Key Facts: The Family and Medical Leave Act

JANUARY 2020

The Family and Medical Leave Act (FMLA) was signed into law 27 years ago.

The FMLA provides eligible workers with up to 12 weeks of unpaid, job-protected leave to:
- Bond with a new child;
- Care for a seriously ill or injured family member;
- Address their own health condition;
- Or up to 26 weeks to care for a servicemember or address needs related to a family member’s deployment.

The FMLA has been used nearly 280 million times by working people who needed to care for their own health or the health of their families.¹
- Approximately 13 million workers take FMLA-type leaves each year.²

The most common reason for taking leave is to address a serious personal health condition.³
- Among people taking family caregiving leave, more than 3 in 10 needed it to care for a parent, more than one-quarter to care for a child with a serious health condition, and more than one-quarter to care for a spouse.⁴

The FMLA has helped to transform workplaces, but too many people are still left behind.
- About 40 percent of the workforce is not covered by the FMLA because they work for small employers, do not work enough hours or have not worked for their employer for long enough.⁵

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² Figure 1. Share of Workers Who Take Leave by Reason

- Medical leave 55%
- Parental leave (includes adoption and foster care)* 21%
- Family care leave (includes parent, spouse and child) 18%
- Military exigency leave 2%
- Unknown/ Non-qualifying reason 4%

• Too many people cannot afford to take unpaid leave – the most common reason people give for needing leave but not taking it.6
• The FMLA’s limited definition of family – a spouse, parent or child – does not reflect the caregiving needs of many families.

**Most employers report neutral or positive effects when employees take FMLA leave.**

• The majority of worksites (54 percent) report no noticeable effect from complying with FMLA, and more than one-third (37 percent) experienced positive effects.7
• The most common way worksites manage work during an employee’s absence is to temporarily assign it to another worker (65 percent of worksites). Just 3 percent of worksites report needing to hire a temporary replacement.8
• There is little evidence that employees misuse leave – less than 2 percent of worksites report any misuse of FMLA.9

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2 Ibid. Note: The 2012 survey is the most recent available data about FMLA use; results of a new survey are expected in early 2020.

3 Ibid, Exhibit 4.4.1.


5 See note one, p. 21.

6 Ibid, p. iii.

7 Ibid, Exhibit 8.5.1.

8 Ibid, p. 144.

9 Ibid, p. 156

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, reproductive health and rights, access to quality, affordable health care and policies that help all people meet the dual demands of work and family. More information is available at NationalPartnership.org.

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