appear to have only limited ability to bargain for these benefits. The workers who most need workplace flexibility report having the least access to it, and the workers who have the greatest access to flexibility are those

with higher pay.³⁵ Furthermore, when employers voluntarily implement such policies, they are under no requirement to cover all their employees and consequently tend to offer these benefits as perks to high-status workers.³⁶

One reason why the market may not be able to produce greater workplace flexibility is that so few U.S. workers today are covered by collective bargaining agreements that address wages, hours, and workplace flexibility. Unions have made some progress in getting those issues into their contracts, but with fewer than 1 in 15 private-sector U.S. workers belonging to a union today, those contracts do not help enough working families.³⁷

We recommend building on the foundation of our basic labor standards by adding protections to address employees' ability to have some control of their schedule and take paid time off to tend to their families without fear of retaliation. Here are three specific recommendations:

- Implement a new system to encourage greater workplace flexibility that workers can use without fear.
- Modernize our social insurance system to include paid family and medical leave for all workers.
- Modernize our basic labor protections to require that every employee can earn at least seven days of paid sick days annually to use without penalty when they are ill or need to care for a sick child.

Our recommendations update and build on the cornerstones already in place.

Right to request flexibility

One cornerstone on which to build is the Fair Labor Standards Act, or FLSA, which first set out the nation's regulatory wage-and-hours framework. Although the FLSA was not designed to address work-family conflict, it limited some employees' hours of work and established the minimum wage, both of which affect the workers' ability to reserve time to care for families.³⁸ However, because the assumption underlying the FLSA is that workers are employed full time and have a stay-at-home spouse to fulfill caregiving obligations, the law did not deal with or encourage workplace flexibility.

The FLSA does not address part-time parity, sufficient hours of work, or scheduling flexibility. Issues around scheduling have grown in importance since most families now have no stay-at-home caregiver. Workers now need more flexibility to care for children and, increasingly, aging parents while also holding down a full-time job.

One way to address the need for workplace flexibility is to follow the lead of San Francisco and Vermont, which have recently passed right-to-request laws. This type of regulation gives workers the right to request a flexible schedule without fear of retaliation. Because many U.S. workers are subject to disciplinary action for even asking about schedule flexibility or predictability, the right to request could be a very important addition to the U.S. work-family policy framework. As noted by San Francisco Board of Supervisors President David Chiu, who introduced the city's ordinance, right-to-request legislation "will nudge real changes in workplace culture and eliminate stigma and bias around workers who request flexible schedules."³⁹ The newly passed policies in San Francisco and Vermont outline a process for employees and employers to discuss and negotiate workplace flexibility and permit employers to turn down the requests only for certain business reasons.⁴⁰ In Vermont, for example, employers may refuse the request for flexibility for reasons such as the burden of additional costs, negative effects on meeting customer demand or business quality and performance, or the inability to reorganize existing staff to make it work.⁴¹

Right to request is based on a model developed in the United Kingdom, New Zealand, and Australia that allows employees to request a change in the number or schedule of their work hours.⁴² Employers may refuse the request but must provide the employee with an explanation and cannot retaliate against the employee.⁴³ This policy has increased the number of workers in the United Kingdom with flexible schedules.⁴⁴

Making the right-to-request model work in the United States would require adapting it to fit the U.S. legal and institutional structure.⁴⁵ Employees would be assured a right to request a schedule that works for them and their employer. For the right-to-request model to be effective in the United States, it should also be used to help workers who do not want to or cannot work overtime, want to place limits on their hours, or need scheduling predictability. Right-to-request legislation, in the form of the Working Families Flexibility Act, was introduced in the 111th Congress by Rep. Carolyn Maloney (D-NY) in the House of Representatives and Sen. Bob Casey (D-PA) in the Senate.⁴⁶

Family and medical leave insurance

The second cornerstone of our current labor standards system is the Social Security Act of 1935, which established Old-Age and Survivors Insurance, unemployment insurance, and income assistance to mothers and children. Some of the fundamental assumptions underlying the Social Security Act were:

