

United States¹

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For comparisons with other countries in this review on leave provision and early childhood education and care services please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members page](#) on the Leave Network website.

Note on United States leave policy: The United States is a federal state. There is no statutory right to any of the types of leave or other statutory measures covered in the other country notes in this review. Federal, state and local leave policies tend to provide coverage for care of a new child and time to care for a seriously ill member of one's family or oneself. The federal Family and Medical Leave Act (FMLA) of 1993 provides unpaid leave for a variety of reasons including: childbirth or the care of a new-born child up to the age of 12 months; for the placement and care of an adopted or foster child; for the care of a seriously ill child, spouse, or parent; or for a serious health condition of the employee that makes them unable to work their regular schedule. The federal Department of Labor is responsible for the FMLA. In addition, nine states, the District of Columbia and one territory offer all or some employees the statutory right to partly compensated leaves for family reasons. In March 2020, 21 per cent of all civilian workers had access to paid family leave, and 89 per cent had access to unpaid family leave.²

¹ Please cite as: Petts, R.J., Engeman, C., Kaufman, G. and Gatenio Gabel, S. (2021) 'United States country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: http://www.leavenetwork.org/lp_and_r_reports/.

² Bureau of Labor Statistics (September 2020) *National Compensation Survey: Employee Benefits in the United States, March 2020, Bulletin 2793*. Available at: <https://www.bls.gov/ncs/ebs/benefits/2020/home.htm>

1. Current leave and other employment-related policies to support parents

Length of leave (before and after birth)

- The FMLA provides up to 12 weeks in a 12-month period. Leave is an individual entitlement (for those who are eligible, see below).

Payment and funding

- Leave under the FMLA is unpaid and job-protected, meaning that employees are guaranteed a return to the same or similar position with the same employer.

Flexibility in use

- FMLA leave may be taken in one continuous period or divided into several blocks of time.

Regional or local variations in leave policy

- Nine states, the District of Columbia, and Puerto Rico have adopted paid leave insurance for pregnancy and/or family caregiving. All leave rights and benefits are granted as individual entitlements. For cross-national comparative purposes, we note that there are no nationality/citizenship-based eligibility requirements. Eligibility requirements concern employment (i.e., number of weeks or hours worked, employer size, etc.). We also note that since the Supreme Court struck down state-level same-sex marriage bans in June 2015, leave to care for one's spouse includes married, same-sex couples, and leave to care for children includes children of same-sex couples where there is legal guardianship. Some states cover leave to care for children for employees standing in *loco parentis* – or acting as parents regardless of legal guardianship. This is noted in the descriptions of state provisions below.
 - **California** was the first state to implement a comprehensive paid family leave (PFL) law in 2004, covering all private sector employees. Some public sector employees are covered and self-employed persons can opt in. PFL insurance allows covered employees, regardless of gender, to receive wage replacement benefits for up to eight weeks. Leave is partially paid at 60 to 70 per cent of earnings, depending on income,

up to a maximum of US\$1,357 [€1,141.20]³ per week in 2021. Leave is paid for childbirth, adoption, or care of a seriously ill child, grandchild, parent, parent-in-law, grandparent, spouse, or domestic partner. The definition of 'parent' under the law includes individuals serving as a parent to a child without reference to legal guardianship. PFL was created by extending the State Disability Insurance (SDI) programme to cover family caregiving needs. The SDI provides 52 weeks of wage replacement benefits for leave related to employees' own temporary disability, serious illness, or non-work-related injury. PFL and SDI benefits are funded by employee contributions, and benefit levels are adjusted annually as wages increase. The average weekly benefit for family care in December 2020 was US\$735⁴ [€618.11]. As an insurance programme, the PFL and SDI programmes do not provide rights to job protection. Job protection is provided under other laws, such as the FMLA or the California Family Rights Act. Under a separate law, pregnant employees have the right to an additional four months of job-protected leave for disability due to pregnancy, childbirth, or related health condition (if they work for an employer with five or more employees). They can receive wage replacement under SDI, typically for four weeks prior to and six weeks after childbirth (and this is in addition to six weeks of benefit payments under the PFL for bonding). Additional weeks can be granted with proper physician certification in cases of difficult pregnancies.

