Policy Issue: The Family Medical Leave Act (1993)

A Narrative Analysis

ADS 720 Politics & Evaluation of Policy

Kimberly DeSimone

Niagara University

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Abstract

This paper explores the 1993 Family Medical Leave Act (FMLA) and maternity leave policy through the narrative analysis lens and within the context of the larger issue of turnover associated with childbirth. The biographic narrative interpretive method (BNIM) is also analyzed. The feminist critiques theoretical approach is utilized to explore maternity leave policy in a male-dominated hierarchy. FMLA policy is analyzed through the postmodernist conceptual debate considering power, hierarchy, privilege and hegemony. Lipsky’s Street Level Bureaucrats model (2010) is explored to examine how FMLA policy translates into practice. A global comparison of maternity policy is included. Media messages and the choice narrative are analyzed.

 Keywords: Family Medical Leave, FMLA, maternity leave, narrative analysis

The Bureau of Labor Statistics data (2012) show that women currently represent approximately 46% of management, professional, and related occupations in the United States, up from around 16% in the 1970s and 26% in the 1980s. Although these numbers show an increased representation of women in professional and management roles, research findings also show that women exit these positions at greater rates than their male counterparts (Cabrera, 2009; Carter & Silva, 2010; Hom, Roberson & Ellis, 2008). I am very interested in policies which influence women’s workforce transitions. Research shows that women exit the workforce for a host of reasons. Historically, childbirth and maternity leave have been the variables most highly correlated in the literature, with women’s turnover, intent to quit and career slow-tracking (Spiteri, & Xuereb, 2012).

In fact, since the mid-1990s, there has been a steady decrease in the labor force participation of married women with children under the age of six (Goodpaster, 2010). Goodpaster (2010) found that employed and expecting married mothers who live in an area without state-mandated maternity leave are significantly more likely to leave the labor force after taking maternity leave than those who live in an area with state-mandated maternity leave. Goodpaster (2010) asserts that “the increase in the proportion of mothers leaving the labor force due to federally-mandated maternity leave accounts for almost two-thirds of the overall fall in labor force participation” (p. 33). This type of data punctuates the significance of policies related to maternity leave in addressing the loss of female talent in the workforce.

**Policy Overview: Family Medical Leave Act (FMLA)**

The Family Medical Leave Act of 1993 (FMLA) is the only financial and job protection policy available in the United States to accommodate medical needs associated with the birth or adoption of a child, or the care of a child, spouse or parent with serious health conditions (Employment Law, 2008). According to Employment Law (2008) the FMLA was proposed to help families "balance the demands of the workplace with the needs of family (p. 605). In summary, the Act mandates that employers provide twelve weeks of unpaid, job-protected leave. The FMLA was the product of a nearly twenty-year legislative compromise (Employment Law, 2008).

**Lipsky’s Street Level Bureaucrats Model**

Michael Lipsky’s Street Level Bureaucrats model (2010) examines how policy translates into practice. Lipsky (2010) explained how in spite of policy, bureaucracy allows for “wide discretion over the dispensation of benefits…” (p. xi). This is highly relevant in terms of FMLA policy because variables including adjustments to the regulations, Department of Labor regulations governing the act, and corporate confusion related to complicated definitions and technical requirements have resulted in many employers and human resources professionals unintentionally violating some portion of the FMLA (M.B.J. 2002). This has also provided loop holes preventing the use or maximization of the benefit, thus negatively affecting the policy outcomes. An example of this is the 2008 revised regulation to FMLA related to the use of accrued paid leave.