- Individuals are either caregivers or breadwinners, but not both.
- Married couples typically stay married for life.
- Most families have a stay-at-home parent, usually a mother, to provide care for children, the sick, and the elderly.⁴⁷

As with the FLSA, these assumptions leave gaps in coverage and eligibility for today's families. Policymakers have since tried to fill many of these voids—for example, by adding disability insurance in 1954—but the inequalities that affect caregivers remain. The most notable gap is the law's failure to cover caregiving leave. Three states—California, New Jersey, and Rhode Island—have state-level programs that provide social insurance to workers for family leave. However, the United States remains the only developed nation that does not provide some type of paid family and medical leave to workers nationwide.⁴⁸ Family and medical leave insurance—also known as paid family and medical leave or paid leave—provides wage replacement to workers who take temporary leave to recover from a serious illness or care for an ill family member, newborn, newly adopted child, or foster child.⁴⁹

The Family and Medical Leave Act of 1993 was the first piece of legislation in U.S. history to give workers the right to job-protected leave for caregiving. The FMLA provides up to 12 weeks of unpaid leave per year to eligible employees who need time off to care for a new child, recover from a serious illness, or take care of a seriously ill family member.⁵⁰

The FMLA gave approximately 84 million of the 142 million workers the right to job-protected, unpaid family and medical leave in 2012.⁵¹ The FMLA, however, has two major shortcomings. The first is that the leave it provides is unpaid. Unlike programs that address time out of work for other reasons, such as a short-term disability or unemployment, the FMLA is not a social insurance program and does not provide workers with financial benefits; rather, it provides job protection. Unpaid leave, however, is not adequate for the needs of low- and moderate-income families.

For them, the right to job-protected leave is nice, but not enough.⁵² The FMLA's second shortcoming is that it excludes just under half of the labor force, many of whom are the workers who may need coverage the most. The law excludes workers in firms with less than 50 employees, those who have been with their employer for less than a year, and/or those who have worked fewer than 1,250 hours.⁵³ As a result, it fails to cover the workers who tend to earn less and are less likely to have access to employer-paid benefits.⁵⁴

Thus far, the market has not filled the need for paid time off for caregiving on its own. Employers do not typically offer extended leave to care for a new child or an ill family member, and when they do, they tend to offer it only to higher-wage, higher-status workers. And employers who do provide paid leave, unlike those who offer pensions and health insurance, face no government requirements to ensure that the policy is applied uniformly within the firm.⁵⁵ Even within a given firm, not all employees may have access to the same paid family and medical leave benefits.⁵⁶ The employees who are least likely to get family and medical leave benefits are low-wage workers—those that are most likely to need leave because they cannot afford paid help to care for loved ones.⁵⁷ The U.S. Census Bureau reports that 66 percent of new mothers with a bachelor's degree or higher received some kind of paid maternity leave, compared with only 19 percent of those without a high school degree.⁵⁸

Furthermore, the leave that does exist is a patchwork of sick days or medical leave for childbirth that provides very little time for caregiving or bonding with the new child. New fathers, who are ineligible for disability leave for childbirth, are typically offered little or no paid leave, and employees who deplete their sick days must hope that they—or their new child—does not get sick later on.

Three states—California, New Jersey, and as of this year, Rhode Island—have expanded their long-standing Temporary Disability Insurance, or TDI, programs, which cover medical leave including childbirth, to cover caregiver and bonding leave for new parents or for workers who need to care for a seriously ill family member.⁵⁹ In 2002, California extended its TDI program to offer six weeks of comprehensive leave, covering everyone and providing partial wage-replacement family leave.⁶⁰ New Jersey passed similar legislation in 2008,⁶¹ and Rhode Island extended its TDI program this year to offer four weeks of family and medical leave.⁶² In 2007, Washington became the first state to pass legislation establishing a new, standalone program for paid parental leave, although the financing mechanism remains to be worked out.⁶³