- **Connecticut** passed a paid family and medical leave law in June 2019. This policy provides up to 12 weeks of paid leave to care for a new child (birth, adoption, foster); to care for one's own health condition; care for a family member (child, parent, spouse, domestic partner, grandparent, grandchild) with a serious health condition; to address issues related to a family member's active military duty; or to serve as a bone marrow or organ donor. Wage replacement is capped at 60 times the minimum wage for those with earnings above 40 times the minimum wage and 95 per cent of wages for those earning 40 times the minimum wage or less.⁵ This programme will be funded by a withholding tax of 0.5 per cent of earnings. All private sector employees are covered, and self-employed

³ Conversion of currency undertaken for 21 June 2021, using: https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-usd.en.html.

⁴ https://edd.ca.gov/about_edd/Quick_Statistics.htm#DIStatistics

⁵ <https://portal.ct.gov/Office-of-the-Governor/News/Press-Releases/2019/06-2019/Governor-Lamont-Signs-Historic-Law-Enacting-Family-and-Medical-Leave-in-Connecticut>

individuals can opt into the programme. Payroll contributions begin January 1, 2021 and benefits begin on January 1, 2022.

- **Hawaii's** insurance programme uniquely focuses on pregnancy and childbirth. It provides up to 26 weeks of partial wage replacement under its Temporary Disability Insurance (TDI) programme for leave to address health issues related to pregnancy and childbirth (certified by a health professional). Benefits are 58 per cent of average weekly wages, paid up to a limit which is set annually. In 2021, that ceiling was US\$640 [€538.22] per week.⁶ To be eligible for TDI benefits, employees must be employed and have worked for at least 14 weeks, for at least 20 hours per week for those 14 weeks, and have earned at least US\$400 [€336.39] in the year preceding leave. Under the **Hawaii Family Leave Law** and rules, an employee may be eligible for up to four weeks of *unpaid* family leave each calendar year for the birth or adoption of a child, or to care for his / her child, spouse, reciprocal beneficiary, or parent with a serious health condition. An employee may substitute accrued paid leave (i.e., vacation or sick leave) for any part of the State Family Leave. However, only the accrued and available sick leave in excess of the fifteen (15) days required under the State's self-insured Temporary Disability Benefits Plan, can be applied toward family leave purposes. To be eligible for State Family Leave benefits, an employee must have worked for at least six consecutive months with the State. If an employee qualifies for both State Family Leave and FMLA, both leave periods will run concurrently.
- **Massachusetts** adopted paid family medical leave in 2018. The programme provides: up to 12 weeks to care for a newborn, newly adopted, or newly placed foster child; up to 20 weeks to address one's own serious medical condition, including pregnancy- and childbirth-related health issues; up to 12 weeks to care for a family member (i.e., parent, spouse, child, domestic partner, grandparent, grandchild, sibling, parent-in-law, and domestic partner's parent); up to 26 weeks to address issues related to the military deployment of a family member or a family member's serious illness or injury incurred in active military duty; and up to 26 weeks of combined medical and family caregiving leave. Employees standing in *loco parentis* to a child can take leave to care for the child. The wage replacement rate is 80 per cent of average weekly wages, up to 50 per cent of the state-wide average weekly wage (AWW), plus 50 per cent of wages beyond that amount up to a cap of US\$850 [€714.83] per week. Eligible employees began making payroll contributions to the fund in

⁶ <https://labor.hawaii.gov/dcd/files/2019/11/newWBA.pdf>

July 2019 and can start receiving benefits in January 2021 (but for family caregiving purposes, benefits start in July 2021). To be eligible, employees must work at least 15 weeks and earn at least US\$5400 [€4,541.25] in the 12-month period prior to taking leave. The programme covers all private sector and most public sector employees.⁷ Self-employed individuals can opt in.

- **New Jersey** implemented paid family leave insurance in 2009. The legislation extends the state's existing TDI system (which previously provided paid leave to address medical issues related to pregnancy and childbirth) to provide workers with up to 12 weeks of benefits. The maximum weekly benefit levels are \$903 (€759.40) per week. Benefits cover leave to care for a parent, spouse, child, domestic or civil union partner, partner's child, sibling, grandparent, grandchild, parents-in-law, any blood relative, and any person who is considered equivalent to family. The measure is financed by employee payroll deductions and covers all private sector employers, and some public employees.^{8,9} Benefits payments for paid family leave do not run concurrent with TDI benefit payments for leave related to pregnancy and childbirth. Under TDI, pregnant employees can receive wage replacement for four weeks prior to the anticipated delivery date and six weeks after delivery.
- **New York** implemented its paid family leave programme in January 2018. The programme provides job-protected, paid leave to care for a new child, a seriously ill parent, spouse, domestic partner, child, grandparent, or grandchild, or to relieve family pressures when a spouse, domestic partner, child, or parent is called to active military service abroad. Employees standing in *loco parentis* to a child can take leave to care for the child. In 2019, the programme provided job protection and wage replacement for ten weeks. In 2021, the duration increased to 12 weeks, making the programme fully phased-in. Benefits pay 67 per cent of an employee's AWW, capped at 67 per cent of the state-wide AWW, with a maximum of US\$971.61¹⁰ [€817.10] per week in 2021. The paid family leave programme is funded entirely through employee payroll deductions. Employees are eligible to participate after having worked for their employer for 26 weeks full-time or 175 days part-time. In addition to the paid

