

Keeping Up with the Times: Supporting Family Caregivers with Workplace Leave Policies

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This *In Brief* summarizes *Keeping Up with the Times: Supporting Family Caregivers with Workplace Leave Policies*, the third in a series of PPI papers on issues of caregiving in the workplace.^{1,2}

The Growing Need for Family Caregiving Leave

Five key factors underlie the need for modernizing workplace leave policies: (1) the dramatic increase in women's labor force participation over the past decades; (2) the aging of the workforce; (3) the growing demand for eldercare to meet the needs of an aging population that has multiple chronic conditions; (4) the increasing number of men who are family caregivers; and (5) a fragmented and complex system of health care and long-term services and supports (LTSS) that relies heavily on family caregivers to arrange, coordinate, and provide needed care.

The Family and Medical Leave Act

Currently, the only major federal public policy that addresses the need to take time off from work to care for family members is the 1993 Family and Medical Leave Act (FMLA), which guarantees unpaid leave for a worker's own health needs or for family care. However, only some workers are covered and some covered workers cannot use the FMLA because the person they care for (such as a grandparent) is not covered by the law.

Employers have integrated FMLA administration into their ongoing operations with little burden, and with

positive benefits for workers. A 2012 survey of the FMLA found that most employers (91 percent) report that complying with the law had a positive effect (37 percent) or no noticeable effect (54 percent) on business operations. Ninety percent of workers return to their employer after taking FMLA leave.³

The FMLA covers 59.2 percent of the workforce, leaving about 60 million workers with no such protection under federal law.⁴ More than one-quarter (14) of the states have expanded protections beyond the minimum federal requirements, including:

- Covering workers in businesses with fewer than 50 employees;
- Allowing a more inclusive definition of "family member," including domestic partners, grandparents, parents-in-law, or siblings; and
- Expanding uses of FMLA leave, allowing workers to take family members to medical appointments.

Many working caregivers cannot afford to miss a paycheck and take unpaid leave. Low-income workers covered by the FMLA are especially vulnerable: they cannot afford to take time off because they have no alternative source of income to take unpaid leave, or do not have enough savings to support them through the time off.

Paid Family Leave

Although paid family and medical leave benefits can help workers remain in the workforce and continue as family caregivers, only 12 percent of U.S. workers have access to paid family leave benefits through their employers.⁵

One particular model for paid family and medical leave is known as paid family leave insurance. This model—adopted in California and New Jersey—offers full or partial income replacement while a worker is away from work due to a serious personal health condition, to bond with a new child, or to care for certain family members with serious health needs. This benefit guarantees that workers will have at least some income stability when they must provide family care.

Earned Sick Time

Nearly 40 percent of private sector workers—and 80 percent of low-wage workers—lacked access to paid sick days in 2011.⁶ In most cases, paid sick leave is voluntarily offered by employers.

Policy Recommendations

- Increase the reach of the FMLA by expanding coverage to include domestic

partners, parents-in-law, grandparents, and siblings. Require employers to protect workers in businesses with fewer than 50 employees.

- Adopt state policies that exceed current federal eligibility requirements for the FMLA.
- Promote access to paid family leave insurance.
- Advance public awareness campaigns about all aspects of family leave policies.
- Require employers to provide earned sick days to deal with personal or family illness.
- Implement “family-friendly” and flexible workplace policies, referral to supportive services in the community, and caregiver support programs in the workplace.
- Improve data collection on working caregivers with eldercare responsibilities to ensure challenges about work-family conflict and access to workplace leave benefits are addressed.
- Conduct policy research to show the connections between workplace leave for employed caregivers and access to and utilization of health care and long-term services and supports.

Endnotes

¹ J. C. Williams, R. Devaux, P. Petrac, and L. Feinberg, *Protecting Family Caregivers from Employment Discrimination*, AARP Public Policy Institute Insight on the Issues 68 (Washington, DC: AARP, August 2012). Accessed at <http://www.aarp.org/home-family/caregiving/info-08-2012/insight-protecting-family-caregivers-from-employment-discrimination-AARP-ppi-health.html>.

² L. Feinberg and R. Choula, *Understanding the Impact of Family Caregiving on Work*, AARP Public Policy Institute Fact Sheet 271 (Washington, DC: AARP, October 2012). Accessed at <http://www.aarp.org/home-family/caregiving/info-10-2012/understanding-the-impact-of-family-caregiving-and-work-fs-AARP-ppi-ltc.html>.

³ J. Klerman, K. Daley, and A. Pozniak, *Family and Medical Leave in 2012: Technical Report* (Cambridge, MA: Abt Associates, September 7, 2012, updated February 4, 2013). Accessed at <http://www.dol.gov/asp/evaluation/fmla/FMLATEchnicalReport.pdf>.

⁴ Ibid.

⁵ U.S. Department of Labor, Bureau of Labor Statistics, *Leave Benefits: Access, Civilian Workers, National Compensation Survey*, March 2011 (Table 33). Accessed at <http://www.bls.gov/ncs/ebs/benefits/2011/ownership/civilian/table21a.htm>.

⁶ U.S. Bureau of Labor Statistics, *Employee Benefits Survey: Leave Benefits: Access, Private Industry Workers, National Compensation Survey*, March 2011.

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