

SELECTED REFERENCES

INDUSTRIAL RELATIONS SECTION

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MATERNITY AND PARENTAL LEAVE**

Bernard Hodes Advertising. *Survey of U.S. companies' maternity, paternity and childcare policies*. New York, NY 10022-3109 (711 Fifth Ave.). 1984. 27 pp. \$10.00.

The results of this survey were obtained from 153 companies of all sizes in such areas as health care, finance, high-tech, non-high-tech manufacturing, and the public sector. Detailed findings are presented for maternity leave policies, other maternity policies, and corollary issues (daycare and paternity leave). An appendix contains the survey questionnaire and ten tables. Highlights of the survey are presented in "Maternity, paternity and childcare policies," by Karen Krett (*Personal Administrator*, American Society for Personnel Administration, 606 N. Washington St., Alexandria, VA 22314, June 1985, pp. 125-136, 218).

Bureau of National Affairs. *Work & family: a changing dynamic*. Rockville, MD 20850. BNA Customer Service Center (9435 Key West Ave.). 1986. 336 pp. \$40.00.

Maternity and parental leave is one of several issues covered in this study of work/family interaction. The book begins with a general discussion of changes in the labor force and the family, which provides background for case studies on specific issues. The section on parental leave contains four case studies: maternity and parenting leave at Foley, Hoag & Elliot; parental leave at both Bank Street College of Education and Lotus Development Corporation; and adoption assistance at Bank of America. A chapter on developments and trends reviews Federal and state legislation, as well as leave practices in other countries (including the International Labor Office's global survey of maternity benefits and the *European Industrial Relations Review* survey of leave in Western Europe). The text of the Parental and Disability Leave Act of 1985 is provided in the appendix.

Catalyst. *The corporate guide to parental leaves* including Catalyst's *Report on a national study of parental leaves*. New York, NY 10003 (250 Park Ave.). 1986. 145 pp. and 83 pp. \$250.00 corp., \$70.00 not-for-profit.

The loose-leaf *Guide* explains the growing importance of parental leave benefits, and provides employers with the information they must have in order to design, evaluate and modify policies that meet the needs of both employees and company. The main topics covered include: writing policy, communication of policy, handling work, the return to work, policies for fathers, and legal considerations. There are 31 examples taken from actual policies, as well as numerous brief descriptions of individuals' and companies' experiences. The *Report* presents survey data obtained from 384 corporate respondents, supplemented by material from interviews and group discussions held throughout the country. For another sample parental leave policy, see the Bank Street College of Education's "Family (maternity/paternity) leave policy" (610 West 110th St., New York, NY 10025, 1980, 1 p., on request).

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** Items from the list should be ordered directly from the publisher. Addresses are given in connection with each reference. Consult libraries for items that are out of print.

Dowd, Nancy E. "Maternity leave: taking sex differences into account." *Fordham Law Review* (Fordham University School of Law, Lincoln Center, 140 West 62nd St., New York, NY 10023), April 1986. pp. 699-765. \$6.50.

Although Title VII of the Civil Rights Act of 1964 and the Pregnancy Discrimination Act of 1978 have removed many of the traditional barriers to women's equal employment opportunity, Dowd argues that an affirmative, gender-specific approach—a complete restructuring of the workplace—is necessary in order to eliminate the disproportionate impact of childbirth and childrearing on working women. "Facially neutral" policies merely ensure formal, not actual, equality in the workplace. Dowd reviews the status of working women and maternity leave practices in general, showing that the availability of maternity benefits is far from universal. She then discusses the two theoretical approaches to the issue: the equal treatment model, in which pregnancy is considered a disability comparable to other temporary disabilities, and the sex differences model, which "focuses on the structure of the workplace, and whether that structure advances or inhibits equal opportunity where the sexes are not similarly situated." Dowd notes that the latter model is based on real differences, not cultural stereotypes and stigmas. A number of states have adopted this approach in their maternity leave policies, and the main purpose of this article is to examine these policies and determine whether they are a legally valid way of restructuring the workplace; that is, whether they have been upheld by the courts against equal protection and Title VII challenges. The author presents the states' maternity leave policies and the subsequent court decisions in detail, concluding that it is permissible and desirable to take sex differences into account.

