Returning to Work and Paid Leave

Background

• One in four women return to work within 10 days of giving birth.
• Only 14% of American workers—and only 5% of low-wage workers—have access to paid leave.
• The United States offers 12 weeks of unpaid leave under the 1993 Family Medical Leave Act, which covers approximately 60% of the workforce.
• The standard postpartum maternity leave, which lasts 6 weeks, may not be appropriate for all women. When maternity leave is unpaid, some women may need to return to work sooner than 6 weeks to minimize lost income. Other women may need longer postpartum leave to promote family well-being.
• Time off from work after childbirth benefits women by allowing time for physical recovery, establishing breastfeeding, developing a strong emotional bond with the newborn, and attending health care appointments.
• Paid family leave helps to eliminate the barriers to breastfeeding, particularly for women of color. Enabling optimal breastfeeding would prevent 2,619 maternal deaths and 721 fetal deaths annually in the United States.
• Paid leave can reduce risk for child abuse and neglect.
• Partners with access to paid leave are encouraged to take parental leave and serve as caregivers, which has several positive effects for families. Male partners are twice as likely to take paid leave if they have access to a broad paid family and medical leave program.
• More than 2 million college-aged women (ages 18–24 years) become pregnant each year. Women who give birth while in school face unique challenges when they return. Teenagers who give birth while in high school are at high risk of never graduating.

Assessment

The following are recommendations regarding prenatal care, family leave, and returning to work:

• During prenatal care
  ▪ ask parents about their plans to return to work after the birth.
  ▪ encourage parents to find out what family leave provisions are available from their employer.
  ▪ ensure each parent is aware of his or her rights under the Family Medical Leave Act, state parental leave provisions, and the break time for breastfeeding women provision of the Fair Labor Standard Act
  ▪ assist women with advocacy to employers for practices that promote well-being of new families. These can include structural support for breastfeeding, health care provider facilitation of child care, and accommodation of part-time work.
• Family leave paperwork for employers and insurance companies should be completed in cooperation with childbearing women to ensure that their needs are met without unintended consequences such as termination.

• Returning to work
  □ There are no standardized or validated tools for assessing a woman’s readiness to return to work after maternity leave.
  □ Evaluation of readiness to return to work should include a comprehensive assessment of a woman’s physical and psychological health, family needs, and work requirements.
  □ New parents may benefit from referrals to social workers or community agencies for assistance in the transition back to work after childbirth.

• All health care providers who care for women and families should advocate for increased paid parental leave as a universal right that benefits child development, families, and society.

Resources

The American College of Obstetricians and Gynecologists Clinical Guidelines


  Provides information on employment during pregnancy and the postpartum period and covers topics such as work accommodations, medical leave considerations, and note-writing for obstetrician–gynecologists.


  Outlines the special health care needs of pregnancy and incarcerated women and specific issues related to the use of restraints during pregnancy and the postpartum period.


  Outlines how to assess the special health care needs of women serving in the military.


Health Care Provider Resources for Patient Care


  Resource for health care professionals to help patients seek pregnancy and breastfeeding accommodations at work. Includes fact sheets and sample health care provider notes to employers.

❖ United States Breastfeeding Committee. Who is covered by the law? http://www.usbreastfeeding.org/p/cm/ld/fid=231

  USBC details federal law relating to workplace accommodations for breastfeeding moms.
Health Care Provider Resources for Policy and Advocacy

ACOG Statement of Policy endorsing paid parental leave at 100% with benefits for at least 6 weeks for all workers.

This report examines California employees’ experiences with paid family and medical leave.

Analysis of who has access to paid leave and who does not.

Comprehensive analysis of state laws and regulations governing paid leave, paid sick days, protections for pregnant workers and other workplace rights for expecting and new parents in the United States.

The U.S. Department of Labor outlines the positive effect paid family and medical leave will have on families after birth (see pages 20–23).

Fact sheet about pregnant women’s rights under the Pregnancy Discrimination Act.

Patient Resources

Patients’ right and resources related to pregnancy and parenting in the workplace.

Patient resource on how to ease the transition back to work.
*Patient information on planning for breastfeeding at work.*


*Information sheet about Title IX protections for pregnant or parenting students.*

**Coding**

See [Coding for Returning to Work and Paid Leave](#)