The experimentation at the state level shows that paid family and medical leave can be a successful policy for both employers and employees. Eileen Appelbaum and Ruth Milkman’s evaluation of California’s family leave insurance program found that, contrary to opponents’ warnings, it was not a “job killer.” According to their survey, 9 out of 10 employers reported that the program has either no effect or positive effects on business operations. Their survey of employees revealed positive effects for workers who used the program.⁶⁴

We recommend that the federal government follow the lead of these states and implement family and medical leave insurance through the Social Security Administration, as proposed in the Family and Medical Leave Insurance Act, or FAMILY Act.⁶⁵ Individuals would pay into a new trust fund that would support paid family and medical leaves. This would be similar to the extensions to Social Security for long-term disabilities that were implemented in the 1950s. There are a variety of advantages to the approach, including the reduced start-up costs for a new program, near-universal coverage of Social Security, and existing lifetime employment rules of Social Security Disability Insurance for determining adequate employment history and benefit level, which cover young and intermittent workers.

Earned sick time

We should also add the right to earn sick time. Similar to the minimum wage, the right to earn paid sick days should be a basic employment standard. Earned sick time allows workers to take short, unplanned leave when the worker or a family member has an everyday illness. The need for earned sick time does not arise often, but when needed, it is urgently important for working families and to protect the public’s health. Workers who lack paid sick days lose pay, risk losing their jobs, and endanger their family’s livelihood if they stay home when they or their children are ill. Parents who lack paid sick days are more likely to send their children to school or daycare when they are ill or leave them home alone.⁶⁶ Employees who come to work sick compromise the health of their colleagues. Public health and the economic well-being of our families should not be threatened simply because a worker or a child has the flu.

For earned sick time to be effective at helping ill workers, employees need to be able to use it without prior notice to their employer or fear of retaliation. Some have argued that workers who have paid vacation or other personal leave are covered for sick time, but many workers cannot take this kind of leave without

giving their employer advance notice, making it unusable when a child wakes up with a high fever or other urgent care needs arise.⁶⁷ As a result, this is not a viable policy strategy.⁶⁸

Yet there are only a handful of places in the United States where workers currently have the right to job-protected leave if they are sick, although the list is rapidly growing. San Francisco added these protections in 2006; Washington, D.C. in 2008; Connecticut and Seattle in 2011; New York City, Portland, Oregon, and Jersey City, New Jersey, in 2013; and Newark, New Jersey in 2014.⁶⁹ Voters in Milwaukee, Wisconsin, passed an earned sick time ballot initiative in 2008, but in 2011 the ordinance was nullified by a bill that created uniform family and medical leave standards in Wisconsin.⁷⁰ And the Philadelphia City Council passed earned sick time legislation in 2011 that was vetoed by the mayor, although a similar provision was enacted in a later living wage bill that applies to city contractors.⁷¹

At the federal level, we recommend that Congress move forward with the Healthy Families Act, introduced as H.R. 1876 and S. 984 in the 112th Congress. This legislation would allow workers to earn one hour of sick leave for every 30 hours worked—up to seven days of earned sick time per year. The law excludes workers in firms with 15 or fewer employees.⁷² The federal government could also lead the way by rewarding federal contractors that provide their employees with a minimum level of earned sick time.⁷³ Low-wage service workers—the type of workers who work for federal service contractors—are the least likely to have access to earned sick time.⁷⁴ Similar to the rest of the private sector, federal contractors are much more likely to offer earned sick time to their higher-wage employees. The federal government could make a real impact if it rewarded federal contractors by providing additional points during the review of competitively bid contracts for offering a minimum level of earned sick time to their employees.⁷⁵

Updating the FLSA and social insurance in these ways would go a long way toward modernizing our labor laws to take account of the changed nature of the U.S. labor force. These policies would facilitate women's employment and improve the ability of both men and women to be responsible employees and caring family members.

