


Work-Life Balance in US Law Using the Example of California

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Abstract: In the United States, parents' entitlements, including the right to childcare leave, are regulated primarily by federal law and state law. An example of a state law, which is discussed in this paper, is the law of California, which is one of the leading states in terms of worker rights. The implementation of a work-life balance policy in California is mainly focused on extending childcare leave entitlements, guaranteeing that this leave is paid, enabling flexible work arrangements and facilitating the use of these entitlements by men.

1. Preliminary Comments

The situation in the labor market is not easy for women caring for their children. In the United States, there has been a significant increase in the number of working women, and at the same time they are disproportionately burdened with childcare responsibilities. Only 32% of working fathers regularly participate in childcare. As a result, the difficulty of combining work and childcare primarily affects women.¹ Therefore, it is important to

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¹ See: Chelsey Jonason, “Keeping Mothers in the Workplace. Shifting from McDonnell Douglas to Protect Employees Who Use FMLA Leave,” *American Bar Association Journal of Labor & Employment Law* 32, no. 3 (2017): 453.

develop solutions that will at least reduce this difficulty. Childcare responsibilities shared by parents and flexibility in employment are manifestations of a work-life balance policy. In the United States, leave entitlement regulations have been expanded over the years to provide statutory protection for the period of childcare, which can be used by both mothers and fathers. Also, efforts have been made to create flexible workplaces.

Difficulties in entering work and personal life may, on the one hand, occur when acting, which may be prohibited by neglecting non-work responsibilities, including family ones, or avoiding them.² Excessive work effects are the result of what causes the consequences of reducing the frequency of employee's work.³ The negative effects of this conflict include: an increased stress level, job dissatisfaction, reduced performance or burnout. Lack of work-life balance affects employee's mental health and well-being.⁴

In the United States, parents' entitlements, including the right to childcare leave, are regulated primarily by federal law and state law. Federal law includes the Family and Medical Leave Act (FMLA) of February 5, 1993, which guarantees to workers the right to take leave to deal with family problems and serious health issues without fear of losing their jobs. The example of state law discussed in this paper is the law of California. One must keep in mind that California is one of the leading states in terms of worker rights. In 2002, California became the first US state to provide paid family leave to those who want to take time off from work to establish a bond with their newborn baby or provide care for family members in need. Two and a half years later, statistics showed that: (1) women had filed 80% of paid family leave requests in California, twice as many as men; (2) nearly 90% of the requests concerned establishing a bond with a newborn baby

² Joseph G. Grzywacz and Nadine F. Marks, "Reconceptualizing the Work-Family Interface: An Ecological Perspective on the Correlates of Positive and Negative Spillover Between Work and Family," *Journal of Occupational Health Psychology* 5, no. 1 (2000): 111–8, quoted in: Anna M. Skórska, "In Search for Balance in Life Professional and Personal Preferences and Expectations of Poles," *Rynek pracy* 187, no. 4 (2023): 8 et seq.

³ Jeffrey V. Johnson and Jane Lipscomb, "Long Working Hours, Occupational Health and the Changing Nature of Work Organization," *American Journal of Industrial Medicine* 49, no. 11 (2006): 921–9, quoted in: Anna M. Skórska, "In Search for Balance," 8 et seq.

⁴ See: Sanja Stojković Zlatanović and Marta Sjeničić, "Normative Approach to Workers' Mental Well-Being in the Digital Era," *Review of the European and Comparative Law* 57, no. 2 (2024): 72.

and the remaining 10% concerned caring for family members; (3) of those who took the leave to establish a bond with their newborn baby, 0.4% were foster parents, 0.7% were parents who had adopted a child, and the rest, more than 98%, were biological parents.⁵