Essentially, prior to this revision, employees had the right to use paid, accrued leave in place of unpaid leave. This reduced the financial strain of unpaid leave which hindered many employees from utilizing the full benefits of the time off benefits of FMLA. On November 17, 2008, the Department of Labor published revised regulations which no longer guarantee an employee's right to substitute accrued paid leave for unpaid leave unless the employee has complied with the employer's already existing leave-taking policies (Employment Law, 2008). It has been argued that this new interpretation of the FMLA may in practice “Render the Act useless for many workers whom the FMLA was enacted to protect” (Employment Law, 2008, p. 604). Policy issues exist related to criteria exclusions as well. FMLA does not apply to every employee-or every employer. For example, in order to be eligible for FMLA leave, an employee must have worked at an employer for at least a year, worked at least 1,250 hours over the prior year, and work at a location with 50 or more employees (Klerman, Daley, & Pozniak, 2013).

**Re-evaluating Existing FMLA Policy**

There is a strong argument for the need to reevaluate FMLA policy. In 2014, the Council of Economic Advisors to President Obama published a study titled The Economics of Unpaid and Paid Leave. The report examined the composition of workers with access to paid and unpaid leave using the Bureau of Labor Statistics 2011 American Time Use Survey (ATUS) which is considered the “best available source for detailed data on workers’ access to and experience with leave” (p. 3). The data show that a significant portion of the population lacks access to family leave policies, especially paid family leave with only 11 percent of workers being covered by formal paid family leave policies according to employers. In fact, the need to revisit the policy is one of social justice and inequity.

The Council found that there are, not surprisingly, large disparities in access to unpaid leave. This results in only those with certain financial means, to take advantage of the full maternity leave. Most simply can’t afford to take the time off unpaid. Access to paid leave was found to be particularly low for example, amongst Hispanics, less educated workers, and low wage workers. (Council of Economic Advisors, 2014). Overall, the study findings resulted in the Council expressing a “widespread need for more leave, both paid and unpaid”. The data shows that the unmet need for paid leave is “particularly acute among the most disadvantaged populations” (Council of Economic Advisors, 2014, p. 4).

**Maternity Policy: A Global Perspective**

The United States is one of the few industrialized nations that do not provide paid family leave for new parents. There are some states which provide paid family leave, but this is not a federal requirement. California, Connecticut, Hawaii, Maine, Minnesota, New Jersey, Oregon, Rhode Island, Vermont, Washington, and Wisconsin have enacted paid family leave policies (Catalyst, 2013). According to Catalyst (2013) California became the first state to enact a paid family leave act in 2002, allowing employees to take 6 weeks leave up to 55% of their weekly wages to care for a newborn, newly adopted child, or sick family member with every employee who contributes to the State Disability Insurance being covered, not just those in companies with 50 employees or more (as required through FMLA). None-the-less, this is a luck of the draw situation providing very little help to those states who have not enacted paid family leave policies, many of which (such as New York State) employ millions of women who might benefit from such policies.

According to a 2011 benefits survey of companies that are members of the Society for Human Resource Management, In the United States (as cited in Catalyst, 2013) less than 16% offered paid maternity leave beyond what is covered by short-term disability, 21.0% offered family leave above and beyond the required federal FMLA leave, and 18.0% offered family leave above and beyond their required state FMLA leave. A briefing paper from the Center for Economic Policy Research found that less than 30.0% of mothers took paid maternity leave (Boushey, 2005).

Even in the cases where 6-12 weeks of maternity leave were partially paid, this falls well below global averages. Some examples, according to Catalyst (2013) research, include Australia where paid parental leave (government funded) is up to 18 weeks paid at the national minimum wage, China, where the minimum length of maternity leave was increased in May 2012 to 98 days, Italy, where maternity leave lasts for five months (paid at 80% of mother’s usual salary), the Netherlands where women receive a guaranteed 16 weeks paid maternity leave, Russia, where women receive 140 days, 70 of which are to be taken prior to birth and 70 taken after birth, with up to 100% of salary at a ceiling (and, the maternity leave is mandatory!), and the list goes on (full list: <http://www.catalyst.org/knowledge/family-leave-us-canada-and-global>).

