

Are Some Mothers More Equal than Others?

Class Divisions in U.S. Family Leave Policy

This paper presents an historical-political explanation for the limited extent to which the Family and Medical Leave Act of 1993 (FMLA), in terms of its formal provisions, promotes gender and class equality. The FMLA certainly is notable for creating a gender-neutral entitlement for Americans to return to their jobs after taking twelve weeks of unpaid leave. However, the absence of income replacement creates a bias favouring those with greater financial means. I argue that gender neutrality and lack of income replacement are interrelated and conflicting components of the policy that evolved out of long-existing and durable differences among women's movement advocates. In the legislative struggles leading up to enactment of the policy, "equality" feminists did not compromise on the principle of gender-equality but did compromise on the issue of pay. This contrasts with the position of "difference" feminists, who were willing to compromise on gender-neutrality and thus to seek maternity leave. Difference feminists also thought that income replacement, again in contrast to equality feminists, was crucial for working class women's ability to take advantage of a leave policy and thus were less willing to compromise on the issue of pay. These divisions have a long history, yet are also part of a relatively recent partisan realignment on the issue of equal rights for women—with both developments suggesting that resolution of the class issue at the core of federal family leave policy remains intractable. The historical home of the equality feminists is the more elite-oriented Republican Party, with the switch to becoming one of the core constituents of the Democratic Party finalized only by the time of the 1980 presidential election. In contrast, difference feminists emerged out of the Democratic Party/New Deal-aligned movement to enact protections for women working in the paid labour force, a movement begun in the early twentieth century. When the Democratic Party undertook a concerted effort beginning in the 1960s to bring women into the fold as a new base, groups with very different perspectives on women's rights thus came

together in an at-best uneasy relationship. Because of the relatively recent occurrence of the partisan realignment, I argue that class remains an unresolved conflict, thus limiting the overall fairness of the FMLA.

Introduction and summary

Many have praised the *Family and Medical Leave Act* of 1993 (FMLA) for moving the United States toward greater gender equality in its work-family policy. However, the law only provides for unpaid leave, thus privileging middle- and upper-class working parents. This indicates serious limits on the overall equity and fairness in the supports available to working parents for attaining the difficult balance between work and family. Such class inequality has been viewed generally as an unfortunate consequence of the need for family-leave policy advocates to compromise with opponents. I argue that class inequality is a fundamental component of the policy, thus not fully explicable on the basis of strategic considerations alone. This component stems from political and historical dynamics involving women's movement advocates themselves. As such, I also argue, class inequality may be a more intractable problem for family-leave policy at the federal level than previously thought. After presenting and empirically assessing a political-historical explanation for U.S. family-leave policy along the foregoing lines, I close with a discussion of current state-level efforts to enact paid family leave—which appear to hold out the most promise for covering women and men from across the class spectrum.

The FMLA is notable for creating an entitlement for Americans to return to their jobs after taking twelve weeks of unpaid leave from work to attend to a variety of family concerns. According to the FMLA, workers in organizations with 50 or more workers are entitled to take twelve weeks of unpaid leave to care for a child, a spouse, an ailing parent or themselves (Wisensale, 2001: 150-151). The policy is also notable for being gender-neutral: women and men are eligible to take leave. In theory, then, women and men should fulfill both breadwinning and caring/nurturing roles, which is intended to enhance equality for women. In practice, however, numerous labour force statistics indicate a persistent intersection between gender and class inequities. The unpaid designation thus appears to be problematic from the standpoint of overall equity and fairness. Unsurprisingly, women with newborn babies have taken the largest percentage of all periods of leave lasting 28 days or longer (Commission on Leave, 1996). Yet working mothers are significantly less likely than working fathers to have access to employer-provided paid sick leave, paid vacation, and other benefits that are typically used to make up for lost income during unpaid family and medical leaves (Heymann, 2000: 114, 152; Milkman and Appelbaum, 2004: 3). Additionally, women generally earn less than men. While the wage gap is narrowing, in 2001 overall women's median weekly earnings were still 78 percent of those of men (Conway, Ahern, and Steuernagel, 2005: 94; Ford, 2006). To the extent that the clustering of women into a relatively small number of low-pay, low-status occupations helps to ac-

count for the pay gap (Conway, Ahern, and Steuernagel, 2005; Ford, 2006), the unpaid leave designation hits lower-income women particularly hard. Women also constitute the large majority of working single parents (Wisensale, 2001), whose financial situation typically does not allow for a significant period of leave time without income.