Friedman, Dana E. "Liberty, equality, maternity!" *Across the Board* (Conference Board, 845 Third Ave., New York, NY 10022), March 1987. pp. 10-17. \$3.00.

This article takes an overall look at the status of maternity and parental leave benefits in the U.S. today. Coverage varies greatly by state and company, but the majority of working women, according to the author, must "put their jobs on the line in order to produce the next generation." Friedman gives a short history of maternity and parental benefits laws in the U.S. leading up to the Pregnancy Discrimination Act of 1978. She briefly summarizes the Lillian Garland case, which led to the landmark January 1987 Supreme Court decision upholding a California law requiring employers to provide unpaid leave and reinstatement to employees disabled by pregnancy. She discusses social and psychological aspects of the parental leave issue, such as the impact that working women are having (and will continue to have) on business and the economy; the need for a minimum of four months to establish a strong mother-infant bond; and society's "subtle ambivalence" toward working women. Reviewing the current attempt in Congress to pass parental leave legislation in the face of strong opposition from business groups, Friedman suggests that, given the size and importance of today's female workforce, business must decide how it chooses to pay: through enhanced benefits, or through increased turnover and lost productivity. A related article in the same issue of *Across the Board* is "What do women get?" by Melissa A. Berman (pp. 18-20), which discusses the "average" woman's maternity benefits, based on figures from recent surveys. For the text of the recent Supreme Court decision on the Lillian Garland case, see "Opinions announced January 13, 1987," *United States Law Week* (Bureau of National Affairs, 1231 Twenty-fifth St., N.W., Washington, DC 20037).

Gladstone, Leslie, Jennifer D. Williams, and Richard S. Belous. *Maternity and parental leave policies: a comparative analysis*. Washington, DC 20540. Congressional Research Service (101 Independence Ave., S.E.). 1985. 97 pp. (Report no. 85-148-GOV). On request.

This is a detailed, comprehensive report on current maternity and parental leave benefits in the U.S. as compared with other countries. Major areas of

discussion include: the origin and development of U.S. maternity leave policies; current Federal, state, and private sector policies and practices; international statutory programs, including International Labor Organization conventions and recommendations; comparison of benefits in Europe and the U.S.; and the role of unions here and abroad in the development of maternity and parental leave benefits. Included in the appendices are: the text of the Pregnancy Discrimination Act of 1978; Final Amendments to Guidelines on Discrimination Because of Sex, and questions and answers responding to concerns raised by the public about compliance with the Pregnancy Discrimination Act; an excerpt from the *Federal Personnel Manual* on absence for maternity reasons; and a list of "selected countries explicitly establishing job protection during paid maternity leave."

Infant care leave, edited by Edward Zigler and Meryl Frank. New Haven, CT 06520. Yale University Press (92A Yale Station). Forthcoming.

Based on research reviewed by the Advisory Committee on Infant Care Leave, Yale Bush Center in Child Development and Social Policy, this book is intended for academics, policymakers, child care practitioners, employers, and parents of infants. It offers a comprehensive analysis of the need for infant care leave in the U.S., which the Committee concluded "is of a magnitude and urgency to require immediate action." The twenty-two chapters are written by scholars in fields ranging from child development to law and public policy. The volume is divided into six major parts, covering: the context for discussing infant care leave; establishing the need for an infant care leave policy; existing infant day care in the U.S.; infant care leave policies in the U.S.; infant care leave policies in other nations; and infant care leave policy options.

Kammerman, Sheila B., Alfred J. Kahn, and Paul Kingston. *Maternity policies and working women*. Irvington-on-Hudson, NY 10533. Columbia University Press (136 S. Broadway). 1985. 183 pp. \$14.50 paper.

The authors interviewed numerous company representatives and working women in order to develop this thorough study of current maternity policy in the U.S. Using a combination of general, historical and statistical information, along with personal narratives, they dispute the idea that adequate maternity benefits are available to most American working women today. They argue that U.S. maternity policy as it now exists has serious limitations, because the inclusion of pregnancy under sickness and disability benefits distorts the larger meaning of maternity as motherhood. Specific areas covered include employer and employee perspectives, state and Federal provisions, and maternity policies in private industry.