**Narrative Analysis Lens**

 The narrative analysis lens is a highly effective framework for analysis when considering the Maternity Leave Policy. According to Bridgman and Barry (2002), people and groups utilize narratives to construct problems and solutions. It is through listening to narratives that we come to understand perceptions of policy issues. Fischer, Miller, & Sidney (2007) explain narrative policy analysis as “stories- scenario and argument- that are taken by one or more parties in the controversy as underwriting and stabilizing the assumptions for policymaking in the face of issues’ uncertainty, complexity, or polarization” (p.251). According to Roe (2015) narrative analysis is useful when there is a need to gain a rich perspective, holistic, and dynamic view of a subject of matter. It is useful in evaluating policy problems, understanding their implications, and in making effective policy recommendations (Roe, 2015). McDougall (2010) explains that narrative analysis permits the systematic un-packaging of a told story which has the potential to “connect diverse topics including identity, social welfare and organizational strategy as it embraces legal, cultural and personal frameworks and contexts (p. 3)

 In Dr. Ayaga’s (2013) paper on universal education in Ghana, he asks the question “Whose voices, and whose interests?”. This is a highly relevant question when considering the role of narrative analysis in family medical leave policy. Too often, the narratives related to women’s workforce flexibility needs are expressed through the perspective of how it will effect businesses and economics rather than how it affects the women, their families, and society as a whole. A common narrative theme in the media is that maternity leave is a huge burden to a woman's employer. Common questions are consistently raised such as: why should the company pay extended absences for workers who aren't contributing? (6 common arguments, 2015). In fact, the burden so often articulated in the media is arguably blown out of proportion if not totally inaccurate. Many companies have found that increasing maternity leave significantly reduces turnover and increases the likeliness a women will return after her birth. The costs associated with high level turnover and lack of diversity far outweigh the costs associated with maternity leave (Faia, Lechthaler, & Merkl, 2014)

Some examples of organizations who have recently introduced extended family medical leave policies include the United States Navy which [recently began offering 18 weeks of maternity leave](http://www.pressherald.com/2015/08/03/another-view-navy-takes-the-lead-on-paid-maternity-leave/) for sailors recognizing that women who have maternity leave are more likely to return to work after their child's birth. According to the Los Angeles Times (Another view, 2015), the Navy’s calculations and estimates showed that the one- or two-time cost of 18 weeks’ paid leave (with the average American mom having two kids) pays off in savings from not having to retrain replacement workers. Likewise, when Google hiked its maternity leave, the rate at which new moms left the company was cut in half (Another view, 2015).

Another common narrative in maternity policy debates which has contributed to inadequate policy is that “becoming a mother is a choice, so why should others have to pay for your choice?” (6 common arguments, 2015). The narratives advocates utilize in retort to the choice narrative focus on a more equitable society in terms of choice. In a Bustle.com online article (2015), in response to fairness in others paying for “your choice” the author responds:

When you view motherhood as a choice and refuse paid maternity leave as a result, you're directly disenfranchising single mothers or lower income [parents who can't afford to take unpaid time off](https://www.hrw.org/news/2011/02/23/us-lack-paid-leave-harms-workers-children) from work in order to have children, which means some women are forced to choose between having children, working full time, or leaving work and putting a financial strain on their family. Many [women can't afford to do so](http://articles.chicagotribune.com/2012-05-06/features/ct-biz-0507-work-advice-huppke-20120506_1_national-partnership-women-families-women-and-work), which effectively robs them of their choice. (6 common arguments, 2015, para. 4)

It is important to note that “choices depend in large part on norms” (Lewis, 2008, p. 506). Men are not asked to make a choice between work and parenthood. This is not surprising given research which shows a clear and quantifiable motherhood penalty for women, estimated at around 5% per child (Anderson, Binder, & Krause, 2003; Kricheli-Katz, 2012). Here again, the issue of women’s choice and the opt-out storyline resurfaces, resulting in penalties for what is seen as the motherhood choice. Kricheli-Katz (2012) noted that the more entrenched the choice storyline, the greater the penalties are for working women, especially mothers.

