

FAMILY AND MEDICAL LEAVE

When world is designed to work better for caretakers, everyone benefits



SALLY J. KENNEY

On Aug. 5, 1993, President Clinton signed into law the landmark Family and Medical Leave Act — legislation every bit as momentous as Social Security and Medicare. Those who work for employers of 50 or more workers are entitled to 12 weeks of leave annually to care for a newborn, a sick child or to recover from their own illness. President Clinton reports that the FMLA is the piece of legislation he receives the most thanks for from everyday folks.

The FMLA was the goal of women's rights activists after they passed the Pregnancy Discrimination Act of 1978. My grandmother had to leave her teaching job because she married. My mother sought her physical education teaching certificate knowing that employers routinely fired women when they became pregnant — particularly women teachers.

My generation of women fought hard for laws that would protect caretakers such as mothers and force employers to recognize women's needs recovering from childbirth, but to do so in a way that did not, as much maternity legislation did, "protect" women out of well-paying job and lead to employers opting not to hire women at all for fear they might become pregnant. It seemed wrong to us that employers' insurance and sick pay would cover vasectomies and men's heart attacks but could lawfully exclude the costs of childbirth from health care coverage.

The FMLA required the government to study the effects of this new law. That study showed that 35 million workers took family leaves since the law was enacted in 1993. Most of these leaves were relatively short — 10 or fewer days. But finally, some American workers no longer had to choose between caring for a dying loved one and keeping their jobs. Moreover, the study found a quarter of these leaves were used by adult workers for their own illnesses — an indication of how many jobs do not have guaranteed or paid sick leave. In fact, like much feminist-inspired legisla-

IF YOU GO

What: Conference on women's return to work after childbirth.

When: 8 a.m. to 6 p.m. Oct. 1.

Where: The Hubert H. Humphrey Institute of Public Affairs, 301 S. 19th Ave., Minneapolis, is on the West Bank of the University of Minnesota's Twin Cities campus.

Cost: \$45, which includes continental breakfast, lunch and reception.

More info: www.hhh.umn.edu/afterbirth/index.htm.

tion, men benefited at least as much as women. Men were most likely to take leave because of their own health problems, women to care for someone else.

The report showed, much to the surprise of the Chamber of Commerce, which predicted economic ruination, that many large companies already had such policies to attract and retain talented workers. Others were able to adjust easily to the new requirements.

Even Chief Justice William Rehnquist and a majority of the U.S. Supreme Court found last year in *Nevada v. Hibbs* that Congress legitimately recognized widespread discrimination against women in the workforce and family and medical leave was essential to guarantee the 14th Amendment's promise of the equal protection of the laws. To do so, Congress was right to require states to extend the benefits of the law to men and women so as to not disadvantage women for their greater caretaking responsibilities.

But 3.5 million eligible workers who needed a leave could not take one because leaves provided by the FMLA are unpaid. More than 10 percent of workers who took leaves to meet family needs spent some period of the leave receiving welfare benefits. Only heterosexual couples are covered, and only biological and adoptive parents — leaving grandmothers and aunts and other caretakers who pick up the slack in extended families, more often communities of color, without coverage. And what about the people who work for smaller employers?

We all benefit from strong families and children who are well cared for, yet everywhere,



KNIGHT RIDDER TRIBUNE

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programs are being cut. Sen. John Kerry's nomination acceptance speech recognized that valuing families and affirming essential social values go hand in hand. I look forward to President George Bush validating government support for caretaking at the Republican convention.

Making family leaves available to more parents and creating paid leaves are necessary means to relieve the pressures

on caretakers. Perhaps Minnesota will follow the lead of California and Washington in going farther than the FMLA while we wait for the federal government to take the next step.

Kenney is the author of "Reproductive Hazards and Exclusionary Politics in the Britain and the United States." She directs the Humphrey Institute's Center on Women and Public Policy.