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Endnotes

- 1 Wage and Hour Division, *Handy Reference Guide to the Fair Labor Standards Act* (U.S. Department of Labor, 2010), available at <http://www.dol.gov/whd/regs/compliance/hrq.htm>.
- 2 Social Security Administration, "Historical Development" (1997), available at <http://www.ssa.gov/history/pdf/histdev.pdf>.
- 3 Heather Boushey, "The Role of the Government in Work-Family Conflict," *The Future of Children* 21 (2) (2011): 163–190, available at http://futureofchildren.org/futureofchildren/publications/docs/21_02_08.pdf.
- 4 Teresa L. Amott and Julie A. Matthaei, *Race, Gender, and Work: A Multi-cultural Economic History of Women in the United States* (South End Press, 1996).
- 5 Social Security Administration, "The Social Security Act of 1935," available at <http://www.ssa.gov/history/35act.html> (last accessed February 2014).
- 6 Wage and Hour Division, *Handy Reference Guide to the Fair Labor Standards Act*.
- 7 Claudia Goldin, "Gender Gap," The Concise Encyclopedia of Economics, available at <http://www.econlib.org/library/Enc/GenderGap.html>; Francine D. Blau and Lawrence M. Kahn, "Female Labor Supply: Why is the US Falling Behind?" Working Paper 18702 (National Bureau of Economic Research, 2013), available at www.nber.org/papers/w18702; Chinhui Juhn and Simon Potter, "Changes in Labor Force Participation in the United States," *Journal of Economic Perspectives* 20 (3) (2006): 27–46, available at <http://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.20.3.27>.
- 8 Claudia Goldin, "The Quiet Revolution that Transformed Women's Employment, Education, and Family," *AEA Papers and Proceedings* 96 (2) (2006): 1–21, available at <http://pubs.aeaweb.org/doi/pdfplus/10.1257/000282806777212350>.
- 9 Sarah Jane Glynn, "The New Breadwinners: 2010 Update" (Washington: Center for American Progress, 2012), available at <http://www.americanprogress.org/wp-content/uploads/issues/2012/04/pdf/breadwinners.pdf>.
- 10 Blau and Kahn, "Female Labor Supply"; Bureau of Labor Statistics, *Women in the Labor Force: A Databook* (U.S. Department of Labor, 2013), available at www.bls.gov/cps/wlf-databook-2012.pdf.
- 11 Blau and Kahn, "Female Labor Supply."
- 12 Ibid.
- 13 Jerry A. Jacobs and Janet C. Gornick, "Hours of Paid Work in Dual-Earner Couples: The United States in Cross-National Perspective," *Sociological Focus* 35 (2) (2002): 160–187.
- 14 Janet C. Gornick, Marcia K. Meyers, and Katherin E. Ross, "Supporting the Employment of Mothers: Policy Variations across Fourteen Welfare States," *Journal of European Social Policy* 7 (1) (1997): 45–70; Janet C. Gornick and Marcia K. Meyers, *Families That Work: Policies for Reconciling Parenthood and Employment* (New York: Russell Sage Foundation, 2005).
- 15 Margarita Estévez-Abe and Tanja Hethey-Maier, "Women's Work, Family Earnings, and Public Policy." In Janet C. Gornick and Markus Jäntti, eds., *Income Inequality: Economic Disparities and the Middle Class in Affluent Countries* (Palo Alto, CA: Stanford University Press, 2013).
- 16 Jody Heymann and others, "Contagion Nation: A Comparison of Paid Sick Day Policies in 22 Countries" (Washington: Center for Economic and Policy Research, 2009), available at <http://www.cepr.net/index.php/publications/reports/contagion-nation/>.
- 17 Heather Boushey, Jane Farrell, and John Schmitt, "Job Protection Isn't Enough: Why America Needs Paid Parental Leave" (Washington: Center for American Progress and the Center for Economic and Policy Research, 2013), available at <http://www.americanprogress.org/wp-content/uploads/2013/12/ParentalLeave-report-3.pdf>.
- 18 Joan C. Williams and Heather Boushey, "The Three Faces of Work-Family Conflict: The Poor, the Privileged, and the Missing Middle" (Center for American Progress and the Center for WorkLife Law, University of California, Hastings College of the Law, 2010), available at <http://www.americanprogress.org/issues/labor/report/2010/01/25/7194/the-three-faces-of-work-family-conflict/>.
- 19 Boushey, Farrell, and Schmitt, "Job Protection Isn't Enough."
- 20 We start our analysis in 1979 because that is a labor-market peak and coincides with the period when rising economic inequality began to squeeze wages and incomes for workers and families at the middle and the bottom.
- 21 Ruth Milkman and Eileen Appelbaum, *Unfinished Business: Paid Family Leave in California and the Future of U.S. Work-Family Policy* (Ithaca, NY: Cornell University Press, 2013).
- 22 The "three faces" categories are: low-income families are the bottom one-third of families by family income; professional families are those in the top 20 percent of families by family income, and at least one adult has at least a college degree; and middle-income families are everyone in between the bottom one-third and the professional class. Williams and Boushey, "The Three Faces of Work-Family Conflict."
- 23 We use household income adjusted for household size in our definitions of middle-class households.
- 24 Bureau of Labor Statistics, *Women in the Labor Force*.
- 25 Bureau of Labor Statistics, *Highlights of Women's Earnings in 2012* (U.S. Department of Labor, 2013), available at <http://www.bls.gov/cps/cpswom2012.pdf>.
- 26 Goldin, "Gender Gap."
- 27 Ariane Hegewisch and Claudia Williams, "The Gender Wage Gap: 2012" (Washington: Institute for Women's Policy Research, 2013), available at <http://www.iwpr.org/publications/pubs/the-gender-wage-gap-2012-1>.
- 28 Goldin, "The Quiet Revolution that Transformed Women's Employment, Education, and Family"; Heather Boushey, "A Woman's Place Is in the Middle Class." In *The Shriver Report: A Woman's Nation Pushes Back From The Brink* (Palgrave Macmillan, 2014).