**Media Messages and the Choice Narrative**

The choice narrative is prevalent in the media. Research examining the effects of media exposure demonstrates that media consumption has a measurable influence on people's perceptions of the real world, and, regardless of the accuracy of these perceptions, they are used by our brains to help guide subsequent attitudes, judgments, and actions. According to Bandura (2001) in terms of social cognitive theory, media messages serve as a meaningful source for the acquisition of gender-linked knowledge and the development of expectations of gender roles and conduct. Thus, representation of women as choosing motherhood in the media would be expected to play a role in viewers and readers perceptions and attitudes regarding maternity leave which may ultimately influence attitudes and perceptions (Behm, Morawitz and Mastro, 2008) resulting in less empathy and support for women in terms of family-friendly policies.

In fact, through research analyzing motherhood wage penalty data from 1988-2004, Kricheli-Katz (2012) found that more entrenched the choice narrative, the greater the penalties are for working women (overall) but especially mothers and the more likely policies would not favor maternity leave. Kricheli-Katz (2012) asserted, “When a situation is perceived as controllable, the moral judgment associated with that perception leads to discrimination” (p. 558). Narrative analysis is effective in helping understand how groups construct and understand problems and solutions.

Similar affects have been found when considering the choice of women to stay or leave after childbirth. In fact, the results of a content analysis of mainstream media discussing women leaving the workplace between 1980 and 2006 identified an “opt-out” theme in the majority of American newspapers (Williams, Manvell, & Bornstein, 2006). The acceptance of this narrative can help explain why FMLA policy helps so few. The choice narrative creates an unrealistic perception for a number of reasons. As (Williams, Manvell, & Bornstein, 2006 explain, it focuses overwhelmingly on the lives of professional/managerial women, yet these women comprise just 8 percent of American women, it pinpoints the pull of family life as the main reason women leave their jobs, a theme that runs contrary to studies showing that more than 85% of women cite workplace push factors (such as inflexible jobs) as their main reason for leaving. This has negative consequences on family friendly policies. It also creates an unrealistic view of the ease with which women re-enter the workforce after maternity leave.

Mainiero and Sullivan (2005) reviewed media coverage of women’s transitions out of the workforce and concluded that the opt-out story line was extensively present. The opt-out story line refers to media reports that women leave the workforce by choice rather than being forced or pushed out by powerful corporate and social systems (Cossman, 2009). The opt-out storyline is often used to explain women’s departure from the workforce as a choice whereby women choose to leave their jobs and stay at home to focus on child-rearing. The “moms stay home” story has caused penalties for many women in the workforce, even those without children.

Penalties associated with motherhood have been identified in the literature as representing a push variable correlated with women’s intent to quit. Kmec and Huffman (2011) conducted a study of 500 participants who evaluated fictitious cover letters, resumes and applications in which the researchers had manipulated the applicant’s gender and caregiver status. Kmec and Huffman (2011) found that there were more wage and hiring penalties associated with motherhood than fatherhood, which resulted in gender inequities. Kmec and Huffman (2011) asserted, based on their findings that perceived bias regarding motherhood versus fatherhood not only hinders women from being hired, but also drives them from the workforce even once hired.

**Wengraf’s (2001) Biographic Narrative Interpretive Method (BNIM)**

The biographic narrative interpretive method (BNIM) is aimed at analyzing three interrelated aspects of humanity: the person’s life history or life story (biography), how he or she tells it (narrative) and the social interpretation (interpretive) (Willemse, 2014). The experiences of women in terms of maternity leave and workforce transitions from the perspective of the women themselves are critical in affecting family medical leave policy. Willemse (2014) explains that “narrative expression is expressive both of conscious concerns and also of unconscious cultural, societal and individual presuppositions and processes, BNIM supports research into the lived experience of individuals and collectives” (p. 1).