This paper presents an historical-political explanation for the limited extent to which the FMLA, in terms of its formal provisions, promotes genuine equality. The explanation presented views gender neutrality and lack of income replacement as interrelated and conflicting components of the policy, which evolved out of long-existing and durable differences among women's movement advocates. While it generally over-simplifies matters to divide the women's movement into just two camps, two categories of organization indeed had the most influence in the battle for passage of family leave legislation (Bernstein, 2001; Elison, 1997; Kaitin, 1994; Marks, 1997; Wisensale, 2001; Woloch, 1996). "Equality" feminists did not compromise on the principle of gender-equality but did compromise on the issue of pay. This contrasts with the position of "difference" feminists, who were willing to compromise on gender-neutrality and thus to seek maternity leave—a gender-specific type of policy which explicitly recognizes women's unique burden of bearing and caring for children. Difference feminists also thought that income replacement, again in contrast to equality feminists, was crucial for working class women's ability to take advantage of a leave policy and thus were less willing to compromise on the issue of pay (Bernstein, 2001; Elison, 1997; Kaitin, 1994; Marks, 1997; Wisensale, 2001; Woloch, 1996). These divisions in the women's movement coalition to win passage of family leave legislation have a long history, yet are also part of a relatively recent partisan realignment on the issue of equal rights for women—with both developments suggesting that resolution of the class issue at the core of federal family leave policy should be particularly intractable. The historical home of the equality feminists was the more elite-oriented Republican Party, with the switch to becoming one of the core constituents of the Democratic Party finalized only by the time of the 1980 presidential election. In contrast, the difference feminists emerged out of the Democratic Party/New Deal-aligned movement to enact protections for women working in the paid labour force, a movement begun in the early twentieth century (Costain, 1992; Wolbrecht, 2000). When the Democratic Party undertook a concerted effort beginning in the 1960s to bring women into the fold as a new base, groups with very different perspectives on women's rights thus came together in an at-best uneasy relationship. Because of the relatively recent occurrence of the partisan realignment, I argue the conflict persists with albeit diminished strength.

As such, this analysis represents a departure from many analyses of the FMLA, which depict the gender neutrality provision as a victory in the fight for gender equality, and the unpaid designation as the cost of achieving compromise with legislative opponents—a process separate and unrelated

to that accounting for the successful inclusion of the gender-neutrality provision. These accounts generally highlight inter- rather than intra-party dynamics, emphasizing the fact that Republicans were firmly opposed to paid leave and that Democrats were quite willing to give up pay replacement in order to win passage of some type of family leave legislation (Elison, 1997; Marks, 1997). These accounts also underestimate the extent to which the gender-neutral component was a matter of significant debate among women's movement family leave policy advocates. Partly because of the focus on inter-party dynamics, these accounts also over-emphasize the confidence that many equality-feminist family leave policy advocates express in the success of potential future efforts to expand the policy to include pay replacement. For example, should the Democratic Party win the presidency, according to this view, perhaps leave would be expanded to include pay replacement. Given the still unresolved issues within the Democratically-aligned women's movement, the analysis presented in this paper suggests this confidence at the present time is unwarranted.

Equality vs. difference:

Feminists in policy developments and debates leading up to passage of the *Family and Medical Leave Act of 1993*

Conflict between equality and difference feminists over the shape of a proposed family leave policy, specifically over whether the goals should include gender-neutrality and pay replacement, ensued in the wake of passage by Congress of the 1978 *Pregnancy Discrimination Act* (PDA). This legislation essentially stated that employers of 15 or more persons may not treat pregnancy more or less favourably than any other temporary, non-occupational disability (Wisensale, 2001). Pregnant employees of establishments offering temporary disability were to have access to this benefit on the same terms as any other employee (Wisensale, 2001: 88). California went further than the law required, enacting a maternity leave law requiring employers to grant pregnant workers up to four months of unpaid leave with job security (Bernstein, 2001; Wisensale, 2001). In 1982, Lilian Garland sued under the California law the bank where she worked for her right to resume her old job. The employer, however, claimed the California law was invalidated by the PDA as it provided special treatment for pregnant women. Personifying the difference vs. equality debate (Bernstein, 2001; Wisensale, 2001), while feminists agreed that Garland should be reinstated, they were divided on how the law should be interpreted to bring about this result. The National Organization for Women, additional equality feminist groups, and the American Civil Liberties Union argued that the bank would obey both laws by providing disability leave for all workers, thus avoiding the provision of special treatment for pregnant women. Difference feminists, however, argued that since pregnancy was a real sexual difference, some degree of special treatment was needed to achieve equal results (Bernstein, 2001; Vogel, 1990; Wisensale, 2001). In *California Federal Savings and Loan*

Association v. Guerra (1987), the U.S. Supreme Court upheld California's law, resulting in what ultimately turned out to be a temporary victory for difference feminists.