Parents' entitlements are regulated by the California Family Rights Act (CFRA) and the Pregnancy Disability Leave Act (PDL). In addition to legislation, the actions taken by employers are also important. Many companies in California, especially those in the technology sector, have a corporate culture supportive of parents, promote a parent-friendly work culture and offer not only flexibility, but also support programs, such as on-site child care spaces, paid parental leave and other forms of family support. Companies are introducing their own solutions, more favorable than those provided for in the regulations, which are intended to make it easier for employees to have a work-life balance. Despite the progress achieved in many sectors, flexible work arrangements are not available in all industries to the same extent. For example, in sectors where physical presence is required (such as manufacturing or retail), the ability to benefit from flexible work hours may be limited. This also applies to California, which has a diverse labor market. In larger cities such as San Francisco and Los Angeles, work flexibility is more common than in smaller urban centres. Flexible work arrangements are a response to the growing demand for work-life balance. However, the availability of such arrangements depends on the industry, company size and location.

Some states have made minor improvements in specific areas of their work-life balance policies to improve the minimum standard under the FMLA. In Iowa, for example, women have greater access to pregnancy-related medical leave under the state law than under the federal law. Even though the Iowa state law provides leave for women in smaller companies and with shorter working hours than the federal FMLA, the state law provides a shorter maximum leave period (a maximum of eight weeks, compared to 12 weeks under the FMLA). Pennsylvania provides longer leave periods for its state government employees but has not passed legislation

⁵ Paula G. Ardelean et al., "The Development of Employment Rights and Responsibilities from 1985 to 2010," *American Bar Association Journal of Labor & Employment Law* 25, no. 3 (2010): 449 et seq.

that broadens access to such leave for workers in the private sector. In 2008, New Jersey adopted programs founded on much older and well-established temporary disability insurance schemes that workers had previously used to take time off from work due to serious health problems. Other states have expanded the federal FMLA by making unpaid family and medical leave available to employees who are not covered by the federal law. However, the reality is that 18 states, including, for example, Georgia, North Carolina, Utah and Wyoming, do not have any state laws or policies that help private sector workers or even state government employees to better meet the work-related family needs when a new baby is born.⁶

The problem, however, is that only half of all employees have access to unpaid leave protected by labor laws under the FMLA. In the United States, only 11% of workers have access to paid family leave provided by their employers. Only about 50% of first-time mothers can arrange any form of paid leave in the form of sick days or holidays, for example under disability or other insurance. Moreover, less than 40% of all workers have access to short-term disability insurance through their employers. Such disability insurance provides partial pay during an employee's sick leave.⁷

The US legislation does not define the term “work-life balance,” but it appears, for example, in the literature of programs of state action to improve the situation of parents caring for children. It is clear from § 2601(b) of the FMLA that the purpose of the act is to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to advance the national interest in preserving family integrity.

Work-life balance policies influence the formation of employees' entitlements related to parenthood and childcare in a way that enables them to achieve the right balance between their careers and work, and their private and family lives. It is also intended to lead to equality between men and

⁶ Paid family and medical leave provides families time to care without jeopardising their financial stability; see: David A. Rosenfeld, Nina G. Fendel, and Anne Yen, *California Workers' Right*, 5th ed. (Berkeley: Center for Labor Research and Education, University of California, 2016), 19–20.

⁷ *Ibid.*, 19.

women in terms of labor market opportunities and to encourage men to take an equal share of parenting and caregiving responsibilities.⁸

A review of childcare leave entitlements under federal law and California state law helps determine the criteria for obtaining the right to take this leave, the duration of the leave and the safeguards that create certain guarantees for the employee, as well as the ways to make the workplace flexible. This will allow us to assess the extent to which employees can implement the work-life balance concept. In addition, the comparison of these solutions with European law, specifically with Directive 2019/1158, will enable their evaluation.

2. Right to Childcare Leave

2.1. FMLA

The Family and Medical Leave Act (FMLA) is a federal law that grants to eligible employees 12 weeks of unpaid leave to establish bonds with their newborn baby, care for a sick family member, that is leave needed for certain family and medical reasons (including the birth of a child and a serious health problem of a child or other family member). During this time, the employee's job is protected, since his or her employer must guarantee the employee's right to return to the same or comparable position at the end of the leave. Also, during the leave, the employee cannot be made redundant or have his or her employment conditions worsened upon return to work. During the leave, the employer continues the employee's group health insurance under the same conditions as before the leave.