Willemse (2014) assets the value of BNIM is in its ability to facilitate a better understanding of “historically-evolving persons in historically-evolving situations” (p. 2). Labor statistics confirm that women today have assumed more prominent role as leaders in the global workforce than in previous decades. According to the Bureau of Labor Statistics (2008), women currently represent approximately 46% of management, professional, and related occupations in the United States, up from around 16% in the 1970s and 26% in the 1980s. Unfortunately, societal expectations continue to propagate the idea that being a wife and raising a family are top priority for women, while career advancement and financial independence are secondary (Cinimon, 2006). This can be explained in part by the narratives associated with women in the workforce, choice and the need for family-friendly maternity leave policies. Within the narrative or story there is an ethical dimension depicting expectations of what a good person should do in certain circumstances (Willemse, 2014). This is interesting in considering the choices a “good mother” makes.

**Narrative Analysis: Perceptions of Maternity Leave**

McDougall (2010) asserts the importance of giving women a voice in their maternity leave experience explaining that existing frameworks may not accurately represent lived life experiences, values and expectations of all women, especially when faced with decisions about balancing work and family. Through narrative analysis McDougall studied maternity leave and uncovered the common theme of conflict which reinforced findings from previous research on work-family conflict and women’s career decision-making. In contrast to the existing findings however, McDougall also heard stories of “positive skills developed during maternity leaves” (p. 4). This example illustrates the role of women’s experiences in shaping the narrative from one of financial concerns for employers to one of potential benefits of maternity leave to the employer (through newly developed skill sets). This also contradicts an assumption that maternity leave is ‘non-career time’. As McDougall (2010) found from her interviews, a theme of “on-going work related skills development, gained from listening to lived life experiences offers a different, positive perspective to maternity leave in the context of working lives (p. 26).

McDougall (2010) proposes three archetypes that have emerged and survived over time with regard to the expectations related to motherhood; the “good mother”, the “terrible mother” and the “great mother” (Neumann, 1955 as cited in McDougall, 2010). Neumann (1955, as cited in Smeaton, 2006) argued that the good or great mother expectations frequently supported in the narrative conflict with ever increasing economic needs and often the desire for women to return to work (Smeaton, 2006). The “good mother” narrative which often results in so much role conflict has been challenged by some such as Buzzanell, Meisenbach, Remke, Liu, Bowers, and Conn (2005). Buzzanell et al. (2005) studied 22 women holding various types of managerial positions, including vice presidents, circulation managers, and human resources experts finding that these participants re‐framed the good mother narrative to a good working mother narrative which better fit their lifestyles To accomplish this reframing, participants engaged in three thematic processes supportive of the good working mother image: (a) good working mothers arrange quality child care; (b) good working mothers are (un)equal partners; and (c) good working mothers feel pleasure in their working mother role (Buzzanell et al., 2005, p. 261)

The effects of the “your choice, your problem” narrative can be seen in research findings which show that while society encourages mothers to return to work after the birth of their children, few attempts have actually been made to support them during this delicate transition (Spiteri & Xuereb, 2012). Spiteri and Xuereb study of women’s lived experiences going back to work after childbirth was aimed at better understanding the experiences of first-time mothers from their personal perspective including the challenges mothers expressed facing during the transitions prior to maternity leave, having a baby, taking 14 weeks of maternity leave, and then returning to work. Spiteri and Xuereb (2012) conducted a qualitative study by means of a semi-structured interview schedule at three different phases throughout the experience. The researchers used purposive sampling ultimately choosing ten women to participate in this study. The theoretical framework used to guide the study included phenomenology and transitional theory (Spiteri and Xuereb, 2012).

Spiteri and Xuereb (2012) argue that the actual lived experiences of new mothers who will return to work after their paid maternity leave hardly ever feature in academic literature. Review of the traditional media’s coverage of maternity leave similarly fails to consider the voices of the women involved in the debate (Williams, 2006). This may explain why FMLA covers only the medical needs of the mother (in terms of time to heal from birth) rather than the emotional, psychological and societal needs associated with leave associated with childbirth. Spiteri and Xuereb’s (2012) phenomenological study of ten participant included two semi-structured interview guides each containing eight general questions specifically planned for the purpose of the study. One interview guide was used to collect data prior to re-entry to work while the other was used after re-entry at both times (16th week interview and 20th week interview in the postnatal period). A criticism of narrative analysis is generalizability of a few narratives across a larger group, but the small sample size is not unusual in phenomenological studies since the emphasis is on gaining detailed accounts of individual experiences (Smith, Flowers, & Larkin, 2009).

