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It's Not Maternity Leave at All

The news coverage about the Family and Medical Leave bill which passed the House last week was generally very misleading as far as communicating to the general public its real impact. Contrary to most assumptions, it is not a maternity bill at all; it has nothing to do with the disability that a woman incurs when she is pregnant or gives birth.

Maternity benefits for employed women have been part of federal law since passage of the Pregnancy Anti-Discrimination Law in 1978, are not currently controversial. This law requires the employer to grant the employed mother having a baby the same kind of health, medical, leave, and disability benefits that are granted for any illness or medical disability.

It was also misleading when the media reported that half the states have laws requiring some kind of parental leave. The truth is that most of those laws pertain only to maternity benefits.

Under the new House-passed Family and Medical Leave bill, the employer would be required to give three months of unpaid leave every year to every male and female employee for the serious illness of a child or parent of any age, and also in the year of the birth or adoption of a child. After this leave, the employer would be required to restore the employee to his or her old job or to an equivalent position with equivalent pay, benefits, and conditions.

This means the employer would be compelled to hold the job open for the employee on leave – either holding it vacant or with a temporary employee whom it may take months to train, and who may also acquire the same right to Family and Medical Leave. In addition, the employer would be compelled to continue the health and medical benefits of the employee on unpaid leave, as well as for the replacement employee.

Sine the Family and Medical Leave bill gives both male and female employees the right to tell their employer that they are taking off for three months at any time, consecutively or in separate segments, the possible abuses and lawsuits are endless.

American workers have a great array of benefits; in fact, the benefit package is often as important to workers as the wage itself. Most of these benefits have come

about without any government mandate, including paid vacations, paid holidays, paid sick leave, health and medical coverage, and pensions.

This proves that employers will give extra benefits voluntarily – as soon as the company can afford to give them. That is the key point. Most businesses start out small with no benefits, build up their payscale and benefits as the company prospers.

If the Federal Government mandates a particular benefit, the employer will simply slice it out of the total benefit package, and possibly out of a wage increase. That type of mandate is unfair to all employees who may have wanted a different benefit or perhaps pay raise.

Requiring employers to give a significant benefit to one class of employees is tantamount to requiring employers to give this group a bonus or a pay raise. This deprives the employer of his right to decide who is a valued employee and who is not.

Most employers already give time off to valued employees because it is good business to do so. They should not be required to give a benefit to employees regardless of whether they are valuable or not.

Suppose the replacement employee turns out to be a *more* valued employee, and just as much in need of a job. There is no social justice in laying her off to restore the original employee who is less valued.

Nobody has even done any research to find out if mandate Family and Medical Leave is the specific benefit employed women want most. It is reasonable to think that most employed women would prefer other benefits, especially more flexible hours of work, more paid vacation or holidays, a shorter day or work week, a health and medical plan, a pension, or daycare facilities.

The bill passed by the House applies to companies with at least 50 employees including part-timers. This means that 90 percent of the companies and 56 percent of all workers would not be covered.

The advocates for this legislation are forthright in saying that their next step is to work for *paid* leave and to expand the coverage by reducing the number of employees that make a company subject to the bill’s requirements.

All the 18 million new jobs that have been created in the private sector during the last eight years have been created by small business. Small companies are struggling at the margin to stay in business and to meet foreign competition. If business is not competitive, it cannot provide jobs for anyone.

There is nothing pro-family about making it harder for companies to stay in business, be productive, and offer good jobs to workers. Socialism is a proven failure all over the world and it would be a big mistake for Congress to adopt the overbearing regulatory policies of countries that have not and cannot produce the high standard of living we enjoy in America.