⁷ <https://www.mass.gov/info-details/your-eligibility-for-paid-family-and-medical-leave-pfml>

⁸ <https://myleavebenefits.nj.gov/worker/fli/>

⁹ http://lwd.dol.state.nj.us/labor/forms_pdfs/tdi/FLI%20Summary%20Report%20for%202015.pdf

¹⁰ <https://paidfamilyleave.ny.gov/2021>

family leave programme, the TDI programme provides up to 26 weeks for pregnancy and childbirth, paid at 50 per cent of average weekly wages up to a cap of US\$170 [€142.97] per week. Benefit payments cover leave for medical issues related to pregnancy and/or childbirth, and requires the submission of medical reports. This leave is managed through the TDI programme, which is jointly funded by employees and employers.¹¹ Self-employed individuals can opt in to the insurance programmes.

- **Oregon** passed paid family leave in July 2019. This policy will go into effect on 1 January 2023, and then provide up to 12 weeks of paid leave for new parents, for those who need to take care of their own or a family member's serious health condition, and for survivors of domestic or sexual violence. Wage replacement is 65 per cent of state AWW plus 50 per cent of wages above the state AWW up to a maximum of US\$1,215 [€1,021.78] per week.¹² Low-income workers will receive 100 per cent of their AWW. This program will be funded by a payroll tax, with employees paying 60 per cent and employers paying 40 per cent (businesses with fewer than 25 employees will be exempt from paying taxes though their employees will still be covered). Almost all employees, including part-time employees, will be covered.
- **Rhode Island's** paid family leave programme (referred to as Temporary Caregiver Insurance) was implemented in 2014. The legislation provides job protection and extends the state's existing TDI programme to provide four weeks of paid leave to care for a new child or a parent, spouse, child, domestic partner, grandparent, or parent-in-law with a serious health condition. The programme is financed by employee payroll deductions and provides 60 per cent of previous weekly earnings, with a maximum of US\$887 [€745.94] per week in 2020.¹³ It covers all private sector employees and some public sector employees. In 2019, the average weekly benefit was US\$568 [€477.67] for caregiving.¹⁴ Pregnant employees qualify separately for job-protected paid leave through the TDI programme. TDI covers leave to address medical issues related to pregnancy and childbirth (child bonding is covered by the temporary caregiver insurance). The benefit rate is 4.62 per cent of previous earnings in the highest-earning

¹¹ <http://www.wcb.ny.gov/content/main/DisabilityBenefits/Employer/introToLaw.jsp>

¹² <https://www.shrm.org/resourcesandtools/legal-and-compliance/state-and-local-updates/pages/oregon-passes-generous-paid-family-leave-law.aspx>

¹³ <http://www.dlt.ri.gov/tdi/tdifaqs.htm>

¹⁴ <https://dlt.ri.gov/lmi/datacenter/uitdi.php>

quarter of the employee's base period (i.e., first four of previous five quarters of employment).