In spite of the small sample size, as is seen in many narrative analysis studies, themes emerged which should be considered in policy making related to the experience of women beyond the physical healing process of childbirth which FMLA covers. The emerging themes from Spiteri and Xuereb’s (2012) interview questions which corroborated other narrative studies include included emotional volatility. The women spoke of a wide range of mixed feelings which included worries, feelings of sadness, panic, depression, bad moods, guilt and uncertainly, but at the same time they expressed excitement and a sense of looking forward to returning to work. One women from the study (“Lily”) exemplified this in her statement “I was very angry. Angry at the situation... ...angry at myself... ...angry at my husband. Angry at everyone and everything. I have to leave him and at the same time sad that I am feeling angry. Sorry that I’m feeling angry, a lot of mixed emotions”.

Certainly in line with the literature were expressions of work-life balance issues, work overload, time management issues, and even health issues with increased stress and anxiety. It is important to note that in spite of these variables, most women noted a desire to come back to work mixed with a feeling that they needed more time. They acknowledged the importance of this time and stated how they would have liked to have some more time to spend with their infants (Spiteri & Xuereb, 2012, p. 211). From a social point of view it is important to note that the researchers noted almost all women, spoke out about feeling a lack of support from their managers at their workplace which exacerbated the conflict. Conflict and balance are common themes in narrative analysis of maternity leave (see McDougall, 2010; Buzzanell et al.,2005; Spiteri & Xuereb 2012) yet there is little reflection of this in maternity leave policy.

**Narrative Analysis: Returning to Work**

Buzzanell et al. (2005) study utilized narrative analysis to interview and analyze the experience of twelve women in management about the emotional experience of maternity leave and returning to work. Unlike the media narratives which focus heavily on the pull for women (after childbirth) to stay home, and consistent with other narrative analysis findings (McDougall, 2010; Buzzanell et al., 2005) most women expressed positive feelings about returning to work in spite of their feelings of conflict. A common theme emerging amongst the participants was that, in the long run, they received “great pleasure in their work.” Buzzanell et al., 2005, p. 274). This is significant in terms of consideration when creating maternity leave policy. If organizations believe the narrative that women will likely end up quitting anyway after their maternity leave, there is less incentive to create maternity leave addressing the expressed issues of the women themselves which can result in failure to create policies that enable women to successfully return to meaningful work after maternity leave.

Returning to work after maternity leave and the choice narrative are notably intertwined and have been for decades. Buzzanell et al., (2005) and McDougall (2010) confirmed in their recent studies what Williams (1999) found, that culturally, women, unlike their male counterparts, feel a need to justify their decisions to work. This is ironic given U.S. workforce demographics showing that 73% of mothers with children under the age of 18 are in fact engaged in paid work. The data show that the unemployed mother is an exception rather than the rule (U.S. Department of Labor, 2004). Buzzanell et al. (2005) explains that by describing women’s need to engage in paid work as choice, we are not considering the realities for women. Narrative analysis helps to “create more realistic societal narratives of working motherhood” (p. 275). Givati and Troiano (2012) study explored research in psychology and linguistics influenced attitudes about maternity leave, and in turn, the length of maternity leave. Utilizing cross-country data on length of maternity leave, while controlling for other parameters, Givati and Troiano (2012) found strong correlations between our language-based measure of attitudes and the length of maternity leave. In short, the language/narrative influences attitudes which can insight gender discrimination which then negative effects policy.

Given women’s presence in the workforce, even after maternity leave, as shown in labor force data, it is interesting to consider the persistence of the women’s workforce “choice” narrative. Social narratives that men have to work and women choose to work lead to discrimination and lack of societal support for women which in turn leads to policies that are less supportive of women. This is reflected in our current FMLA policy which lags behind other countries. It is important to consider the theoretical approach and conceptual debate that also provide framework for the analysis of maternity leave policy.