The employer may not refuse to grant the leave to an employee, but employees may agree on the dates and details of this leave in a manner consistent with the organizational needs of the company. Employees of companies

⁸ Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers (OJ L 2019.188.79), hereinafter referred to as Directive 2019/1158. For more on the concept of a work-life balance policy, see: Barbara Godlewska-Bujok, "Work-life balance po polsku – najważniejsze refleksje po nowelizacji z 2023 r." ["Work-Life Balance the Polish Way – The Key Thoughts After the 2023 Amendment"], *Radca Prawny* 35, no. 2 (2023): 11 et seq.

with 50 or more employees are entitled to the leave if they have worked for their company for at least 12 months, including at least 1,250 hours.⁹

2.2. CFRA

The California Family Rights Act (CFRA)¹⁰ is a state law and, like the FMLA, it allows eligible employees to take 12 weeks of unpaid, protected leave in a period of 12 months to establish bonds with their new child in connection with the birth, adoption, or placement of a child in foster care, or to care for a seriously ill family member – a child, a parent or a spouse, or due to the employee's serious health problems (i.e., for specific family-related or medical reasons). The scope of the term “family member” has been expanded to include registered partners living in the same household and adult children. This leave can be used by both mothers and fathers. Parents can choose to take the leave at the same time, or the father may take the leave later when the mother has used up her part of the leave. The leave can be taken at one time or divided into parts depending on the circumstances. The employer may not refuse to grant the leave to an employee.

This leave may be granted if the employee meets the conditions specified in the law. The employees benefitting from this entitlement must have worked for the employer for at least 12 months, including at least 1,250 hours, in the case of an employer with 50 or more employees.

The employees are entitled to job protection, which involves a guaranteed right to return to the same or comparable job after the leave. During an employee's leave under the CFRA, his or her employer is required to maintain his or her group health insurance under the same conditions as if the employee did not take the leave.¹¹

⁹ For more information, see: James J. McDonald, Jr., *California Employment Law. An Employer's Guide* (Society for Human Resource Management, 2020), 28 et seq., 194 et seq.; Lisa Guerin and Sachi Clements, *The Essential Guide to Federal Employment Laws* (NLO, 2022), 211 et seq.; David A. Rosenfeld, Nina G. Fendel, and Anne Yen, *California Workers' Right*, 5th ed. (Berkeley: Center for Labor Research and Education, University of California, 2016), 138; Rebecca J. Mead et al., *The Struggle to Juggle Work and Family* (Los Angeles: Center for Labor Research and Education, School of Public Policy and Social Research, UCLA, 2000), 12–8.

¹⁰ California Government Code Section 12945.2. California Code of Regulations, Title 2, sections 11087–11098.

¹¹ Rosenfeld, Fendel, and Yen, *California Workers' Right*, 139–40; California Code of Regulations, title 2, sections 11087–11098.

2.3. PFL

California offers a Paid Family Leave (PFL) program, which allows both men and women to take a partially paid leave to care for a newborn baby. The mother cannot transfer her PFL to the father, but both can use their individual PFL entitlements at different times, allowing for a longer combined leave.

The leave is partially paid to ensure a partial compensation for the loss of the parents' wages for both the mother and the father so that they can care for their newborn child. During the PFL, the parents' wages in California are paid by the California Employment Development Department (EDD)¹² and not by the employer. The PFL program typically provides payment of about 60% to 70% of the employee's previous wages for up to eight weeks. The pay can be received in full at one time or divided over a 12-month period. The funds come from payroll taxes, which are paid by employees as part of the State Disability Insurance (SDI) premiums. Employees should meet certain conditions, such as an adequate number of hours worked and paid SDI premiums. Employers may allow employees to use holiday, sick, or paid leave, or other leave to supplement the PFL benefits to receive 100% of their wages.