In 1991, the Supreme Court dealt a blow to the difference argument yet also set the stage for continuing debate between the groups representing the two primary strands of the women's movement over what type of family leave policy to fight for. In the *UAW v. Johnson Controls* (1991) case, women employees at a battery manufacturer and their union, the UAW, challenged the company's 1982 policy barring women from jobs involving actual or potential exposure to lead—which risks the health of fetuses. The workers charged that classifying all women as “capable of bearing children” as a criterion for exclusion was a form of sex discrimination, which therefore violated the Pregnancy Discrimination Act (Daniels, 1993; Woloch, 1996). The Supreme Court agreed. In the majority opinion, Justice Harry A. Blackmun stated:

Concern for a woman's existing or potential offspring historically has been the excuse for denying women equal employment opportunities.... It is no more appropriate for the courts than it is for individual employers to decide whether a woman's reproductive role is more important to herself and her family than her economic role. Congress has left this choice to the women as hers to make. (*UAW v. Johnson Controls* 1991)

This decision thus invalidated using the difference argument as a legal basis for excluding women from work (Woloch, 1996), but the justification for affording special treatment to women in the form of paid maternity leave proposals survived in the women's movement politics surrounding debate over what ultimately became the *Family and Medical Leave Act*. One part of the largely Democratic family-leave coalition included child and family researchers and difference feminists who initially focused their energies on achieving paid leave and in the case of some organizations, maternity leave—a type of leave restricted to women (Bernstein, 2001; Elison, 1997; Kaitin, 1994; Marks, 1997; Wisensale, 1997, 2001). On the other side were equality feminists who emphasized the goal of equal access to employment for women (Kaitin, 1994). This understanding was associated with the goals of gender-neutral and unpaid leave.

Unsurprisingly, this divided Democratic coalition confronted Republican employer interest groups united into a well-funded, well-organized opposition with impressive mobilizational abilities, very good access to members of Congress (Bernstein, 2001; Elison, 1997; Kaitin, 1994; Wisensale, 2001) and a high degree of consensus on the undesirability of mandating employment leave (Marks, 1997)—in particular leave that covered both male and female employees and that included income replacement. Family-leave advocates eventually reached a compromise among themselves, agreeing to pursue unpaid

leave. Equality feminists, however, would not compromise on the issue of the gender-neutral designation of a family leave proposal (Bernstein, 2001), an issue that met less objection from Republican opponents than the inclusion of income replacement. These developments have been widely credited with facilitating passage of the *Family and Medical Leave Act*, which overcame two vetoes in the late 1980s and early 1990s before getting President Clinton's signature in January 1993 (Bernstein, 2001; Elison, 1997; Kaitin, 1994; Marks, 1997; Wisensale, 1997, 2001).

Protectionists in the Democratic Party and emergent equality feminists in the Republican Party from the 1910s through the 1960s: Looking ahead

While clearly facilitating passage of family leave legislation and thus indicative of a certain degree of progress, the compromise, which specifies gender-neutral, unpaid leave also exposes significant and problematic unresolved differences between the difference and equality feminist constituents of the Democratic Party. The promise of genuine gender equity, entailing greater equality between men and women in both work and family domains, awaits resolution of the class conflict at the heart of federal family leave policy discussed at the outset of this paper. While this development is dependent upon inter-party cooperation, it is also dependent on the women's movement and the Democratic Party resolving their internal conflicts. Because this conflict is rooted in historical social movement, public policy and partisan developments, however, it is quite durable and resistant to change.