- The state of **Washington** adopted paid family leave insurance in 2017. Employees began contributing to the insurance fund in 2019, and, starting in 2020, the programme provides wage replacement during leave to: care for a new-born, newly adopted, or newly placed foster child; or a parent, spouse, domestic partner, child, grandchild, grandparent, or sibling with a serious health condition; or to address issues related to a family member's active military duty. Employees standing in *loco parentis* to a child can take leave to care for the child. Leave can also be used to address an employee's own health issues, including those related to pregnancy or childbirth. Benefits pay 90 per cent of the employee's average weekly wages for employees who earn 50 per cent or less of the state-wide AWW. Employees who earn more receive 90 per cent of their AWW, up to 50 per cent of the state-wide AWW, then 50 per cent of their AWW that exceeds 50 per cent of the state-wide AWW. In 2021, the maximum weekly benefit is \$1,206 [€1,014.21]. Benefits are paid for up to 12 weeks for either medical or family leave, 16 weeks for combined self-care and family caregiving, or for up to 18 weeks to address a serious pregnancy-related health condition combined with family caregiving needs. To be eligible, employees must have worked at least 820 hours in four out of five previous quarters. Rights to job protection cover only employees in establishments of 50 or more employees, plus require 12 months and 1,250 hours of employment. Self-employed individuals can opt in.¹⁵
- The **District of Columbia** passed the Universal Paid Leave Amendment Act in December 2016, which provides eight weeks of paid Parental leave for a new-born, newly adopted, or newly placed foster child; six weeks of family leave to care for a parent, spouse, child, domestic partner, grandparent, or sibling; two weeks of medical leave to address one's own serious health condition; and up to eight weeks in total of combined medical and family caregiving leave. Employees standing in *loco parentis* for a child can take leave to care for the child. The Act covers all private sector employees covered by the D.C. Unemployment Compensation Act. Self-employed individuals can opt in. In July 2019, employees started contributing to the fund through payroll deductions and, beginning in July 2020, employees can receive benefits. Leave is job-protected, and benefit payments are 90 per cent of the employee's AWW, up to a cap of US\$1,000 [€840.97] per

¹⁵ <https://paidleave.wa.gov/find-out-how-paid-leave-works/>

week.¹⁶ For employees with average weekly wages above US\$1000 [€840.97], the wage replacement rate is 80 per cent.¹⁷

- **Puerto Rico's** Working Mothers Act (1942) provides an eight-week Maternity leave at 100 per cent of earnings that must begin one to four weeks prior to the expected delivery date. A female employee who adopts a child under the age of six is entitled to the same leave benefits as a mother who gives birth.^{18,19}

Eligibility (e.g. related to employment or family circumstances)

- The federal FMLA covers all employees (including foreign workers who have a valid work visa²⁰) who work for a covered employer (see 'additional note' below) and who have worked for that employer for at least one year (even if not for a continuous period) for at least 1,250 hours over the preceding 12 months.
- FMLA defines a child as a biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing *in loco parentis*.²¹ As such, a same-sex parent may take leave under FMLA to care for their child, even if they are not an adoptive parent.
- Because of the qualifying conditions, only about 58 per cent of workers in private firms are eligible for federal FMLA, with lower coverage for low-wage workers, workers with young children, and working welfare recipients.²²

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- None.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- The Federal Employee Paid Leave Act (FEPLA) provides federal employees up to 12 weeks of paid time off for the birth of a child or the placement of a child for adoption or foster care. This policy

¹⁶ https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/PFL%20Employee%20FAQ_0.pdf

¹⁷ https://does.dc.gov/sites/default/files/dc/sites/does/page_content/attachments/PFL%20Sample%20Benefit%20Amount%20Chart.pdf

¹⁸ <http://www.oslpr.org/download/en/2000/0120.pdf>

¹⁹ <http://www.oslpr.org/download/en/2000/0425.pdf>

²⁰ <https://www.dol.gov/whd/regs/compliance/FactSheet62/whdfs62I.pdf>

²¹ <https://www.dol.gov/whd/fmla/adultchildfaqs.htm>

²² Council of Economic Advisors (2014) *The Economics of Paid and Unpaid Leave*. Washington, DC: Office of the President.

was passed in December 2019 and federal employees became eligible to take leave beginning 1 October 2020. Leave may be used only during the 12-month period beginning on the date of the birth or placement involved as long as an employee has a continuing parental role with the child whose birth or placement was the basis for the leave entitlement. To receive paid leave benefits under FEPLA, federal employees must meet FMLA eligibility requirements.

- The majority of US workers lack access to paid family leave from any source. The 2017/2018 *American Time Use Survey* provided detailed information on employees' access to paid family leave, through statutory provision in the states that provide paid leave, collective bargaining agreements, or individual workplace policies. Thirty-nine per cent of employees indicated they had access to paid leave for childcare and eldercare, while 49 per cent had access to leave to care for an ill family member. Only 21 per cent of workers in the United States have access to paid family leave through their employers; 20 per cent of private sector employees have access to paid family leave through their employers; and 26 per cent of state and local government workers do.²³
- Federal FMLA exempts private employers and non-profit organisations with fewer than 50 employees within a 75-mile radius (all public sector employees are covered).