Little, Caroline. "Mother load or overload: the need for a national maternity policy." *New York University Journal of International Law and Politics* (New York University School of Law, 137 MacDougal St., Room 24, New York, NY 10012), Spring 1985. pp. 717-749 (Order from: Fred B. Rothman & Co., 10368 West Centennial Rd., Littleton, CO 80123).

The author compares maternity policies in the United States and United Kingdom, and explains how the divergent approaches to maternity leave in the U.S.—treatment of pregnancy either as a special situation or as a disability—have inhibited development of an effective national maternity policy. Little presents a history of the Supreme Court rulings that prompted Congress to pass the Pregnancy Discrimination Act of 1978, which entitles pregnant women to the same disability benefits as men. The courts have interpreted the Act to both the benefit and detriment of pregnant women. In contrast, maternity benefits in the United Kingdom are comprehensively defined and regulated under the Employment Protection (Consolidation) Act (EPCA). While not without its problems, the EPCA has, in the author's opinion, "furthered the goal of equality between men and women in the workplace, while acknowledging biological differences between them."

United Nations Association of the United States of America. Family Policy Panel. *Work and family in the United States: a policy initiative*. (Publications Dept., UNA-USA, 300 East 42nd St., New York, NY 10017). 1985. 179 pp. \$10.00.

The "traditional" family—breadwinner father, full-time homemaker mother, and children—now makes up less than 10% of American families, yet the U.S. alone of industrialized nations has no national family policy to deal with the problems of working parents. The Panel's report examines the social and economic changes which have altered American family structure and labor force composition, and focuses on five family policy issue areas that are important in reducing work/family conflict: maternity and parental leaves and benefits, child care, equal employment opportunity and pay equity, health care, and the flexible workplace. Among the specific policy recommendations are: for all women, a six-to-eight week, job-protected maternity leave with partial income replacement, and for all workers, an unpaid, job-protected parental leave to care for newborn or newly adopted children. The report includes a table of parental leave policies in other western industrialized nations. A related work based on rewritten and edited versions of the papers commissioned by the UNA-USA Economic Policy Council for its policy initiative study is *Family and work: bridging the gap*, edited by Sylvia Ann Hewlett, Alice S. Ilchman, and John J. Sweeney (Ballinger, 54 Church St., Cambridge, MA 02138, 1986, 218 pp., \$29.95).

U.S. Chamber of Commerce. *Employee benefits 1985*. Washington, DC 20062 (Publications Fulfillment [RKVL], 1615 H St., N.W.). 1986. 36 pp. \$20.00.

This particular annual issue includes the results of the Chamber's July/August 1986 survey of parental leave benefits, which was prompted by the introduction of parental leave legislation in Congress. The survey obtained responses from 700 firms. Among the findings: 50% of the companies surveyed did not have a formal parental leave plan; of those, 27% stated that they dealt with parental leave on an informal basis.

U.S. Congress. House. Committee on Post Office and Civil Service. Subcommittee on Civil Service and Subcommittee on Compensation and Employee Benefits. *Parental and Medical Leave Act of 1986: joint hearing . . . on H.R. 4300*. 99th Congress, 1st session. Washington, DC 20402. Superintendent of Documents, U.S. Government Printing Office. 1986. 102 pp. o.p.

U.S. Congress. House. Committee on Education and Labor. Subcommittee on Labor Management Relations and Subcommittee on Labor Standards. *The Parental and Medical Leave Act of 1986: joint hearing*. 99th Congress, 2nd session. Washington, DC 20402. Superintendent of Documents, U.S. Government Printing Office. 1986. 248 pp. o.p.

H.R. 4300 would have "[entitled] employees to parental leave in cases involving the birth, adoption, or serious health condition of a son or daughter and temporary medical leave in cases involving inability to work because of a serious health condition, with adequate protection of the employees' employment and benefit rights, and [established] a commission to study ways of providing salary replacement for employees who take any such leave." It did not pass in the last Congress, but has been reintroduced in the current Congress as H.R. 925 (Senate version is S.R. 429). The National Organization for Women has issued a "Factsheet: *Family and Medical Leave Act—H.R. 925; S.R. 429*" (National NOW Action Center 1401 New York Ave., N.W., Suite 800, Washington, DC 20005-2102, 1 p., on request). Also available on request is the testimony of NOW's President, Eleanor Smeal, before the House Committees, Feb. 25, 1987.