

Using Gender-Based Analysis in a Policy Brief on Paid Family and Medical Leave

Developed in Women, Gender and Health 207:
Advanced Topics of Women, Gender and Health
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Course Instructed by Jerel P. Calzo and Sabra L. Katz-Wise

Teaching Example Authored by Corey Prachniak

Appropriate HSPH Core Courses:

This teaching example could be used to teach content knowledge on family and medical leave and/or to teach students how to write a policy brief in HPM 210 (United States Health Policy), HPM 247 (Political Analysis and Strategy for U.S. Health Policy), or ID 266 (Practice of Health Policy).

Brief Background:

Paid family and medical leave (PFML) arises with some frequency in political campaigns, but it is rare that the specificities of a plan – and their impact on public health – are examined. This exercise will teach students how to carefully think through the policy implications of a proposed law, draw on position papers for support, and craft a short policy brief addressed to a decision-maker, in which they offer a recommendation.

PFML policies are most often associated with enabling women to take paid maternity leave and the issue is thus frequently discussed in a feminist light. The broadest PFML policies cover instances around childbirth, including leave for an expectant parent during pregnancy, and for all parents or caregivers after the birth or adoption of a child; they also cover medical leave for any medical condition of either the person requesting time off, or a third party requiring care from the person taking time off. The broadest PFML policies therefore can improve health for pregnant individuals (who are able to take time off during and after pregnancy), infants (who may have better birth outcomes and postnatal care), any individual who benefits from receiving the care of a family member or friend, and caregivers (who may suffer less fatigue and negative health outcomes themselves).

However, the PFML policy proposed in this exercise mostly focuses on women during pregnancy, which continues to put the burden on women to be the ones to take time off of work and raise a family. It thus has the potential to exacerbate stereotypes about women being in charge of childrearing. It also specifies which family members a person can take time off of work to care for, which excludes many lesbian, gay, bisexual, and transgender (LGBT) people, who – even in the age of legalized same-sex marriage – are far less likely to be married or have children, particularly through means other than adoption. Finally, by only paying full-time workers at large businesses, and by only covering half of someone's normal wage, it will mostly benefit wealthier workers at the expense of the poor.

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Learning Objectives for Students:

The learning goals for students include:

- To learn how to write a policy brief that analyzes a policy's impact on social determinants of health and recommends a course of action to a decision-maker.
- To understand the difference between a policy with a *prima facie* benefit to women's health and one that equitably deconstructs gender stereotypes of marginalized people.
- To explore the intersectionality of gender, gender identity, and sexual orientation with other factors such as socioeconomic status, and how these factors interplay with health.

Teaching Methods:

The assignment summarized below and included in full as an attachment asks students to read a short policy proposal and one or two position papers, and issue a recommendation to a decision-maker in a short policy brief.

Assignment:

You work for Senator Debra Sanchez, a progressive who sits on the U.S. Senate Committee on Health, Education, Labor, and Pensions. Senator Sanchez's colleague, a moderate republican from the state of Maine, has proposed a paid family and medical leave bill. Senator Sanchez is generally in favor of paid leave but wants to know what health benefits this particular bill might offer. She is particularly concerned with how it will affect two of her core constituencies: low-income women and members of the lesbian, gay, bisexual, and transgender (LGBT) community. Your task is to read the press release about the bill and write a 500-word brief explaining how it could impact health, in particular low-income women and LGBT people. Recommend to Senator Sanchez whether she should support the bill, oppose it, or propose amending it.

Potential Answers:

- The law would be likely to benefit pregnant women by allowing them time to prepare for delivery and recover after pregnancy. This is also linked to improved outcomes for infants, although the benefit will be limited by the short duration of the paid leave.
- The law would also give individuals an opportunity to take time off from work to receive care, or to provide care for a spouse, parent, or child, thus providing some financial relief for informal caregivers who miss work (and who are disproportionately women).
- However, the law only allows an expectant mother to have time off around the time of childbirth, and does not allow for a second parent or care provider to also have time off. This reinforces gender-based stereotypes that women alone take care of children, which can negatively impact the lives of both women and children.
- Additionally, the policy excludes people who adopt children or use a surrogate. This disproportionately excludes LGBT people. In fact, any family leave policy has a higher benefit to non-LGBT people, as LGBT people are less likely to have partners or children. This raises the point that many health policies will have a positive health benefit only for a particular group or groups, and that trade-offs might be required.
- [Many other countries](#) have more inclusive policies that better address underlying gender-based disparities; students may draw on these examples in their response.

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- The policy excludes part-time workers, those who work at small businesses, those who are self-employed, and those who are unemployed. It provides very little remuneration for low-wage workers. All of these factors will disproportionately harm women, who are more likely to be unemployed or have lower-wage jobs or part-time employment. Students may point out that the health benefit of getting paid time off would likely be greatest for low-income individuals, and yet the policy would cost the government 10 times more for a person who makes \$200,000 annually than it would cost for a person making \$20,000 annually, because of the structure of the incentive.

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Policy Brief Assignment: Paid Family and Medical Leave

You work for Senator Debra Sanchez, a progressive who sits on the U.S. Senate Committee on Health, Education, Labor, and Pensions. Senator Sanchez's colleague, a moderate Republican from the state of Maine, has proposed a paid family and medical leave bill. Senator Sanchez is generally in favor of paid leave but wants to know what health benefits this particular bill might offer. She especially wants to know how it will affect two constituencies of concern to her: low-income women and members of the lesbian, gay, bisexual, and transgender (LGBT) community.

Your task is to read the press release about the proposed bill below and write a 500-word brief addressed to Senator Sanchez explaining how the bill could impact the health of her constituents, in particular low-income women and LGBT people. Recommend to Senator Sanchez whether she should support the bill, oppose it, or propose amending it.

Required reading: American Public Health Association, "Support for Paid Sick Leave and Family Leave Policies." <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/16/11/05/support-for-paid-sick-leave-and-family-leave-policies>

Optional reading: National Bureau of Economic Research, "Paid Family Leave, Fathers' Leave-Taking, and Leave-Sharing in Dual-Earner Households." See conclusion in particular. <http://www.nber.org/papers/w21747.pdf>

OFFICE OF SENATOR DANIEL KIND FOR IMMEDIATE RELEASE

Today, Senator Daniel Kind introduced a bill to provide paid family and medical leave to working American families. Specifically, the bill would allow pregnant women to take up to one week of paid leave during pregnancy and up to four weeks following the delivery of a child. Employers will be asked to contribute 25% of the employee's normal salary and the federal government will match that amount, for a total of 50% of an employee's normal salary during time off.

"It's a disgrace that America is the only developed country in the world with no paid leave for women before and after having a child," Senator Kind said while introducing the bill. "As a strong supporter of working American families, I am proud to put forward this legislation."

The bill would also provide, at the same 50% rate of their normal salary, up to two weeks of leave for anyone to get medical care themselves or to help support a spouse, child, or parent who requires care. The bill would supplant rather than replace existing employer benefits for paid time off, and would exempt part-time workers and those who work at small businesses with fewer than 10 total employees.

"The idea is to help mothers and families without hurting businesses," Senator Kind stated. "I believe that in the wealthiest country on earth, we can do both."