

January 31, 2024

Dear Members of the bipartisan Congressional paid family leave working group,

Thank you for the opportunity to respond to this request for information. We applaud the working group and its members for their leadership and for continuing to pursue solutions on this critical issue.

The U.S. Breastfeeding Committee is a coalition bringing together 140 organizations from coast to coast representing the grassroots to the treetops – including federal agencies, national, state, tribal, and territorial organizations, as well as for-profit businesses – that support the USBC mission to create a landscape of breastfeeding support across the United States. We are committed to ensuring that all families in the U.S. have the support, resources, and accommodations to achieve their breastfeeding goals in the communities where they live, learn, work, and play.

Guaranteeing access to paid family and medical leave would benefit workers, employers, and our economy. Paid leave supports health, including improved infant and child development,<sup>i</sup> increased breastfeeding rates,<sup>ii</sup> reduced infant mortality,<sup>iii</sup> improved maternal physical and mental health,<sup>iv,v</sup> better ability to manage and afford cancer treatment,<sup>vi</sup> and reduced occupational injuries.<sup>vii</sup> At the USBC, we affirm the critical need for guaranteed paid family and medical leave to support family bonding and caregiving, allow parents to successfully combine their reproductive role and employment, and to prevent unequal treatment in the workplace. Paid family and medical leave provides crucial protections to preserve the health of both mother and child, as well as to provide job security, maintenance of wages and benefits, and the right to resume paid employment.

Paid leave also benefits businesses. Paid family and medical leave is linked to increased employee retention, reduced employee turnover and worker replacement costs for employers, increased worker productivity, reduced healthcare costs, and a reduced need for public assistance. Our lack of action on paid leave costs our economy nearly \$22.6 billion each year in lost wages alone.<sup>viii</sup> According to the U.S. Department of Labor, if the United States had the labor force participation among women of economic peers Canada and Germany, supported by policies like paid leave, it would generate an additional \$775 billion per year in additional economic activity.<sup>ix</sup> Simply put, we cannot afford to wait.

We urge lawmakers across all political leanings to come together around the common-sense conclusion that there is a strong federal role in providing paid leave and a strong case for public investments in doing so. Only the federal government can create a federal baseline policy that guarantees comprehensive paid leave rights to all American workers nationwide. Without a national program, there are substantial disparities in access, which have grown rather than decreased in recent years. Existing solutions based on where employees work or who they work for have not created access for all, and it is past time for the federal government to provide a basic level of benefits to all workers that states and employers can build upon if they so choose.

The United States is an international outlier in not guaranteeing any paid maternity leave. Additionally, the U.S. is not in compliance with the International Labour Organization (ILO) Maternity Protection Convention. Current ILO Conventions call for a period of maternity leave of no less than 14 weeks (Convention No. 183, Article 4(1)), with cash benefits at no less than two-thirds of the woman's previous

earnings (Convention No. 183, Article 6(3)), provided through compulsory social insurance or public funds (Convention No. 183 Article 6(8)). The Maternity Protection Convention applies to all employed women including those in atypical forms of dependent work such as part-time, informal, casual, or seasonal; contractual, remote, or piecework; or self-employed.<sup>x</sup> The USBC calls on this bipartisan working group to catalyze progress on ensuring the implementation of this Convention in the United States.

It's important to note that access to paid leave is essential for all caregivers. Paid leave for fathers supports equity in the workplace and in the home. Research shows that access to paid leave increases a father's involvement in the child's care during the first nine months of life. Additionally, paid leave for fathers may help increase women's labor participation, as men's increased involvement in parental responsibilities makes it easier for mothers to return to work.<sup>xi</sup>

The U.S. Breastfeeding Committee affirms that all workers, regardless of where they live or work, deserve a foundation of guaranteed paid leave. All Americans will need paid leave at some point in their lives and deserve the peace of mind of knowing it will be there when they need it. While the USBC comment primarily focuses on how access to paid leave impacts infant feeding, we recognize that this is only one of many reasons that a worker may need paid leave during their lifetime and assert that the availability of paid family and medical leave for the full spectrum of potential needs is crucial for the well-being of children and families. Only through a comprehensive, universal program can we ensure fair and equitable access for all workers.

