WOMEN IN POWER: THE GENDERED NATURE OF WORK
AND ITS IMPACT ON THE IMPLEMENTATION OF FAMILY LEAVE POLICIES

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By

Kampala Taiz-Rancifer

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ABSTRACT

There are basic ideas about gender’s impact on market work, work that takes place in the paid labor force and care work that takes place in the home. Women, particularly mothers, live and work in a world shaped by assumptions and stereotypes about their gender roles. In fact, most women are expected to and actually do the bulk of the care work in families. However, the percentage of women who also participate in market work has increased dramatically since the 1950’s. As a result, these women have problems balancing their work and home responsibilities. Family leave policies designed to reduce the work/family conflict have been unsuccessful because they ignore the fundamental problem, gender bias.

The paper argues that gendered ideas about market/care work influence women in power to implement family leave policies more than their male counter-parts. However, in order to understand the leadership women take on family leave implementation we must first examine how and why the policies fail. Chapter one is a discussion of the rapidly declining traditional nuclear family and its influence on public policy design. The chapter also reviews the methods which include a literature review of secondary sources including books, essays, quantitative and qualitative research.

Chapter two examines family leave policy design based on the traditional nuclear family and assesses the policy implementation failures. This is
accomplished by reviewing studies on gendered roles of men and women in the paid market and the unpaid care work sector, and then by examining the literature available for family leave policies. These policies include, the Family Medical Leave Act (FMLA), California Paid Family Leave as well as family policies in the three leading Nordic countries. The policy discussion includes a review of the history, implementation concerns and growth of the policies.

Once we understand how and why the policies fail, we can turn our attention to the leadership women take on family leave implementation. Therefore, chapter three examines women in power and their impact on family leave policies. Literature that addresses this issue directly was not available or nonexistent. However, a review of women in powerful positions such as Board Directors, Senior Executives, Justices, Legislators, Politicians is examined to determine whether they create, modify or implement Family-Friendly Policies or support “women’s issues” in ways that benefit women more than their male counterparts do. Family leave policies can be thought of as family-friendly, therefore their support of such policies is used to infer support of family leave.

While chapter two examines the macro level barriers to family leave implementation, chapter four discusses the micro level difficulties. Chapter four reviews some of the workplace obstacles that impact women’s ability to advocate and mobilize around “women’s issues”. The discussion reveals that when women support one another or champion an issue, that it comes with significant consequences that many women choose to avoid.
Finally, chapter five reveals the findings that suggest, women in leadership positions do have a progressive influence on the implementation of family leave policies and/or “women’s issues.” The research indicates that when women have power they often use it to promote family friendly policies and/or “women’s issues.” However, so few women achieve positions of power that their ability to meaningfully affect these policies is relatively small.

In order to resolve the implementation problems we see from family leave policies we have to address the underlying gender bias that creates the issues in the first place. This paper suggests that women's ability to implement family leave policies will be dependent on a shift in gender role expectations. Family leave implementation will have greater success if women (and men), begin to advocate for larger systemic changes. These changes include radical policy redesign modeled after Nordic Countries, the enforcement of equal pay legislation, a campaign to normalize dual responsibility in care work and desegregating employment. However, as JoAnn Heffernan Heisen, World Wide Vice President and Chief Information Officer at Johnson and Johnson suggests, it is women, because of their experience with the work-family conflict, who will have to act as change agents to remove barriers that keep men and women from equally taking and accessing family leave.
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By
Kampala Taiz-Rancifer

Approved:  
Frank E. Scott, D.P.A., Thesis Advisor  
Department of Public Affairs & Administration

Date:  11-23-2010
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# TABLE OF CONTENTS

Abstract .................................................................................................................... ii
Approval page ........................................................................................................ v
Acknowledgements ................................................................................................ vi
List of Tables ......................................................................................................... x
Glossary .................................................................................................................. xi
Chapter I: Introduction .......................................................................................... 1
   Methodology ........................................................................................................ 4
Chapter II: Gender Norms and their Impact on Policy ......................................... 7
   Socially Constructed Ideas About Market And Care Work ............................... 7
   FMLA ................................................................................................................. 13
      FMLA Policy Design and Implementation Concerns ................................. 14
   Paid Family Leave ............................................................................................ 19
      California Paid Family Leave ................................................................. 19
      CPFL Concerns ......................................................................................... 21
   Nordic Family Policies .................................................................................... 23
      NFP Concerns .......................................................................................... 28
Chapter III: Women in Leadership Positions ...................................................... 33
   Women on Board of Directors ....................................................................... 34
   Senior Executives ......................................................................................... 36
   Women Judges ............................................................................................... 38
   Women Legislators and Politicians ............................................................... 42
Chapter IV: Queen Bees, Wanna Bees, and Afraid to Bees ............................... 49
   Queen Bees .................................................................................................... 50
   Wanna Bees .................................................................................................. 54
   Afraid to Bees .............................................................................................. 55
   Power .............................................................................................................. 57
Chapter V: Conclusion .......................................................................................... 60
Bibliography ......................................................................................................... 63
Index ...................................................................................................................... 81
## LIST OF TABLES