The feminist critiques theoretical approach helps us consider the ways in which the literature (and the media) reinforce or undermine the economic, social and political oppression of women reinforcing the patriarchy (Fischer & Miller, 2006). The post-modernist conceptual debate is important in terms of questioning the essence of knowledge (McDougall, 2010). FMLA policy is worthy of scrutiny when analyzed through the postmodernist lens of power, hierarchy, privilege and hegemony. Understanding the complexities of why women leave requires epistemology which questions truth claims and the power structure (Hatch & Cunliffe, 2013).

**Theoretical Approach**

**Feminist Critique and Post-Modernist Conceptual Debate**

Postmodernists argue that there are as many different "women's experiences" as there are types of women (Harding, 1986). This makes the narrative lens useful in understanding women’s experiences and challenging FMLA policy for the lack of integration of the women’s experience. McDougall (2010) raises the question of whether or not every woman will have, or has, an individual (local) narrative and that there is no one common ‘story’ - or whether, as much of the narrative research has shown, common themes emerge. In either case a postmodern approach may be used to “analyze arguably hegemonic discourse” and “male gendered concepts of career.” (McDougall, 2010, p. 28) as it relates to maternity leave policy.

 Feminist approaches are important in any discussion related to a patriarchal society and in this case, the workforce. Statistics regarding women in power in organizations confirm the patriarchy is dominant in U.S. organizations. Despite progress in recent years in advancing the representation of women in the upper echelons of corporate leadership, progress is limited and many barriers to executive advancement remain in place. Harris (2006) emphasized that although companies have been sufficiently good at employing women and other minorities, they are not as good at “getting them up the ladder” (p. 62). These diverse groups are not advancing according to the skills and talents they offer their companies, in part because the true biases remain in the dark (Harris, 2006).

While women hold 50.3% of all management and professional positions, they make up less than 2% of CEOs at Fortune 500 and Fortune 1,000 publicly traded companies. White males, on the other hand, make up 98% of CEOs and 95% of the top earners of the 500 largest publicly traded companies. Without consideration of the women’s actual experience, it is hard to imagine how this group might influence policy that is in the best interests of the women who will be most affected by FMLA polices. Likewise, Lipsky’s Street Level Bureaucrats model (2010) is important to consider here in terms of how FMLA policy translates into practice in a patriarchal environment. Lipsky (2010) explained how in spite of policy, bureaucracy allows for “wide discretion over the dispensation of benefits…” (p. xi). The narratives expressed by the women in Spiteri and Xuereb’s (2012) illustrate the limitations of policy when it is interpreted without consideration of the women’s experience “the reaction of their boss upon their return to work was one of insensitivity to the experience the women were going through.” (p. 209).

McDougall (2010) explains that “All feminist approaches have in common a reaction to a

male-dominated society (p. 6) whereby liberal feminist theory looks to organizations and how they should change, radical feminism focuses at a societal level and extends its philosophy to consider legislation while postmodern approaches question the very essence of our knowledge. “Narrative analysis offers a powerful means by which to explore women’s subjective experience, in context and in through their own words describing their as such represents an effective method to tap into real working lives.” (McDougall, 2010 p. 7). This perspective has not been included in the creation of FMLA policy. As noted early in this paper, The FMLA was the product of a nearly twenty-year legislative compromise (Employment Law, 2008). The competing narratives were those of protecting the needs of the family (the advocacy perspective) versus the more powerful business community which “feared the burdens of administering the Act and felt that job-protected leave would likely impact the economic profitability of business and the availability of jobs” (Employment Law, 2008, p. 605).