29 The algebra is as follows. In any given year (t), the average number of hours worked (H_t) is equal to the weighted average of the average number of hours worked by men (H_t^M) and by women (H_t^F) separately, where the weights ($0 < a \leq 1$) are determined by the share of men and women in the working-age population (nonworkers enter the calculation with zero hours of work). M and F are superscripts indicating gender; the subscripts 0 and 1 indicate the beginning and ending time period. Also, in this exercise we would have to multiply by the total population to get from average to total hours, but since the population at time 1 is the population for both actual hours and counterfactual hours, the total population drops out of the ratio.

$$(1) a \cdot H_t^M + (1-a) \cdot H_t^F = H_t$$

For 1979 (denoted by $t=0$), we can write (1) as (note that the weights are time-specific, but in fact change little over the time we analyze):

$$(2) a_0 \cdot H_0^M + (1-a_0) \cdot H_0^F = H_0$$

Similarly for 2007 (denoted $t=1$), we have:

$$(3) a_1 \cdot H_1^M + (1-a_1) \cdot H_1^F = H_1$$

For the counterfactual exercise in Table 6, we use 2007 weights (a_1) and the 2007 mean annual hours for men (H_1^M), but substitute the mean annual hours for women from 1979:

$$(3) a_1 \cdot H_1^M + (1-a_1) \cdot H_0^F = H_1$$

Where H_1 is our estimate of the average number of hours in the economy if women (but not men) worked as they did in 1979.

The ratio of H_1 to the actual average number of hours worked in 2007, H_1 , gives a direct estimate of the impact of the hours change—a reduction in our estimates—on GDP.