Employers may be required to maintain health insurance under the same conditions as before the leave. In order to bond with their newborn baby, employees can take a leave at any time during the first 12 months after the baby is welcomed into the family.

The PFL does not provide job protection, but only financial benefits for the duration of the leave. However, employees may qualify for job protection under other leaves they are entitled to under other laws, which may be taken at the same time as the PFL. For example, the Fair Employment and Housing Act (FEHA) does not provide job protection during the PFL, but provides job protection for those receiving disability insurance (DI) due to a disability related to pregnancy, childbirth or health problems.¹³

¹² Employment Development Department. State of California, accessed October 30, 2024, <https://edd.ca.gov/>.

¹³ For more information, see: Rona Levine Sherriff, *Balancing Work and Family* (Sacramento: California Senate Office of Research, 2007), 7 et seq.; California. Work and Family Advisory Committee, "The Future of California. Work and Family Programs. Report and Recommendations" (The Committee 2000), 20 et seq.

2.4. PDL

The Pregnancy Disability Leave (PDL) is granted to the mother only and is intended to be taken before and after childbirth in connection with the inability to work due to pregnancy or childbirth. The mother cannot transfer this leave to the father.

The PDL is a pregnancy disability leave and is granted to employees who are incapable of working due to pregnancy, childbirth or related medical conditions. The PDL covers a range of pregnancy-related conditions, including severe morning nausea, prenatal and postpartum care, postpartum recovery and any pregnancy-related complications.

All employees working for an employer with five or more employees can benefit from the PDL. There are no requirements regarding the minimum total work experience or the number of hours worked. The PDL leave may be up to four months long.

Employers must guarantee the right to return to the same or other comparable job at the end of the leave. In addition, employers are required to continue the employee's group health insurance during the PDL under the same conditions as if the employee did not take the leave.

The PDL is an unpaid leave, so employees can use sick leave, holiday leave or paid disability benefits (such as state disability insurance [SDI] or paid family leave [PFL]) to receive benefits during that period. It is worth noting, however, that California's disability insurance system has been expanded to provide partial replacement benefits for employees in California.¹⁴

3. Flexible Work Arrangements

Another element of the work-life balance policy, in addition to providing employees with leave for family-related reasons or serious health problems, is the expansion of workplace flexibility arrangements. California law allows for flexible work arrangements, but such arrangements require the consent of a majority of a company's employees, which can limit their availability.¹⁵

¹⁴ California Code of Regulations, Title 2, Sections 11035–11051; California Government Code, Section 12945.

¹⁵ California Commission on the Status of Women and Girls (CCSWG): Women's Policy Research (IWPR), accessed October 30, 2024, <https://women.ca.gov/>.

In addition, California's law requires overtime to be accrued after eight hours of work per day, which complicates the adoption of flexible work schedules at no additional cost to the employer.¹⁶

However, more and more companies in California offer family-friendly policies. Elements of flexible work arrangements include: (1) flexible working hours: employees are allowed to adjust their work start and end times to meet their needs better than standard working hours; (2) remote work, which allows employees to perform their work from home or another location outside the office; remote work can be full or partial, allowing for greater flexibility in child care, especially in emergencies when a child is sick; (3) part-time work, which can be combined with other flexible forms of employment, such as remote work or flexible work hours; (4) child care breaks: breastfeeding breaks or other forms of breaks related to caring for young children; (5) a shorter work week, where employees work longer for fewer days per week, giving them an extra day for child care or other family responsibilities; (6) job sharing: two people share one full-time position, allowing each to work part-time.¹⁷

4. Work-Life Balance Using Microsoft as an Example

As for a work-life balance policy, companies can introduce their own solutions that do not violate federal and state laws. An example is of such a company as Microsoft, which offers more favorable leave entitlements and flexible work arrangements.