 When the starting point in the debate is that women shouldn’t even be allowed to keep their jobs if they go on maternity leave, it’s not surprising that the compromise is an extremely limited policy which is seen as inadequate based on a host of empirical studies which show that the policy does not meet the needs of the primary stakeholder. Kraft and Furlong (2010) identify selected criteria for evaluating public policy proposals including criterion such as effectiveness, equity and social acceptability which are particularly important in assessing family medical leave policy. Given turnover rates associated with maternity leave even after the enacting of FMLA, it is clear the current policy is not achieving its goals. Palley and Shdaimah (2011) argue that child care overall has not been a core social policy concern in the United States, and that the Family Medical Leave Act, though intended to help families care for children has “failed the children and families that they are purportedly designed to help” (p. 1162).

 Equity speaks to fairness or justice related to the distribution of the benefits and costs across the population (Kraft & Furlong, 2010). The narrative is important in terms of who is benefiting and who is paying. With FMLA legislation, the narrative was framed as us (business) versus them (women who choose to have children). Likewise, social acceptability or “the extent to which the public will accept and support a public policy or proposal” (Kraft & Furlong, 2010, p. 154) is influenced by the narrative. As Bridgman and Barry (2002) explain, people and groups utilize narratives to construct problems and solutions. It is through listening to narratives that we come to understand perceptions of policy issues. The narrative can shape the perception on the issue. McDougall (2010) argues that “narrative analysis might shed light on how to offer a coherent non-paradoxical career theory by listening to women’s voices at the very time when the difference between men and women cannot be ignored: the time of motherhood” (p. 10).

**Conclusion**

Childbirth and maternity leave have been the variables most highly correlated in the literature, with women’s turnover, intent to quit and career slow-tracking (Spiteri, & Xuereb, 2012). Yet child care overall has not been a core social policy concern in the United States (Palley & Shdaimah, 2011). The U.S. lags all other advanced countries in providing paid family leave, an important reason why women’s participation in the workforce has stalled in the U.S. and now lags many other developed nations (Council of Economic Advisors, 2014). FMLA policy is a start but comes from a place of compromise (Employment Law, 2008) with little attention given to the effectiveness of the policy or the equity of the voices influencing the policy. McDougall (2010) asserts the importance of giving women a voice in their maternity leave experience explaining that existing frameworks may not accurately represent lived life experiences, values and expectations of all women, especially when faced with decisions about balancing work and family.

Narrative analysis is a useful lens in evaluating policy problems, understanding their implications, and in making effective policy recommendations (Roe, 2015). While diffusion and innovation may be relevant lenses to consider in analyzing FMLA policy (especially given the advanced family medical leave policies globally) and while the advocacy coalition lens is important in terms of representing the interests of multiple stakeholders, we have to go back to the question Dr. Ayaga’s (2013) paper on universal education in Ghana asks which is the important question of “Whose voices, and whose interests?”. “Narrative analysis adds insights, allowing research findings to be interwoven – and thus give further validity to previous findings” (McDougall, 2010, p. 24).

**Politics & Policy**

The current administration has taken a number of steps to promote paid family and medical leave for working families. President Obama has been vocal in his support for a number of initiatives and has initiated policies including supporting paid sick leave, helping states establish paid family leave funds, supporting parental leave for federal employees, and working towards modernizing the FMLA which in its current state does not cover approximately half of the workers who would benefit from it (Council of Economic Advisors, 2014). That said, policy without a clear understanding of the narrative as expressed through the lived experiences of the women themselves is destined to fall short and this is evident in an FMLA policy. Twenty years after President Bill Clinton signed the [Family and Medical Leave Act](http://www.dol.gov/whd/fmla/), many advocacy groups and the women themselves feel they must still must choose between their family and their job in many cases. Everback’s (2009) work-life balance study found that women feel pressured culturally right from the offset to choose between work and family obligations. FMLA is not effective or equitable and society is still struggling to accept the need for it. As such, narrative analysis can assist in what McDougall (2010) coins the systematic un-packaging of a told story which has the potential to “connect diverse topics including identity, social welfare and organizational strategy as it embraces legal, cultural and personal frameworks and contexts (p. 3).

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