<table>
<thead>
<tr>
<th>Number</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 1: American Family Structure</td>
<td>3</td>
</tr>
<tr>
<td>Table 2: Work Absences</td>
<td>9</td>
</tr>
<tr>
<td>Table 3: Work/Life for Dual Earner Households</td>
<td>11</td>
</tr>
<tr>
<td>Table 4: U.S. and Nordic Countries Paid Leave</td>
<td>24</td>
</tr>
<tr>
<td>Table 5: Father Targeted Entitlements</td>
<td>25</td>
</tr>
<tr>
<td>Table 6: Senior Executives</td>
<td>37</td>
</tr>
</tbody>
</table>
GLOSSARY

Afraid to Bee. Refers to women who do not to build alliances with other women or advocate for “women’s issues” because they fear they will become pigeonholed as a whiner or as incompetent.

Bread Winner. The head of the household. The sole source of financial support. This role is traditionally thought of as a male role.

Care Work/ Giver. Work that takes place in the home, i.e., cooking, cleaning, childcare, elder care or care for a sick family member. This role is unpaid and is typically associated with women.

Dual Income Family. A family that has two adults that earn the household wages.

Essentialism. The belief that belonging to a group dictates one’s beliefs, values, or behavior.

Family Friendly Policies. Policies designed to help people balance their work and home lives.

Gender Bias. Discrimination against people because of their sex.

Glass Ceiling. A term to describe why qualified and competent women are paid less for the same work as men and passed over for positions with power.

Homosocial. A practice were men favor the social and workplace interactions of other men.

Ideal Worker. A person who spends 40 or more hours a week in the workplace and takes no time off.

LGBTQ. An acronym which refers to the lesbian, gay, bi-sexual, transgender and queer community.

Market Work. Work that takes place in the paid labor force.

Nuclear Family. is defined as a mother, father, and their children. While the definition has expanded to include same-sex couples, single parents as well as households with extended family, this discussion will use the original definition.
Queen Bee. Refers to women who choose not to build alliances with other women or advocate for “women’s issues” and instead isolate themselves from their female colleagues and in some cases sabotage the success of other women.

Social Construction. The process of creating reality based on beliefs which then become widely accepted as the norm.

Traditional Nuclear Family. Refers to heterosexual couples with a male breadwinner, a female stay at home care giver and their children.

Wanna Bee. Refers to women who do not to build alliances with other women or advocate for “women’s issues” because they do not want to risk the possibility for promotion.

Women’s Issues/Women Friendly. Since gender is socially constructed, there are no intrinsic “women’s issues,” however women have organized themselves around issues that impact them. Historically these issues have been voting rights and gender discrimination. More recently, as the literature reviewed suggests, issues impacting women generally include, but are not limited to: flexible work arrangements, dependent care, health care, child protection, work/family issues, paid/unpaid family leave, gender discrimination, equal recruitment, equal promotion, role-modeling (career guidance) for women professionals, abortion and domestic violence.

Work-Family Conflict. When market work is incompatible with home-life or care responsibilities.
Chapter 1

INTRODUCTION

Fourteen years after the World Conference on Women in Beijing, one cannot help but wonder how feminist movements have truly affected chances for equality. One particular value continues to undermine women’s advancement globally: the traditional nuclear family, which can be characterized as heterosexual parents with a male breadwinner and female stay at home caregiver. ¹ This family formation is often the standard by which all families are judged. However, as you can see in table 1, these families are an anomaly making up only seven percent of U.S. families (Staff, 2003; Tucker & Hill, 2002). Despite the traditional nuclear family shrinking in proportion and that nearly 50 percent of the U.S. workforce is women, this outdated family structure still yields influence as it guides much of U.S. policy (U.S. Department of Labor, 2008).

Policy reliance on the traditional nuclear family has created significant challenges for family leave policies. However, women in power seem to be

¹ Nuclear family is defined as a mother, father, and their children. However, the definition has expanded to include same-sex couples, single parents as well as households with extended family (Encyclopedia Britannica, 2010). For the purposes of this discussion, however, mention of the traditional nuclear family will refer to heterosexual couples with a male breadwinner, a female stay at home giver and their children.
making an effort to close a gap created by failed family leave initiatives. The policies designed to address the work-life conflict, a phenomenon where work responsibilities collide with home responsibilities, have not achieved their desired goal. To understand why women in power are taking leadership on the implementation of family leave, we must first understand the values on which these policies are established.