- 30 Center for Budget and Policy Priorities, "Policy Basics: Where Do Our Federal Tax Dollars Go?" (Washington: CBPP, 2013), available at <http://www.cbpp.org/cms/?fa=view&id=1258>.
- 31 The information, communications, and technology-producing industries consists of computer and electronic product manufacturing—excluding navigational, measuring, electromedical, and control instruments manufacturing; software publishers; broadcasting and telecommunications; data processing, hosting and related services; internet publishing, broadcasting, and web search portals; and computer systems design and related services. See Table 5, U.S. Bureau of Economic Analysis, "Widespread Growth Across Industries in 2012: Revised Statistics of Gross Domestic Product by Industry" (Washington: Department of Commerce, 2014), available at http://www.bea.gov/newsreleases/industry/gdpindustry/2014/pdf/gdpind12_rev.pdf.
- 32 U.S. Wage and Hour Division, "Fact Sheet #17A: Exemption for Executive, Administrative, Professional, Computer & Outside Sales Employees Under the Fair Labor Standards Act (FLSA)" (Washington: Department of Labor, 2008), available at http://www.dol.gov/whd/reg/compliance/fairpay/fs17a_overview.pdf.
- 33 Boushey, "The Role of the Government in Work-Family Conflict."

- 34 Sherwin Rosen, "The Theory of Equalizing Differences." In Orley Ashenfelter and Richard Layard, eds., *Handbook of Labor Economics*, vol. 1 (Amsterdam: Elsevier, 1987).
- 35 Elaine McCrate, "Flexibility for Whom? Control over Work Schedule Variability in the US," *Feminist Economics* 18 (1) (2012): 39–72; Robert Drago, Mark Wooden, and David Black, "Who Wants and Gets Flexibility? Changing Work Hours Preferences and Life Events," *Industrial & Labor Relations Review* 62 (3) (2009) 394–414; Lonnie Golden, "Flexible Daily Work Schedules in US Jobs: Formal Introductions Needed?," *Industrial Relations* 48 (1) (2009): 27–54.
- 36 Boushey, "The Role of the Government in Work-Family Conflict."
- 37 Nicola Dones and Netsy Firestein, "Labor's Participation in Work/Family Issues: Successes and Obstacles" (Berkeley, CA: Labor Project for Working Families, 2002), available at http://www.working-families.org/publications/labor_participation.pdf; Barry T. Hirsch and David A. Macpherson, "Union Membership and Coverage Database from the CPS," available at <http://unionstats.gsu.edu/> (last accessed September 2013).
- 38 Boushey, "The Role of the Government in Work-Family Conflict."
- 39 Marisa Lagos, "S.F. Supervisors back flexible work schedules," *San Francisco Chronicle*, October 1, 2013, available at <http://www.sfgate.com/bayarea/article/SF-Supervisors-back-flexible-work-schedules-4861312.php>.
- 40 David Chiu, "San Francisco Family Friendly Workplace Ordinance: Legislative Fact Sheet," available at <http://www.sfbos.org/Modules/ShowDocument.aspx?documentid=45824> (last accessed October 2013); General Assembly of the State of Vermont, "No. 31 An act relating to equal pay," available at <http://www.leg.state.vt.us/docs/2014/Acts/ACT031.pdf> (last accessed October 2013).
- 41 General Assembly of the State of Vermont, "No. 31 An Act Relating to Equal Pay."
- 42 Chiu, "San Francisco Family Friendly Workplace Ordinance."
- 43 Jodie Levin-Epstein, "Getting Punched: The Job and Family Clock - It's Time for Flexible Work for Workers of All Wages" (Washington: Center for Law and Social Policy, 2006), available at <http://www.clasp.org/resources-and-publications/publication-1/0303.pdf>; Karen Kornbluh, "The Joy of Flex," *Washington Monthly* (2005), available at <http://www.washingtonmonthly.com/features/2005/0512.kornbluh.html>; Chiu, "San Francisco Family Friendly Workplace Ordinance."
- 44 Jodie Levin-Epstein, "How to Exercise Flexible Work: Take Steps with a 'Soft Touch' Law" (Washington: Center for Law and Social Policy, 2005), available at <http://www.clasp.org/admin/site/publications/files/0229.pdf>.
- 45 Ariane Hegewisch and Janet Gornick, "The impact of work-family policies on women's employment: a review of research from OECD countries," *Community, Work & Family* 14 (2) (2011): 119–38, available at <http://www.tandfonline.com/doi/full/10.1080/13668803.2011.571395> .UwzQgSiFP7l.
- 46 *Working Families Flexibility Act*, H. Rept. 1274, 111 Cong. 1 sess. (Government Printing Office, 2009).

