

Paid bonding leave, which is a form of family leave, provides caregivers critical time off to bond with a new child within one year of the child's birth, adoption, or foster care placement and promotes employment, supports parent-child bonding, and improves parent and child health. Paid medical leave allows workers to take time off to recover from a serious medical illness or event, including childbirth.

A rigorous review of federal labor and leave policies over the last 175 years shows that paid family leave has been inaccessible for many families with low incomes, particularly families of color. Specifically, the availability and accessibility of paid family leave has been limited for these families due to discriminatory policies and practices that created a segmented labor market, subjective judgments of "deservingness" related to financial support and legal protections, and the exclusion of individuals from opportunities to build wealth and human capital.

The following table provides an overview of key labor and family leave policies throughout history; to learn more, read the full report [here](#).

Program – Policy	Effective Year	Target Population	Enforcement Authority	Worker Protection/Family Care Provisions	Access and Implementation
National Labor Relations Act (Wagner Act)	1935	Employees at private-sector workplaces.	Created the National Labor Relations Board as a federal agency to enforce labor protections.	Provided the right to seek better working conditions and designation of representation without fear of retaliation.	Among other groups, FLSA and the Wagner Act originally excluded agricultural and domestic service workers, occupations in which Black workers were concentrated due to widespread employment discrimination.
Fair Labor Standards Act (FLSA)	1938	Employees working in interstate commerce, or in the production of goods for interstate commerce.	Created the Wage and Hour Division of the US Department of Labor to administer and enforce the new law.	Set a minimum wage of 40 cents per hour and a maximum workweek of 40 hours (to be phased in by 1940), and restricted child labor.	

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Key Amendments to the FSLA					
FLSA Amendments of 1961	1961	Workers employed in retail trade and construction.	Amended the FLSA.	Expanded coverage and raised the minimum wage to \$1.25 (phased in for all covered workers by 1965).	Employees in the newly covered industries were 90% White, this amendment did little to improve wages for workers of color.
Equal Pay Act of 1963	1963	Female workers.	Amended the FLSA; enforced by the Department of Labor until 1979 when enforcement transferred to the Equal Employment Opportunity Commission (EEOC).	Prohibited employers from paying different wages for the same job on the basis of sex.	Required employers to give “equal pay for equal work” and gave women legal grounds to seek back pay in cases of discrimination.
FLSA Amendments of 1966	1967	Workers employed on large farms, working for schools, hospitals, nursing homes, and other previously excluded service industries.	Amended the FLSA.	Substantially expanded minimum wage coverage through removing or narrowing exemptions.	The expanded coverage effected nearly one-third of Black workers, raising their wages, and narrowing the Black-White wage gap.
FLSA Amendments of 1974	1974	Government and domestic service workers.	Amended the FLSA.	Expanded coverage and raised the minimum wage for nonfarm workers to \$2.30 (phased in by 1976).	Extended minimum wage coverage to domestic service workers, an industry that is majority women of color and previously excluded under the FLSA.
Title VII of the Civil Rights Act of 1964	1964	Employers with at least 25 employees, with exemptions for religious organizations.	Created the Equal Employment Opportunity Commission (EEOC) to enforce Title VII.	Prohibited discrimination based on race, color, religion, sex, or national origin in hiring, firing, pay, conditions of employment, or promotion.	Ended legal discrimination in workplaces and labor unions and prohibited segregation in places of public accommodation; considered the end of the Jim Crow era.

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Pregnancy Discrimination Act	1978	Workers who could become pregnant or had been pregnant in the past.	Amended Title VII of the Civil Rights Act of 1964.	Specified that pregnancy discrimination is a form of sex discrimination, and prohibited employment or workplace discrimination based on current, past, or potential pregnancy or medical conditions related to pregnancy and childbirth. Required employers and states to treat pregnancy and childbirth like any other temporary disability.	States with Temporary Disability Insurance (TDI) programs (California, Hawaii, New Jersey, New York, and Rhode Island) were required to start providing paid leave to pregnant workers to be used in the period immediately before and after birth.
Family and Medical Leave Act (FMLA)	1993	Employees of federal, state, or local government, and of all private employers with at least 50 employees.	US Department of Labor.	Required employers to provide 12 weeks of unpaid, job-protected leave to eligible employees who have serious health conditions, need to care for sick family members, and/or take care of new children (by birth, adoption, or foster care).	Workers ineligible for FMLA are more likely to be people of color, low-income, and in less stable jobs; workers of color who are eligible are less able to afford unpaid leave.
California Paid Family Leave	2004 (Enacted in 2002)	Any California worker attached to the labor market prior to their family leave period, facing lost wages, and with sufficient prior earnings in a 12-month period.	Administered by the California Employment Development Department's State Disability Insurance (SDI) program.	Provided up to 6 weeks of Paid Family Leave payments, at a maximum rate of 55% of pre-birth earnings, to eligible workers who took time off work to care for a seriously ill child, spouse, parent, or registered domestic partner, or to bond with a new child.	First statewide program to provide wage replacement for workers taking bonding leave. Expanded paid leave benefits in California to non-birthing parents and extended paid leave available to birthing parents. The low wage replacement rate made leave unaffordable for workers with low wages.
Break Time for Nursing Mothers Act	2010	Employers with at least 50 employees, with exemptions for undue hardship.	Amended the FLSA.	Employers must provide a nursing parent reasonable break time and a private space (not a bathroom) to express breast milk.	Workers considered “exempt” under FLSA were not covered, which included most salaried workers, teachers, and farmworkers.

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Federal Employee Paid Leave Act (FEPLA)	2020	Federal civilian employees.	Amended FMLA, administered by US Office of Personnel Management.	Provided up to 12 weeks of paid parental leave in connection with the birth or placement (adoption or foster care) of a child.	Provided paid family leave benefits to roughly 2 million federal employees (about 1.3% of the civilian workforce). Black, White, and Asian workers are overrepresented in the federal workforce, Hispanic workers are underrepresented. ⁱ
Consolidated Appropriations Act, 2023					
Pregnant Workers Fairness Act (PWFA)	2023	Employees of private and public sector employers with at least 15 employees, Congress, federal agencies, employment agencies, and labor organizations.	Enforced by the Equal Employment Opportunity Commission (EEOC).	Required covered employers to provide reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an undue hardship.	Expanded job-protected unpaid leave to include all employees of businesses with fewer than 15 employees who may experience pregnancy, regardless of tenure in a job. This closed several gaps in the FMLA for birthing parents, but protections remain unpaid and do not cover non-birthing parents.
Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act	2023	Employers with at least 50 employees, with exemptions for undue hardship.	Amended the FLSA.	Extended eligibility for the rights to receive break time to pump and a private place to pump at work that is not a bathroom, that is shielded from view, and free from intrusion, and extended coverage to 1 year after a child's birth.	Extended protections to 9 million additional nursing or pumping parents who were previously excluded by loopholes in the 2010 Break Time for Nursing Mothers Act, including teachers and farmworkers.

ⁱ *Federal Workforce: Data Reveal Minor Demographic Changes 2011-2021 (GAO-24-105924).* (2023). US Government Accountability Office. <https://www.gao.gov/products/gao-24-105924>

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The Prenatal-to-3 Policy Impact Center translates the science of the developing child into state-level policies that have the strongest evidence of improving outcomes for infants, toddlers, and their parents. Based in Vanderbilt University's Peabody College of Education and Human Development, the Center's team of researchers and nonpartisan policy experts work with policymakers, practitioners, and advocates to navigate the evidence on solutions for effective child development in the earliest years.