The forebears of difference feminists are protectionists (Woloch, 1996), who beginning at the turn of the twentieth century fought for state-level protections for women workers, including limitations on working hours, restrictions on night work and allowable weights of items lifted by women, minimum wage laws, and many others (Bernstein, 2001; Kamerman, Kahn and Kingston, 1983; Mettler, 1998; Piccirillo, 1988; Rothman, 1978; Williams, 1984; Wisensale, 2001; Woloch, 1996). In essence, these efforts represented an attempt to maintain the ideal of women's distinctiveness as mothers and homemakers in the face of the increasingly unaccommodating reality of rising numbers of women in the paid labour force. Protectionist organizations would have preferred a world where women could remain at home raising children and tending to the home. However, the reality was that more and more women needed to work. Reformers thus had to compromise on their goals: protectionist policies, while they would not bring women back into the home, theoretically would at least help women when they had no choice but to enter the workforce (Wisensale, 2001; Woloch, 1996, 8-9).

While the notable legislative successes of the protectionist movement were often challenged in court, the United States Supreme Court decision *Muller v. Oregon* (1908) constituted a victory for the movement and launched protectionism as a prime influence on federal policies regarding the growing

numbers of working women. Beginning in the 1930s, protectionists joined the labour movement as partners in the New Deal Democratic Party coalition thus helping to shape landmark social welfare legislation through the 1960s. Turning to equality feminism, the roots of this movement as a political and public policy force are in the Republican Party. While the Republican Party had limited policy influence from the 1930s through the 1960s, equality feminists worked to keep the principle of women's equality alive. In contrast to protectionists, equality feminists—themselves largely from the upper segments of society and working on behalf of other elite women—argued that the legal system should treat women as free agents in the labour market, just as men were. This position was an anathema to protectionists, who argued in contrast that the mostly working-class women they sought to help had nothing to gain and much to lose from such “freedom.” (Woloch, 1996) Generally speaking, protectionists had the bigger influence on policy regarding women and work—an influence that persisted even into the 1970s when equality feminists gained the upper hand and the partisan switch on women's rights came to fruition. In light of the long history of protectionism as a public policy approach, it is the relatively recent occurrence of the Democratic Party's embrace of both difference and equality women's organizations and the recent rise to prominence of equality feminism within the Party that have made it difficult for the women's movement to lay out a path to genuine gender equality including higher as well as lower income women.

The 1910s-1930s

The story of the rise of protectionism begins at the state and local levels. Reformist groups including the General Federation of Women's Clubs, the National Women's Trade Union League, and particularly the National Consumer's League sought and generally won restrictions on the number of hours women could work, exclusions of women from night shifts, prohibitions against women performing hazardous or immoral work, and against women working for a period before and after giving birth (Bernstein, 2001; Kameran, Kahn and Kingston, 1983; Mettler, 1998; Piccirillo, 1988; Rothman, 1978; Williams, 1984; Wisensale, 2001; Woloch, 1996). While these laws were often challenged, in *Muller v. State of Oregon (1908)* the U.S. Supreme Court ruled unanimously against Muller, an employer who challenged Oregon's ten-hour law for women as a violation of Freedom of Contract. Oregon's law limiting the number of hours female employees could work to ten, the Court reasoned, was a reasonable exception to Freedom of Contract as the law affected only women who as mothers or potential mothers needed protection when they had to work outside the home (Bernstein, 2001; Wisensale, 2001; Woloch, 1996, 37).

In the wake of this landmark decision, the protectionist movement, the incipient organized labour movement and other reformers came to the Federal Government on the larger wave of Progressivism and thus began the influ-

ence of protectionism on policy relating to women and work. Beginning in the 1930s, the New Deal saw the emergence of strong protectionist support in the Women's Bureau and other divisions of the Department of Labour, in First Lady Eleanor Roosevelt's circle, and most prominently in the Democratic Party as it structured the politics of the federal government (Woloch, 1996: 61-62). This is evident in many of the hallmark public policies of the New Deal, in particular the *Social Security Act* of 1935 (SSA). The operating protectionist assumption—discussed above—that while many women unfortunately had to work, the ideal of the woman at home should be maintained suffices the SSA's center-piece retirement program. According to Steven Wisensale (2001):

...the *Social Security Act* was structured under the family wage system. That is, the “breadwinner-homemaker” family, in which the husband worked and earned enough money to support his wife who stayed home to raise the kids, was not only recognized, it was rewarded. Those who “earned” their pensions—at that time and until well into the 1960s that almost always meant men—benefited at retirement. (33-34)

The SSA also included Aid to Dependent Children (ADC), descendent of the state-level Progressive-era mothers' pensions and partly the result of protectionist efforts. ADC was similarly expressive of protectionist assumptions. Under this program, women whose husbands had died or were absent for other reasons were encouraged, by way of government subsidy, to stay at home to raise their children (Wisensale, 2001, 34). Insofar as this particular solution defined women in relation to men, who were expected under normal circumstances to be their providers and supporters, ADC was under-girded by protectionist ideals (Coontz, 1988, 1997; Gordon, 1994; Jacobs and Davies, 1994; Mink, 1995). One subjective indicator of the protectionist mark on this and other New Deal policies is that Labour Secretary Frances Perkins, a noted protectionist, claimed credit for these achievements (Perkins, 1946).