### **Paid Leave as an Investment in Breastfeeding and Public Health**

Breastfeeding has a profound impact on population health outcomes. All major medical authorities recommend exclusive breastfeeding for the first six months of life, followed by continued breastfeeding until at least one year of age.<sup>xii, xiii, xiv, xv</sup>

The evidence for the value of human milk on overall health for infants, children, and mothers is scientific, robust, and continually reaffirmed by new research. Breastfed infants are at lower risk of certain infections and sudden unexplained infant death. A study from the Centers for Disease Control and Prevention (CDC) of over 3 million U.S. births found that ever breastfeeding is associated with a 26% reduction in the odds of post-perinatal (between 7-364 days) infant death.<sup>xvi</sup> Breastfed children have a decreased risk of obesity, type 1 and 2 diabetes, asthma, and childhood leukemia. Women who breastfeed reduce their risk of specific chronic diseases, including type 2 diabetes, cardiovascular disease, and breast and ovarian cancers.<sup>xvii</sup>

While four out five of babies born in the United States start out breastfeeding, six in ten breastfeeding mothers stop breastfeeding earlier than they intend.<sup>xviii</sup> By six months of age, only 24.9 percent of U.S. infants are exclusively breastfed.<sup>xix</sup>

A significant barrier to human milk feeding in the United States is the economic and social pressure to return to paid employment soon after birth. More than half of mothers enter or return to the labor force before their children turn one year old<sup>xx</sup> with as many as one in four women returning within two weeks of giving birth.<sup>xxi,xxii</sup> But, as recognized in *The Surgeon General's Call to Action to Support Breastfeeding*<sup>xxiii</sup>

and the *White House Blueprint for Addressing the Maternal Health Crisis*<sup>xxiv</sup>, access to paid family leave programs can lay the groundwork for breastfeeding success. Paid family leave programs make it possible for employees to take time for childbirth recovery, bonding with their baby, establishing feeding routines, and adjusting to life with a new child without threatening their family's economic well-being. This precious time provides the foundation for success, contributing to improved rates of breastfeeding initiation and duration.

Research shows a relationship between a woman's decision to start and continue breastfeeding and the length of maternity leave she has.<sup>xxv,xxvi</sup> Mothers who return to work before six weeks postpartum are over three times more likely to stop breastfeeding than women who did not return to work. Research also shows that mothers who return to full-time employment shortly after giving birth are less likely to breastfeed as long as they intend.<sup>xxvii</sup> In California, access to paid family leave doubled the median duration of breastfeeding for all new mothers who used the state's paid family leave law during the six years after it went into effect.<sup>xxviii</sup>

The United States is facing a serious maternal mortality<sup>xxix</sup> and infant mortality crisis,<sup>xxx</sup> with significant and worsening disparities for women and families of color, particularly in Black and Indigenous communities. CDC data shows that 80% of pregnancy-related deaths are classified as preventable with mental health conditions being the leading cause of death.<sup>xxxi</sup> Increasing access to paid leave and increasing breastfeeding rates can help turn the tide on these devastating statistics. In both developed and developing countries, paid maternity leave has been found to be associated with significantly lower neonatal, infant, and child mortality rates.<sup>xxxii</sup> Paid maternity leave is also associated with improved maternal physical health, a decrease in rehospitalizations, and a decrease in postpartum maternal depression.<sup>xxxiii</sup>

### **Common Challenges Families Face Accessing Paid Leave as New Parents**

Despite the evidence of the positive impact paid leave has on maternal and child health outcomes and breastfeeding rates, many families still face challenges accessing sufficient paid leave after the birth of a child. The USBC gathered input from individuals about their experiences accessing paid leave. Common themes are summarized below and coupled with direct quotes from mothers and caregivers.

*Many parents describe being forced to choose between working and caring for their newborns.*

"I was unemployed through most of my pregnancy through a move for my partner's job. I did not job hunt after 6 months since I knew that I wouldn't qualify for FMLA and wouldn't have any legal options for maternity leave."