- 47 Boushey, "The Role of the Government in Work-Family Conflict."
- 48 Rebecca Ray, Janet C. Gornick, and John Schmitt, "Parental Leave Policies in 21 Countries: Assessing Generosity and Gender Equality" (Washington: Center for Economic and Policy Research, 2008), available at http://www.cepr.net/documents/publications/parental_2008_09.pdf; Starting on January 1, 2011 in Australia, parents who meet work and income requirements are eligible for 18 weeks of paid parental leave at minimum wage, to be funded by the government. Commonwealth of Australia, "Australia's Paid Parental Leave Scheme: Supporting Working Australian Families" (Canberra: Australian Government, 2009), available at <http://www.saaso.asn.au/wp-content/uploads/2013/05/Australias-Paid-Parental-Leave-Scheme.pdf>.
- 49 National Partnership for Women & Families, "Paid Family & Medical Leave: An Overview" (2012), available at http://go.nationalpartnership.org/site/DocServer/PFML_Overview_FINAL.pdf?docID=7847.
- 50 *Family and Medical Leave Act*, H.R.1, 103rd Cong. 1 sess. (Government Printing Office, 1993).
- 51 Authors' analysis of Current Population Survey data at U.S. Bureau of Labor Statistics, "Labor Force Statistics from the Current Population Survey," available at <http://www.bls.gov/cps/> (last accessed October 2013); Jacob Alex Klerman, Kelly Daley, and Alyssa Pozniak, "Family and Medical Leave in 2012: Technical Report" (Cambridge, MA: Abt Associates Inc., 2012), available at <http://www.dol.gov/asp/evaluation/fmla/FMLA-2012-Technical-Report.pdf>.
- 52 Ann O'Leary and Karen Kornbluh, "Family Friendly for All Families." In Heather Boushey and Ann O'Leary, eds., *The Shriver Report: A Woman's Nation Changes Everything* (Washington: Center for American Progress, 2009).
- 53 *Family and Medical Leave Act*.
- 54 Heather Boushey and John Schmitt, "Job Tenure and Firm Size Provisions Exclude Many Young Parents from Family and Medical Leave" (Washington: Center for Economic and Policy Research, 2007), available at <http://www.cepr.net/index.php/publications/reports/job-tenure-and-firm-size-provisions-exclude-many-young-parents-from-family-and-medical-leave/>.
- 55 The Employee Retirement Income Security Act of 1974 sets minimum standards for pension plans in private industry, requiring that an employer that provides a retirement plan to some employees must provide the same plan to employees generally.
- 56 In a study of Fortune 100 Companies, the Joint Economic Committee found that "Many firms responded with a minimum and maximum number of weeks of paid leave, depending on the employee's job category or tenure or other requirements and our analysis provides measures of both the minimum and the maximum weeks provided." Joint Economic Committee, "Paid Family Leave at Fortune 100 Companies: A Basic Standard but Still Not the Gold Standard" (2008), available at <http://www.jec.senate.gov/archive/Documents/Reports/03.05.08PaidFamilyLeave.pdf>.
- 57 Ann O'Leary, "How Family Leave Laws Left Out Low-Income Workers," *Berkeley Journal of Employment and Labor Law* 28 (1) (2007): 1–62.
- 58 Tallese D. Johnson, "Maternity Leave and Employment Patterns of First-Time Mothers: 1961–2003" (Washington: U.S. Bureau of the Census, 2008), available at <https://www.census.gov/prod/2008pubs/p70-113.pdf>.
- 59 Five states—California, Hawaii, New Jersey, New York, and Rhode Island—have long-standing Temporary Disability Insurance programs that provide workers coverage for non-work-related disabilities including childbirth.
- 60 State of California Employment Development Department, "Paid Family Leave," available at http://www.edd.ca.gov/disability/paid_family_leave.htm (last accessed October 2013).