Backing up in time somewhat, modern equality feminism began to emerge in the form of organizations with a contrasting perspective on how to further the interests of working women. These organizations focused on establishing working women's status as completely equal to working men's (Woloch, 1996), which involved battling many protectionist laws. During World War I, women worked as conductors, ticket agents and ticket collectors on New York's street railways. After the war, over half of these women workers lost their jobs after the railway employees union promoted a law limiting women's hours and banning them from work after 10:00 p.m. (Greenwald, 1980; Woloch, 1996). Women printers in New York also had their opportunities curtailed by a night work ban (Kessler-Harris, 1982). The remaining railway workers as well as the printers eventually won exemptions from protection, but the

organizations they founded—the Women’s League for Equal Opportunity and the Equal Rights Association—formed the core of an incipient workers’ equal rights campaign (Greenwald, 1980; Kessler-Harris, 1982; Woloch, 1996). While emerging from working-class roots, these organizations and those that followed soon came to be seen as having a distinct bias toward the interests of elite women. In the wake of ratification of the Suffrage (the nineteenth) Amendment in 1920, Alice Paul began to use the National Woman’s Party (NWP) to push for an Equal Rights Amendment. The ERA would have barred sex discrimination in federal law—a goal which likely led prominent protectionist and working-class women’s champion Florence Kelley to leave the NWP in 1921 (Lunardini, 1986; Woloch, 1996). The ERA was subsequently introduced in Congress for the first time in 1923 and nascent equality feminists exercised what little influence they had from within the Republican Party, the party of elite interests. While potentially challenging to protectionism, these developments posed little competition as protectionists had substantial institutional resources throughout the federal government from which to influence public policy.

The 1940s-50s

In the 1940s, given the need for women’s labour during World War II, there was a temporary suspension of the protectionist approach. By many accounts, this era was pivotal for showing that women could “do what men do,” thus contributing subsequently to the belated rise of equality feminism. In 1943, Congress passed the Lanham Act providing federal grants to the states to establish child care facilities to help women workers taking the place of men during the war (Conway, Ahern and Steuernagel, 2005; Michel, 1999). While this legislation is certainly notable for marking the first time the Federal Government had ever explicitly employed the idea of work-family accommodation in its public policy, it is arguably just as notable for being the only such instance. The law was not renewed when the war ended (Conway, Ahern and Steuernagel, 2005; Michel, 1999). There was also a well-documented effort through the 1940s and 1950s to get former soldiers back into the workforce and women back into the home. As in the case of some New Deal programs, the GI Bill did not explicitly discriminate against women workers. However, in the process of providing a variety of social supports specifically to veterans, the policy had the effect of defining roles for men and women that were very much in line with protectionist assumptions (Wisensale, 2001). Generally speaking, the return of protectionism is evidenced by numerous post-war policies based on the claim that women should “give back” their jobs to “working men” who needed to earn a family wage (Bernstein, 2001; Wisensale, 2001). Moving beyond a consideration of public policy *per se*, however, the women who had worked during World War II as well as the multitudes who witnessed this event were clearly to some extent moved to challenge long-held assumptions about men’s and women’s proper places in society.