"I decided to be a stay-at-home mom because of the lack of maternal and paternal paid leave options. Many women have to choose between breastfeeding or working because there is not enough time to prepare for getting back to work if maternity leave is only 6 weeks. There needs to be better laws and policies for both men and women to have ample paid time off to reach their feeding goals."

*Many parents report resorting to using a complicated patchwork of unpaid Family and Medical Leave (FMLA), annual, and sick leave because their places of employment didn't offer paid leave.*

"As a full-time employee who's worked for my agency for 10 years, I was able to utilize FMLA. I was required to use all of my PTO and sick leave first. Then, I had to use unpaid leave for the rest of my 12 weeks."

"I was not given any paid leave for maternity. I took FMLA with no pay. It made it hard to breastfeed and stay home longer. I returned to work sooner."

"I did not have any maternity leave from my employer. However, I was able to use my annual and sick leave to cover the three months I was out for my first baby. The latter two children I had to use annual, sick, and then some leave without pay, as I did not accrue enough time between children."

*Many mothers report that insufficient leave negatively impacted their breastfeeding journey.*

"Short-term disability leave for 4 weeks at 60% of my pay. The limited leave time and lack of pay influences many families to formula feed."

"No paid leave was available for my family. I was determined to breastfeed, but I have seen many families who go to formula after mom goes back to work because pumping isn't supported in the workplace and the mother feels like a burden taking time away from the company to pump. I feel the burden is especially felt in the fields of healthcare and schools per family interviews."

"As a teacher, I took six weeks paid and two weeks unpaid to make it to summer break. This meant I essentially had four months of leave. If I had to go back to work at six weeks, I would not have been able to pump and feed my baby breast milk. "

"I was able to get 6 weeks paid leave from my university. I think it was very important and entirely necessary to provide a foundation for nursing. However, I don't think it is adequate to getting to the 2 year recommendations for feeding set by the WHO [World Health Organization]...It isn't consistent and it often leaves people structurally-marginalized at a particularly vulnerable time in their life."

*Many mothers who did receive paid leave describe the positive impact it had on establishing breastfeeding.*

"My employer offered 6 months of paid maternity leave. I don't think I would have chosen to breastfeed if I did not have leave."

"I work at a state university and with my first child had 6 weeks of paid leave. Just over two years later paid leave was increased to 8 weeks. This amount of time available to me, without having to stress about the amount of vacation or sick time I had stocked up, definitely helped me focus on bonding with my babies and establishing breastfeeding well before needing to go back to work and begin pumping. It was especially helpful with my second child, who was born premature and had an initial difficulty establishing breastfeeding."

## **High-Quality Paid Leave as an Investment in Business and Our Economy**

Adoption of paid family and medical leave policies not only benefits individual employees and their families, but it also makes financial sense for businesses and organizations. Small businesses need a public program to level the playing field, helping them compete with larger employers who can more easily afford to offer these benefits, which will often attract the best employees. A universal program keeps costs low and significantly reduces the administrative burden on employers of implementing a program, which small businesses particularly need. Just as they can at the state level, employers should always be able to provide more generous benefits than the federal minimum if they wish to, supplementing with more pay, more weeks, or more purposes. The law should provide a floor, not a ceiling.

State paid family and medical leave programs, in addition to the Military Parental Leave Program (MPLP) and Federal Employee Paid Leave Act (FEPLA) are making a difference for families throughout the country. Thanks to recent legislative successes, thirteen states and the District of Columbia have paid family and medical leave laws.<sup>xxxiv</sup> Experience from state paid leave programs shows that once a paid leave program is implemented, most employers, including most small employers, support the program. This is because these programs offer businesses benefits like improved recruiting, retention, and productivity, at an affordable cost and in a structure that is easy for employers to implement. A 2011 study of the California Paid Leave program showed that most employers found that paid family leave had a positive effect on productivity, profitability/performance, turnover, and employee morale.<sup>xxxv</sup> When new mothers have access to paid leave, they are more likely to return to work and to their same employer. Improved retention offers cost savings to businesses: the average cost of turnover is about 21 percent of an employee's annual salary.<sup>xxxvi</sup>