- 61 National Partnership for Women & Families, "New Jersey Becomes Third State to Adopt Paid Family Leave," Press release, May 2, 2008, available at <http://www.nationalpartnership.org/news-room/press-releases/new-jersey-adopts-paid-family-leave.html>.
- 62 Rhode Island Department of Labor and Training, "Temporary Disability Insurance/Temporary Caregiver Insurance," available at <http://www.dlt.ri.gov/tidi/> (last accessed February 2014).
- 63 Eileen Appelbaum and Ruth Milkman, "Leaves That Pay: Employer and Worker Experiences with Paid Family Leave in California" (Washington: Center for Economic and Policy Research, 2011), available at <http://www.cepr.net/documents/publications/paid-family-leave-1-2011.pdf>.
- 64 Milkman and Appelbaum, *Unfinished Business*.
- 65 Heather Boushey, "Helping Breadwinners When It Can't Wait: A Progressive Program for Family Leave Insurance" (Washington: Center for American Progress, 2009), available at <http://www.americanprogress.org/issues/2009/06/pdf/fmla.pdf>; Heather Boushey and Sarah Jane Glynn, "Fast Facts on Our Proposed Social Security Cares Program" (Washington: Center for American Progress, 2012), available at http://www.americanprogress.org/issues/2012/04/pdf/ssc_fast_facts.pdf; National Partnership for Women & Families, "The Case for a National Family and Medical Leave Insurance Program (The FAMILY Act)" (2013), available at http://go.nationalpartnership.org/site/DocServer/FAMILY_Act_Fact_Sheet.pdf.
- 66 Heather Boushey and Ann O'Leary, "Our Working Nation: How Working Women Are Reshaping America's Families and Economy and What It Means for Policymakers" (Washington: Center for American Progress, 2010), available at http://www.americanprogress.org/issues/2010/03/pdf/our_working_nation.pdf.
- 67 Ibid.
- 68 Iris S. Diaz and Richard Wallick, "Leisure and Illness Leave: Estimating Benefits in Combination," *Monthly Labor Review* 132 (2) (2009): 28–34, available at <http://www.bls.gov/opub/mlr/2009/02/art3full.pdf>; National Partnership for Women & Families, "Everyone Gets Sick. Not Everyone Has Time To Get Better: A Briefing Book on Establishing a National Paid Sick Days Standard" (2010), available at http://go.nationalpartnership.org/site/DocServer/Paid_Sick_Days_Briefing_Book_4_25.pdf?docID=6441.
- 69 National Partnership for Women & Families, "State and Local Action on Paid Sick Days" (2013), available at http://paysickdays.nationalpartnership.org/site/DocServer/NP_PSD_Tracking_Doc.pdf?docID=1922; Associated Press, "Bill Requiring Sick Leave Is Approved in Jersey City," September 26, 2013, available at www.nytimes.com/2013/09/27/nyregion/jersey-city-council-approves-paid-sick-leave.html; Jennifer Ludden, "Paid Leave Laws Catch On Across the Nation," National Public Radio, January 28, 2014, available at <http://www.npr.org/2014/01/28/267488576/more-states-offer-paid-leave>.

70 Joanne Deschenaux, "Wisconsin Governor Signs Bill Nullifying Milwaukee Paid Sick Leave Ordinance," Society for Human Resource Management, available at <http://www.shrm.org/legalissues/stateandlocalresources/pages/wisconsin-governor-signs-bill-nullifying.aspx>.

71 *Philadelphia 21st Century Minimum Wage Standard*, No. 110557, (2011); National Partnership for Women & Families, "State and Local Action on Paid Sick Days."

72 *Healthy Families Act*, H.R. 1876, 112th Cong. 1 sess. (Government Printing Office, 2011).

73 Ann O'Leary, "Making Government Work for Families: The Federal Government's Role as Employer and Contractor in Improving Family-Friendly Policies" (Center for American Progress and Berkeley Center on Health, Economic & Family Security, 2009), available at <http://www.americanprogress.org/issues/labor/report/2009/07/20/6478/making-government-work-for-families/>.

74 Ibid.

75 Ibid.

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