The 1960s

The major policy developments of the 1960's reveal the beginning of a slow transition away from protectionism and toward women's equal rights as the primary approach taken by the federal government toward women and work. This process was rooted in changes going on in the Democratic Party whereby the leadership sought to preemptively deal with the incipient decline of organized labour by cultivating women as a new base. This included efforts to help spur the modern women's movement (Costain, 1992; Wolbrecht, 2000), a movement which housed both difference-feminist descendants of protectionists as well as newly influential equality feminists. The Kennedy Commission on the Status of Women was convened in the early 1960's to advise the President on policies that concerned women, particularly working women. The noted protectionists who led the Commission, Eleanor Roosevelt and Women's-Bureau head Esther Peterson, had hoped that by making some concessions to protagonists of equal rights, they could "do away" with the rationale for an Equal Rights Amendment (Harrison, 1988; Kessler-Harris, 1982; Woloch, 1996). The Committee on Civil Rights, where the primary business of the Commission took place, sought to achieve equality for women workers while keeping protective laws in place. The Committee called for challenges to sexually discriminatory laws—but not protective laws—under the Fifth and Fourteenth Amendments (Woloch, 1996). The extent to which these protectionist goals were included as recommendations in the final report of the Kennedy Commission can be taken as an indication of the continuing, but gradually diminishing influence of protectionists. The recommendation was included that where maximum-hours were the best possible protection, these laws should be maintained, strengthened and expanded. Also included were the more equal rights-oriented recommendations of equal pay for comparable work, tax deductions for child care, and paid maternity leaves (Harrison, 1988: 127, 151-54; Woloch, 1996: 65).

The *Equal Pay Act* of 1963 was similarly indicative of both the rise of equal rights and the continuing influence of protectionism. This legislation requiring that persons performing the same work receive the same pay signaled the first time the Federal Government had ever outlawed sex discrimination in employment (Woloch, 1996: 65). However, there were numerous limitations and restrictions in the law, revealing the dual Women's Bureau's—still a protectionist outpost—goals of advancing equal rights for women in the workplace while keeping labour protections in place (Harrison 1988). As such, the hand of organized labour, long allied with protectionism, is also visible in the EPA (Costain, 2003). Even passage of the *Civil Rights Act* of 1964 and establishment of its enforcement agency, the Equal Employment Opportunity Commission, did not mean an end to protectionism until the end of the decade. Title VII prohibited discrimination in employment on the basis of race, colour, religion, national origin, and, thanks to Democratic Representative Howard W. Smith of Virginia, on the basis of sex (Brauer, 1983; Gold, 1981). While

on its face, the new law would have appeared to invalidate protective laws for women workers, the results were quite mixed. In 1966, the EEOC stated that so-called “beneficial” laws—the minimum wage, over-time pay, and rest periods—had to apply to both men and women. Remaining single-sex protective laws—maximum-hours laws, night work bans, weight-lifting restrictions, and exclusionary laws—would be left to litigation in the states (Babcock, Freedman, Norton and Ross, 1975).

Discussion and conclusion

On the whole, connecting up with the earlier section on the debates between difference and equality feminists over family leave, the foregoing suggests that as women’s place in the Democratic Party grew, long-existing divisions in the women’s movement persisted. The fact that federal family leave policy as instituted by the FMLA is gender-neutral and unpaid, while clearly indicative of the necessary role of inter-party compromise in achieving legislation, also testifies to continuing unresolved class conflict between more working-class oriented difference feminists and more elite oriented equality feminists. The fact that this conflict has a long history and is internal to the now Democratic-Party aligned women’s movement in turn suggests that the promise of genuine gender equity—entailing greater equality not only between men and women, but also among women—requires for realization a more difficult and drawn-out process than many accounts of family leave policy focusing on inter-party conflict and compromise allow for. The failure of virtually all efforts to expand on the FMLA, including most notably efforts to include pay replacement, attests to this difficulty (Ness, 2007a). In June of 2007, Senators Dodd and Stevens introduced paid leave legislation in the form of The Family Leave Insurance Act of 2007 (Ness, 2007b). However, the larger political context does not bode well, as other proposed expansions have not succeeded. Congress failed to override President Bush’s veto early in October 2007 of legislation renewing the Children’s Health Insurance Program, which included a measure to extend the FMLA for up to 6 months for families of wounded military personnel (Ness, 2007a).

As often happens in American politics, the states now appear to offer more fertile ground for paid leave policies. Numerous states now have family leave with limited income replacement, suggesting there may be greater capacity for ordinary working women and men across the class spectrum to make a difference in political arenas that are closer to home. Such efforts, starting at the grass-roots level with women’s and labour organizations, need to intensify to expand the number of working women and men eligible for pay replacement. Should the achievement of paid leave in the states reach threshold levels, paid leave at the federal level would become a reality thus establishing it as a right rather than a matter of good fortune for those living in states with the policy in place. Policies furthering genuine gender and class equality are clearly difficult to attain, but not impossible given the concerted and sustained efforts of

working women, men and the organizations representing their interests.

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