Flexible working

- None.

Specific provision for (breast)feeding

- The Fair Labour Standards Act, amended by the Affordable Care Act in 2012, requires that an employer with 50 or more employees provide its hourly workers with: a reasonable break for an employee to express breast milk for her nursing child up to one year after the child's birth and a place, other than a bathroom, that is private and free from intrusion to be used by an employee to express breast milk.
- The Fifth Circuit of the federal Court of Appeals recently decided that discriminating against a female employee because she is lactating or seeking to express breast milk may constitute sex discrimination under the Pregnancy Discrimination Act and Title VII of the Civil Rights Act.

²³ Bureau of Labor Statistics (September 2020). National Compensation Survey: Employee Benefits in the United States, March 2020, Bulletin 2793.

2. Relationship between leave policy and early childhood education and care policy

There is no statutory entitlement to leave or to Early Childhood Education and Care (ECEC).

Levels of attendance at formal ECEC services are below average both for children under and over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2020 (including proposals currently under discussion)

Federal leave

Support is building for a federal paid leave initiative, yet the partisan divide in Congress and debates about funding a federal paid leave policy pose notable barriers to legislation being passed.

With the newly elected Democratic administration and the new leadership in Congress, the Republican-sponsored leave-related bills introduced in previous sessions have not been reintroduced. In February 2021, Democrats reintroduced the *Family and Medical Insurance Leave (FAMILY) Act* in the 117th Congress (H.R. 804 and S. 248). The bill provides 12 weeks of paid leave for the birth or adoption of a child; for the care of a seriously ill child, spouse, or parent; or for a serious health condition of the employee that makes them unable to work their regular schedule. Partial wage replacement (up to 66 percent of monthly wages capped at \$4000 [€3,363.89] per month) for all qualifying events would be funded by a payroll tax on employers and employees. The proposed legislation has 198 co-sponsors in the House and 36 co-sponsors in the Senate. There are no Republican co-sponsors.

State level

Colorado passed paid family leave in 2020 with initiative 283, making Colorado the first state to establish a paid leave insurance programme via ballot initiative (i.e., the proposed programme appeared on the ballot in the 2020 elections, and voters directly approved). Contributions to the employer-employee jointly-funded program will begin in January 2023, and employees can access benefits starting in January 2024. The programme provides 12 weeks of paid, job-protected leave to bond with a new child (birth, adoption, foster), for self-care or to care for a family member with a serious illness or health condition, to address issues related to a family member's military service, or to address issues related to surviving domestic violence, stalking, sexual assault or abuse.

Family members include a child, spouse, domestic partner, spouse's/partner's parent, grandparent, grandchild, sibling, and other individuals the beneficiary considers family regardless of biological ties. In cases of complications from birth or pregnancy, beneficiaries can access an additional four weeks of leave. Eligibility for paid benefits requires employees to have earned at least \$2,500 [€2,102.43] at their current job. Eligibility for job protection requires 180 days of employment prior to taking leave. Employees of both the private sector and state and local government are covered, and self-employed individuals can opt in. Benefits pay 90 per cent of previous earnings that are at or below half of the statewide average weekly wage (AWW) *plus* 50 per cent of previous earnings that are above this amount. The benefit ceiling for the programme's first year is \$1,100 [€925.07], which will be adjusted annually to equal 90 per cent of the statewide AWW.²⁴

While Colorado was the only state to adopt paid family leave in 2020, 25 state legislatures introduced paid family leave bills that year.²⁵ Thus paid leave provisions remain a salient policy issue at the state level.

Policy response to the Covid-19 pandemic up to end April 2021

Childcare and schools

- The closure of ECEC and schools is based on state and local-level decisions. Almost all states ordered schools to close in mid-March 2020 and then, by the end of April 2020, ordered schools to remain closed for the remainder of the academic year.²⁶ See also 2020 US country note for details.
- In the 2020-2021 academic year, there was wide variation in school policies by state and school district with some schools opening in-person, some remaining closed (and using virtual learning), and others adopting a hybrid model (some days in-person, some days virtual learning).²⁷ Learning modalities fluctuated throughout the academic year as conditions of the pandemic changed.²⁸

²⁴ <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2019-2020/283Final.pdf>

²⁵ National Council of State Legislatures. Time Off to Care: State Actions on Paid Family Leave (ncsl.org)

²⁶ <https://www.edweek.org/ew/section/multimedia/map-coronavirus-and-school-closures.html>

²⁷ <https://www.educationnext.org/virtual-fall-americas-largest-school-districts-are-opting-for-remote-starts/>

²⁸ <https://www.edweek.org/leadership/map-where-are-schools-closed/2020/07>

Parental leave

- There is no statutory entitlement.