For most jobs, Microsoft allows its employees to work remotely for a part of the time – less than 50% of the work hours is considered standard – assuming that the manager can cooperate with his or her team. Flexible work schedules are also possible. However, part-time work still

¹⁶ For more information, see: Jennifer Barrera, "California Must Fix Labor Laws to Reflect Shift to Remote and Hybrid Work Arrangements," Advocacy, December 1, 2022, accessed October 30, 2024, <https://advocacy.calchamber.com/2022/12/01/california-must-fix-labor-laws-to-reflect-shift-to-remote-and-hybrid-work-arrangements/>; Mead et al., *The Struggle to Juggle Work and Family*, 19–35; Joan C. Williams, *Reshaping the Work-Family Debate. Why Men and Class Matter* (Harvard University Press, 2012), 38–9; California. Work and Family Advisory Committee, "The Future of California," 6–7; Government Code, section 19851.

¹⁷ "Making Flexible Work Arrangements," SHRM, accessed October 30, 2024, <https://www.shrm.org/topics-tools/tools/toolkits/managing-flexible-work-arrangements>.

requires the approval of a supervisor. In addition, Microsoft has extended the parental leave for mothers and fathers. New mothers are granted eight weeks of fully paid disability maternity leave and all parents of new children are granted 12 weeks of parental leave, of which four weeks are paid and eight weeks are unpaid. As a result, parental leave paid at 100% has been extended to a total of 12 weeks for all mothers and fathers of new children. For biological mothers, this is in addition to the eight weeks of maternity leave on account of their inability to work, which they were entitled to previously, which is paid at 100%, allowing them to take a total of 20 weeks of fully paid leave if they choose to do so. In addition, biological mothers are offered an extended possibility to take a short-term disability leave two weeks before the scheduled delivery date to cope with the physical effects of the pregnancy and prepare for the upcoming childbirth.¹⁸

Microsoft also offers to the eligible parents a flexibility in taking the leave. They can take the parental leave in one uninterrupted 12-week period or divide the leave into two periods. Parents also have the option of gradually returning to work part-time.¹⁹

Another entitlement offered to Microsoft's employees is 12 paid days off (including two floating days off), in addition to the paid leave to which employees are entitled. In addition, the company encourages its employees to work during hours that are most suitable for them and that allow them to complete tasks as expected. Work schedules can therefore vary according to individual needs. Working hours can be discussed with the recruiter and/or hiring manager during the recruitment process.²⁰

At Microsoft, there is a concept of "unlimited time off," called "discretionary time off," which applies to all employees in the US and involves a more flexible leave policy. Microsoft offers 10 days of corporate leave, leave of absence, sick and mental leave and time off for jury duty or mourning. Workers employed on an hourly basis and workers outside the US cannot be granted unlimited time off. Federal and state laws that govern wages

¹⁸ "Flexible Work," Microsoft, accessed October 30, 2024, <https://careers.microsoft.com/v2/global/en/flexible-work>.

¹⁹ Kathleen Hogan, "The Employee Experience at Microsoft: Aligning Benefits to Our Culture," Microsoft, August 5, 2015, accessed October 30, 2024, <https://blogs.microsoft.com/blog/2015/08/05/the-employee-experience-at-microsoft-aligning-benefits-to-our-culture/>.

²⁰ Ibid.

and work hours make it difficult to offer unlimited time off to workers employed on an hourly basis, and workers outside the US retain their current leave benefits under the laws in force in other countries.²¹

Some companies in California, especially in the technology sectors, actively promote the taking of leave by men, offering the same leave terms for both sexes and supporting parents in sharing family responsibilities.²²

