Closing the Divide: President Trump's Maternal Leave Policy and the "Highest, Hardest" Glass Ceiling

By Anna Troutman

"I know we have still not shattered that highest and hardest glass ceiling, but some day someone will and hopefully sooner than we might think right now," Hillary Clinton said in her November 2016 concession speech, days after her opponent, Republican Donald Trump, pulled off a shocking electoral victory. As I watched Secretary Clinton, the first female candidate nominated by a major party for president of the United States, give her speech, I was hopeful, but overwhelmingly skeptical, that her message would ring true. Existing gender divides in the U.S. are larger than ever. The anti-women rhetoric of our President became a late-night comedy punch line during the campaign. I found myself wondering what effect this presidency would have on the prospect of another competitive female presidential candidate. Could this administration possibly promote policies that would clear the way for the next Hillary Clinton?

It is no secret that women and men in the U.S. workforce face an economic divide. According to the World Economic Forum, the U.S. saw only 75.2 percent female to male economic participation in 2016 (World Economic Forum, 2016). Although Western Europe also has a 25 percent gap between equal opportunities for men and women, their gap has gradually narrowed, while North America lags three percentage points behind and has stagnated in closing that distance (World Economic Forum, 2016). The unequal burden of childbearing is unmistakably a contributor to this divide; gender discrepancies reliably appear in the workforce when workers reach childbearing age.

Lack of legislated maternity leave is the low-hanging fruit of policy problems among the many factors limiting women's workforce mobility. The U.S. is one of only two countries (and the only developed nation) that does not have, at minimum, legally-protected, partially-paid leave for postnatal working women (Suddath, 2015). Studies have shown that maternity leave is closely correlated with female economic participation: countries with longer fully-paid maternity leave have a higher percentage of women participating in their workforce. Paid leave increases female long-term earning potential and improves the overall economic health of the nation (U.S. Department of Labor, 2016).

Federally protected maternity leave in the U.S. is restricted to the Family Medical Leave Act of 1993 (FMLA), which is limited in scope. FMLA requires only companies with 50 or more employees to provide up to 12 weeks of unpaid leave to new mothers and guarantee a job upon return. Employees must satisfy numerous qualifications to be eligible, including employment at that company for at least twelve months and a minimum of 1,250 hours worked during that year (FMLA, 2016).

Fully inclusive solutions to paid parental leave are challenging to find. In the last decade, robust paid maternity leave policies have been pioneered on the state level in California, New Jersey, and Rhode Island (U.S. Department of Labor, 2016). But gaps in coverage persist and disproportionately affect the most vulnerable working women: single mothers and women at low income levels who cannot afford to lose hours. Employer-based paid maternity leave programs are rare; many companies find the policies prohibitively expensive, and fear that costs will be compounded by the risk of losing employees to

motherhood. A federally mandated paid parental leave policy remains, by far, the most effective solution.

President Trump put forward a federal maternal leave policy in his September 2016 campaign speech in Aston, Pennsylvania. He articulated a childcare policy built around six weeks of partially paid maternity leave for working mothers. This benefit would extend existing unemployment insurance already provided by companies, creating no new cost to employers – all expenses would be paid by offsetting reductions in the program (Trump Campaign, 2016).

President Trump's proposed policy shares many aspects with other successful paid maternal leave policies. In particular, it is strikingly similar to a piece of legislation that stagnated in the U.S. Senate in 2013. Senator Kristen Gillibrand's (D-NY) proposed solution would have mandated employers to offer new parents 12 weeks of paid leave at 66 percent of their salary; this leave would be financed through existing channels of insurance (Suddath, 2015). The bill has been quietly ignored by the Senate Finance Committee since its introduction.

Here, President Trump has been presented with a unique opportunity. Investing in children is one of the few issues on which Democrats and Republicans unreservedly agree. With a Democrat-sponsored bill proposing a nearly identical framework for maternal leave as his own suggested policy, Trump has a low-risk opening to reach across the partisan divide and cooperate on an issue with lasting impact. Though Trump's proposed policy leaves much to be desired – it has no provisions for paternal leave or adoptive parental leave, recognizing only a limited family structure – it is a first step for which America is long overdue.

A day after watching Secretary Clinton speak, I took the time to listen to President-Elect Trump's victory address. "As I've said from the beginning," he shared, "ours was not a campaign, but an incredible and great movement made up of millions of hard-working men and women who love their country and want a better, brighter future for themselves and their families" ("Transcript: Donald Trump's," 2016). If President Trump propels his movement forward by supporting working mothers through bipartisan channels, the best of his campaign promises will begin to ring true. America will continue to be great. He may even help achieve what Secretary Clinton had hoped to do: to shatter the "highest, hardest" glass ceiling sooner than we think.

Anna Troutman is in her first year of the MPP program at the Frank Batten School of Leadership and Public Policy. A 2014 graduate of the University of Virginia, Anna holds a BA in Foreign Affairs and East Asian Studies. Her areas of policy interest include international affairs, gender-based issues, and humanitarian aid. She hopes to work in diplomacy after graduation.

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