Other measures for parents and other carers

- Through the end of 2020, the Families First Coronavirus Response Act (Families First Act) and the *Coronavirus Aid, Relief, and Economic Security Act* (CARES Act) (enacted in March 2020) allowed for employees of private businesses of less than 500 employees to receive up to 12 weeks of paid leave who are 'unable to work due to a need for leave to care for their child because the school or day care has been closed or the childcare provider is unavailable due to a public health emergency.' The CARES Act required that the paid leave benefit must be equal to at least two-thirds of regular pay, but employers do not have to pay more than \$200 [€168.19] per day and \$10,000 [€8,409.72] in total per employee. Employers are not required to pay during the first ten days of leave. Businesses with less than 50 employees may qualify for exemption (if leave requirements would impact the viability of the business), and executive branch federal employees may also be exempt.²⁹
- In addition, the Family First Act made paid sick time available to employees for up to 80 hours if an employee is unable to work or telework because the employee: 1) is subject to quarantine or isolation order (or caring for someone who is subject to quarantine or isolation order); 2) has been advised by a health care provider to self-quarantine due to coronavirus concerns; 3) is experiencing symptoms of coronavirus and seeking a medical diagnosis; or 4) is caring for their child if their school or day care has been closed, or the child care provider is unavailable, due to coronavirus precautions.
- The benefit must be equal to at least two-thirds of regular pay, but employers do not have to pay more than \$511 [€429.74] per day and \$5,100 [€4,288.96] in total per employee. For paid sick leave taken to care for someone else, employers do not have to pay more than \$200 [€168.19] per day and \$2,000 [€1,681.94] in total. The exclusions are similar to those referenced above for Paid Family and Medical. A refundable tax credit against payroll taxes owed by employers to cover 100 per cent of the cost of required leave. Leave pay is also available to self-employed via tax credit.
- The benefits associated with the Family First Act expired on 31 December 2020. However, employer tax credits for paid sick leave and expanded family and medical leave were extended to 31 March 2021 for employers to voluntarily provide leave to

²⁹ <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

employees. The American Rescue Plan passed by Congress in March 2021 further extended employer tax credits for employers who provide paid leave to employees for COVID-related reasons until 30 September 2021. However, in 2021, employers are not *required* to provide either form of leave.

4. Uptake of leave

A 2012 survey found that only 16 per cent of US workers eligible for the federal FMLA took leave for any covered reason. Of these, about half took leave for their own illness; 21 per cent took leave for reasons related to a new child; and the remainder took leave to care for an ill family member (which could be a spouse or child).³⁰ Though the law provides *de facto* parental leave entitlements, studies have found it has had generally small effects on mothers' likelihood of taking time off from work at childbirth,^{31 32} and little or no effects on time off taken by new fathers.^{9 10} This suggests there are limits to the extent to which families are willing and able to use unpaid leave. In contrast, evidence suggests that workers are much more likely to use paid leave. A recent report shows that among workers who have access to paid family or parental leave, 87 per cent of women and 59 per cent of men use at least half of the paid parental/family leave that they have access to (66 per cent of women and 36 per cent of men use all available paid leave).³³ Also, implementation of California's PFL law increased the leave-taking of new fathers by 46 per cent and new mothers by 13 per cent.³⁴

³⁰ Klerman, J. A., Daley, K. and Pozniak, A. (2013) *Family and Medical Leave in 2012: Technical report*. Washington, D.C.: Abt Associates.

³¹ Han, W.J. and Waldfogel, J. (2003) 'Parental leave: The impact of recent legislation on parents' leave-taking', *Demography*, vol.40, 1: 191-200.

³² Han, W.J., Ruhm, C., and Waldfogel, J. (2009) 'Parental leave policies and parents' employment and leave-taking', *Journal of Policy Analysis and Management*, vol.26, 1: 29-54.

³³ <https://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Documents/2017%20Employee%20Benefits%20Report.pdf>

³⁴ Bartel, A. P., Rossin-Slater, M., Ruhm, C. J., Stearns, J. and Waldfogel, J. (2018) 'Paid family leave, fathers' leave-taking, and leave-sharing in dual earner households', *Journal of Policy Analysis and Management*, 37: 10-37.