5. Directive (EU) 2019/1158 on the Work-Life Balance for Parents and Carers

In the countries of the European Union, supranational law is EU legislation, which is binding, for example, in the form of directives. This is a legal act that requires implementation into national law. This changes national law either by modifying existing regulations or issuing a new piece of legislation. A directive stipulates minimum standards, so each member state must develop its own regulations on how to implement these rules.²³ The applicable directive in the field of parental rights is Directive of the European Parliament and of the council (EU) 2019/1158 of June 20, 2019 on work-life balance for parents and caregivers and repealing Council Directive 2010/18/EU.²⁴ The purpose of the Directive (EU) 2019/1158 on the work-life balance for parents and carers is to facilitate the achievement of a balance between work and personal life, divide the parental rights between the parents, ensure a level playing field for both sexes in the labor market, as well as provide possibility for personal care for a child. Directive 2019/1158 defines the individual entitlements related to paternity leave, parental leave, childcare leave,

²¹ Tom Warren, “Microsoft Employees Are Getting Unlimited Time Off,” The Verge, January 11, 2023, accessed October 30, 2024, <https://www.theverge.com/2023/1/11/23550470/microsoft-employees-unlimited-time-off-2023>.

²² Loeb & Loeb LLP and Society for Human Resource Management (SHRM), which discuss these issues in detail; Michelle La Mar, Sarina Saluja, and Kimberly Stallworth, “A Recap of the New California Employment Laws That Took Effect in 2023,” Loeb & Loeb LLP, February 2023, accessed October 30, 2024, <https://www.loeb.com/en/insights/publications/2023/02/a-recap-of-the-new-california-employment-laws-that-took-effect-in-2023>; “Managing Workplace Flexibility in California,” SHRM, accessed October 30, 2024, <https://www.shrm.org/topics-tools/tools/toolkits/managing-workplace-flexibility-california>.

²³ See more: “European Union Directives,” European Union, accessed October 30, 2024, <https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=LEGISSUM:l14527&frontOfficeSuffix=%2F>.

²⁴ OJ L188, 12 July 2019, item 79.

the granting of time off in emergencies (resulting from force majeure) and flexible work arrangements for employees who are parents or guardians.

Paternity leave is granted on the occasion of the birth of a child to the father or the equivalent second parent. It is a paid leave and its duration is 10 working days. EU member states may allow flexible use of this leave. The right to paternity leave does not depend on the total work experience or length of employment, nor does it depend on the employee's marital or family status (Article 4 of Directive 2019/1158).

Parental leave is a leave granted to parents due to the birth or adoption of a child for the purpose of caring for the child (Article 3(1)(b) of Directive 2019/1158). It is four months long and should be taken before the child reaches a certain age – a maximum of eight years. However, Directive 2019/1158 encourages fathers to take parental leave by providing that two months of parental leave may not be transferred to the other parent. To be granted parental leave, employees may be required to have worked for the employer for a certain period of time or have a certain total work experience, but these periods may not exceed one year. Parental leave may be taken on a flexible basis (Article 5 of Directive 2019/1158).

A new entitlement is care leave, which allows the provision of personal care or support to a relative or a person living with the employee in the same household who requires substantial care or substantial support for serious medical reasons (Article 3(1)(c) of Directive 2019/1158). Care leave may be granted for five days per year (Article 6 of Directive 2019/1158) and is unpaid. Within the meaning of the Directive, a relative is defined as a son, a daughter, a mother, a father, a spouse, or a partner in a civil partnership, where national law recognizes such partnerships (Article 3(1)(e) of Directive 2019/1158).

Another new entitlement is the right to time off due to force majeure for urgent family matters caused by an illness or an accident, if the employee's immediate presence is necessary. Member states may limit an employee's right to time off for reasons associated with force majeure to a certain amount of time per year or per specific incident (Article 7 of Directive 2019/1158).

Flexible work arrangements mean the ability of an employee to adjust his or her work organization, including remote work, flexible work schedules, or reduced working hours (Article 3(1)(f) of Directive 2019/1158).

Employees with children up to at least eight years old have the right to request flexible work arrangements (Article 9 of Directive 2019/1158).

