

UNIONS WIN IT: Family Leave

BACKGROUND

Family leave refers to many types of leaves including leave guaranteed under federal law such as the [Family and Medical Leave Act \(FMLA\)](#), some state laws such as the [California Paid Family Leave](#) and the [New Jersey Family Leave Insurance](#), and leave terms negotiated through the collective bargaining process.

While the FMLA provides job-protected leave for qualifying workers, it does not meet the needs of all employees. The terms of the FMLA are limited and time off is generally unpaid. Those who do qualify may not be able to afford to take unpaid time off from their jobs. Accessible and affordable family leave for all workers is an ongoing process that unions can further through collective bargaining and by participating in the larger policy discussion.

Unions have bargained broader and more-inclusive family leave contract terms to strengthen and enhance these benefits at a time when families need them more than ever before.

FEDERAL AND STATE LAWS

The Family and Medical Leave Act (FMLA) of 1993 is a federal law that applies to employers with 50 or more employees, public agencies, and elementary schools. Eligible employees generally are entitled to take unpaid, job-protected leave for up to 12 workweeks in a 12-month period for the birth and care of a newborn, the placement and care of an adopted or foster child, and the serious health condition of the employee or a spouse, child, or parent.

Several states have passed their own family leave laws that lower the threshold to cover more workers, expand the definition of family to include a wider range of family members, and increase the options of how workers can use their FMLA leave. States like California and New Jersey have also passed laws to establish paid family leave insurance programs that enable workers to get income replacement during unpaid family leave. [So make sure to check your state laws before bargaining.](#)

COLLECTIVE BARGAINING

While existing federal and state laws are nonnegotiable, they set the floor to bargain for broader work family contract language. Using current laws as a framework, unions can negotiate additional protections in the collective bargaining agreement by clarifying terms and expanding definitions to be inclusive and flexible.

Here are several areas where unions can bargain to strengthen and enhance family leave benefits:

Cover current laws

Include the FMLA and other state and federal laws in the contract so that potential disputes will be subject to grievance and arbitration, at the option of the employee.

Expand who is covered

Bargain for language that provides family leave to a wider range of family members/relatives such as domestic partners, siblings, foster children,

grandparents, grandchildren, in-laws and others. Provisions can go as far as to allow leave for court appearances, meetings with social workers, and related activities.

Provide greater flexibility

Grant new parents the right to return to work on a part-time basis after parental leave, with the right to return to full-time status. Specify additional reasons for taking leave under the FMLA (e.g., preventive medical appointments, moving covered relative to different location, etc.), and include non-medical family emergency situations (e.g., domestic break-up, domestic violence, etc.) provisions.

Increase affordability

Bargain for language to provide pay during FMLA leave. The collective bargaining agreement can contain language on family leave funds (e.g., payment during maternity leave) or can integrate benefits such as paid sick leave or vacation to cover wage loss.

Broaden leave parameters

Guarantee the continuation of benefits for a longer period of time or continuation of other benefits such as seniority accrual while the employee is on family leave; or include provisions to shorten the minimum time an employee needs to have worked to be eligible for FMLA leave.

Clarify notification process

Include provisions that specify reasonable and required procedures for taking/granting family leave (e.g., employee notification to the employer, such as advance notification for foreseeable leave, short notice in case of emergency, employer response, etc.).

A wide range of actual contract language is available for free in the Labor Project's LEARN WorkFamily database.

www.learnworkfamily.org

Get more information and download free resources: www.working-families.org

GET INVOLVED

Labor's involvement is crucial to building the 21st century family-friendly workplace. While progress has been made, much needs to be done so workers can take time to care for themselves and their families without losing their jobs, wages, or benefits.

Unions have addressed the limitations of the FMLA and the absence of paid leave in the workplace through stronger contract language. It is equally important for unions to participate in efforts to advance family-friendly workplace policies at the local, state and national level.

Join the Labor Project's efforts to advance family-friendly workplace policies.

California Work & Family Coalition: Learn about and join our California-specific campaigns on issues such as family leave, caregiver discrimination, and paid sick days. www.workfamilyCA.org

Family Values @ Work: Learn about and join efforts in states with labor-community coalitions working for paid sick days, family leave insurance and other policies that value families at work. www.familyvaluesatwork.org