Additionally, low breastfeeding rates in the United States cost our nation millions of dollars through higher health systems costs, lost productivity, and higher household expenditures.<sup>xxxvii</sup> At the national level, improving breastfeeding practices through programs and policies has been shown to be one of the best investments a country can make, as every dollar invested is estimated to result in a US \$35 economic return.<sup>xxxviii</sup> Employers see significant cost savings when their workers are able to successfully breastfeed.<sup>xxxix</sup> Increased breastfeeding rates are also associated with reduced environmental impact and associated expenses.<sup>xl</sup>

## **Using Time-Tested State Approaches to Build a Strong Federal Program**

Federal solutions should heed the lessons learned from long-established state programs. States have provided paid leave for decades through a social insurance approach, delivering benefits that work for both workers and employers at an affordable cost. Moreover, some state programs passed on a bipartisan basis, underlining the strong support across the aisle for paid leave and the political feasibility of taking evidence-based action on a bipartisan basis. Even states that passed programs with support from only one political party have seen their programs continue when political winds shift, which is a testament to their value to working people, businesses, and the economy.

Like existing state programs, a federal paid leave program should provide a guaranteed, comprehensive benefit to all workers. This program should be administered through a federal agency with the expertise and support to deliver benefits fairly and efficiently.

### **Looking at State Leadership to Identify Policy Parameters Working Families Need**

Years of experience at the state level have generated important policy best practices that should be reflected in a federal paid leave program, including:

- **Purposes:** A federal paid leave program should cover workers' own serious health conditions, parental bonding, caregiving for seriously ill loved ones, needs in relation to military deployment, and safe leave to address sexual and domestic violence.
- **Family definition:** A federal paid leave program should have an inclusive family definition, ensuring that workers can care for all those they consider family, including loved ones to whom they may not have a legal or biological relationship.
- **Wage replacement:** A federal paid leave program should ensure that the wage replacement rate (the percentage of their own income workers receive while on leave) is high enough that workers can afford to use the benefit, particularly for low-income workers.
- **Duration:** A federal paid leave program must guarantee at least twelve weeks of paid leave.
- **Job protection:** A federal paid leave program must protect workers' jobs and employer-provided medical insurance, ensuring that they can return to work following leave and can use their rights without retaliation or interference.
- **Universal coverage:** A federal paid leave program must cover all workers, including employees and independent contractors, part-time and full-time workers, and public and private sector workers, regardless of industry or employer size.

States should be able to continue operating their own programs once federal paid leave is enacted and receive federal support to do so, so long as those programs meet robust federal standards. We should continue to take advantage of innovations at the state level in the future.

As we work toward a national program, the federal government can support states in their efforts. For example, the federal government could invest in electronic systems to facilitate better communication among state programs, helping them to share data and improve program integrity. This investment would benefit both employers and workers, as well as state administrators.

### **Sufficient & Sustainable Funding**

There are many viable options for raising the funds to support a comprehensive paid leave program. Regardless of which option policymakers choose, a workable paid leave program requires sustainable, reliable long-term funding at a level sufficient to support the benefits workers need. State-run programs provide a time-tested model of ensuring paid leave benefits to eligible workers, which are funded through a state-run insurance trust fund financed by premiums on payroll earnings.<sup>xli</sup>

At the same time, a federal paid leave program should not reduce funding to other programs working families rely on. For example, paid leave should not be paid for by taking money out of Social Security,

harming today's retirees and undermining retirement security for the future. Progress on paid leave means protections that complement existing supports, not false choices.

## Conclusion

Thank you for providing an opportunity to submit feedback. We appreciate you taking the time to consider the positive impact of paid family leave programs on breastfeeding families in the United States and stand ready to work with you to expand access to paid leave. If you have any questions or would like to discuss this issue further, you can reach the USBC by emailing [advocacy@usbreastfeeding.org](mailto:advocacy@usbreastfeeding.org).

Sincerely,

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U.S. Breastfeeding Committee

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