The exercise by an employee of his or her worker rights related to his or her parental and caregiving functions should not adversely affect the employee's status and treatment in the workplace (Article 11 of Directive 2019/1158).²⁵

6. Conclusions

The regulations that govern the granting of childcare leave and obtaining payments during this period are quite complex. This is because state and federal laws overlap in terms of the acquisition of the right to leave of absence and becoming eligible for disability or sick leave. State policies most often broaden the minimum federal policy limit set by the FMLA. In the event of a conflict between state and local laws, the law that is more favorable to employees applies.²⁶

The CFRA and the FMLA guarantee to parents the right to 12 weeks of leave to care for their newborn baby. Leaves under the FMLA and the CFRA are not consistent, as employees in California may qualify for 12 weeks of leave in different situations. Pregnancy and childbirth are treated as a serious health condition that justifies up to four months of PDL for pregnancy-related disability, and then another 12 weeks of leave available under the CFRA can be taken to care for and bond with the newborn baby. The father can take PFL after the mother's maternity leave ends. In addition, fathers who qualify for a leave under the CFRA may also need up to 12 weeks to care for and bond with their newborn or newly adopted child. Therefore, if the mother takes advantage of California's PDL program, then the father can use some or all of the 12 weeks of leave available under the FMLA during that program. Otherwise, the female employee

²⁵ For more information on Directive 2019/1158, see: Justyna Czerniak-Swędzioł, "Urlop opiekuńczy i zwolnienie od pracy z powodu działania siły wyższej – (nie) trafione uprawnienia pracownicze?" ["Care Leave and Time off from Work Due to Force Majeure – (Im-) Pertinent Worker Rights?"]], *Monitor Prawa Pracy*, no. 1 (2024): 14 et seq.; Katarzyna Wępa, "Projektowane zwolnienie od pracy z powodu działania siły wyższej w perspektywie wdrożenia dyrektywy 2019/1158 do polskiego porządku prawnego" ["The Planned Time off from Work Due to Force Majeure from the Perspective of Implementation of Directive 2019/1158 in the Polish Legal System"], *Monitor Prawa Pracy* 19, no. 3 (2022): 21 et seq.

²⁶ McDonald, Jr., *California Employment Law*, 311.

can take the PDL on account of her pregnancy and childbirth, then another six weeks of leave under the CFRA to bond with her newborn child, and shortly after returning to work she can take another 12 weeks of leave for a justified reason under the FMLA.²⁷ However, it should be borne in mind that only part of the leave is paid, and it can be extended if the employee is benefitting from the national disability insurance. In total, the relevant laws offer significant protections and benefits to ensure that pregnant workers and new parents take the necessary leave without fear of losing their jobs or healthcare benefits.

This demonstrates that the legislation governing the right to childcare leave, the sharing of childcare duties between parents and the provision of flexible work arrangements are the main elements of ensuring the work-life balance of employees. However, the involvement of fathers in childcare is not sufficient: for example, in 2018, only 25% of those who requested PFL to care for their newborn babies were men. Despite the increase, however, most men do not take full advantage of the leave they are entitled to.²⁸ Only increased awareness and a change in employers' policies can improve this situation.

On the other hand, a comparison of the provisions of US laws and the solutions arising from European law, especially Directive 2019/1158, shows that their objectives are the same. This is because their basic intention is to create conditions for work-life balance by enabling the sharing of parental rights between parents and using time off from work to care for children in a flexible manner. The types of these leave entitlements and their lengths in the US and European laws are different, and it is difficult to assess clearly in which laws they are more favorable. Indeed, under the US law, employees may benefit from their parental entitlements for various reasons, including illness and disability. Systems/programs for securing these entitlements also vary, and include those created by employers themselves. Therefore, the parents may be eligible to benefit from different types of parental entitlements.

²⁷ Paid family and medical leave provides families time to care without jeopardising their financial stability, p. 20. For more information, see: Rosenfeld, Fendel, and Yen, *California Workers' Right*, 153.

²⁸ "Reports," California Commission on the Status of Women, accessed October 30, 2024, <https://women.ca.gov/reports>.

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