Much of this paper discusses the work family conflict as it affects the traditional nuclear family, i.e., a heterosexual mother as a caregiver and father as breadwinner. Despite the fact that fewer of these families exist in the U.S. than many political and cultural pundits claim, the ideal is ingrained in American values and structures (Lakoff, 2002). This analysis therefore, focuses on the traditional family model because it is the foundation on which many fundamental policies as well as home and work life arrangements are predicated (Kyle, 2001). In fact, this is illustrated by an initiative promoted by former President Bush, the “Healthy Marriage Plan,” which set aside 1.5 billion dollars to encourage under or unemployed women with children to marry as a means of addressing the nation’s welfare problem (Grier and Jonsson 2004; Kyle, 2001).

The traditional nuclear family has embedded certain ideas about gender’s role in market work in the paid labor force and in care work at home for children and other family members. Ultimately, ideas about market and care work have a generous impact in the balance between work and more work at
home for women. These ideas demonstrate that men and women have different home life responsibilities and

Table 1: American Family Structure

![American Family Structure Diagram]


Note: Traditional households include married-couple households with children where only the husband is in the labor force.

that policies designed to reduce the impact of such responsibilities, like family leave, continue to present problems because the underlying ideas about market and care work are not addressed.

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2 There exists a debate about the basis of gender and its role on individuals and society. This paper is grounded on the idea that gender is socially constructed—it's limitations are defined by society through laws, behavior, language, and interaction etc., rather than biologically based (see Greaves, et al., 1996; Lorber, 2007; Glenn, 1999). Evidence of the inherent disconnect between gender and biology can be found in the way some lesbian and gay couples replicate gendered (i.e., patriarchal) social relations in the home, with one partner becoming the top or assuming the husband role, the other becoming the bottom or assuming the wife role (cf., Johnson 1991).
Fundamentally, gender bias creates the work-family conflict for women more than men. Unfortunately, part of the difficulty women have in negotiating both home and work responsibilities are a result of work structures and personnel systems that often reflect the life experience of those it was design for. In most cases this is white men (Newman & Mathews, 1999). The white male experience, their characteristics and values have become the norm, controlling how we understand ideal workers, fairness, neutrality, bias, leadership, power, family values, and more (Hall, 2004; Roediger, 2007; Bonilla-Silva, 2001).  

Therefore, the role of the few women leaders and managers in creating equality at work and home is crucial to understand. If women in power are influencing the implementation of family leave policies then ensuring women are in leadership positions would be a strong policy implication.

Methodology
To examine whether gendered ideas about market/care work influence women in power to implement family leave policies, this paper draws on data from the U.S. Department of Labor, California’s Employment Development

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3 The U.S. has a long history of white male dominance. Since Western colonization, white men regarded all other groups as “less equal in negotiating quality of life issues” (Hall, 2004). White male superiority was reinforced by legislation allowing these men to access to the justice system, property and education. These rights (often characterized by feminists and critical race theorists as unearned rights and/or over-privilege) were often enforced through violence (Roediger, 2007). The legacy of white male ownership of women and people of color cemented their control over social, civil and political life (Bonilla-Silva, 2001).
Department and the Ministry of Social Affairs to understand family leave policies like the Family Medical Leave Act, California Paid Family Leave and Nordic countries’ Family Leave policies.

Literature examining gender bias, work place flexibility and the work-family conflict relied heavily on the work of social policy leaders like Catherine Albiston, Jody Heymann, Arlie Russell Hochschild, and Joan Williams. 4 I consulted both national and global studies on women’s political and employment participation and found that when women are in positions of power they often use their influence to implement family leave and/or “women’s issues”. 5 The reviewed literature spans over a 30-year period beginning in 1978 to 2010. These studies, however, are limited in that they did not address the many reasons women are not able to support implement family leave and/or “women’s issues”. Therefore, I reviewed literature examining the Queen Bee phenomenon or women who compete and undermine one another. This research uncovered that women in tenuous positions of power or those who seek power do not risk their position to advocate for family leave and/or “women’s issues.”

4 Also known as Family friendly policies can be defined as “programs sponsored by the organization designed to help employees balance work and family roles. Including but not limited to health or stress management programs; Family and Medical Leave Act, alternative work arrangements, and dependent care support.” (Grandey & Cordeiro, 2001) They also include other arrangements such as, work breastfeeding areas (non-bathroom), on-site childcare or referrals, work-share options, part-time work, and paid family leave.

5 The phrase women’s issues are in quotes throughout the paper to bring attention to the idea that there is no intrinsic women’s issue, rather there are problems that unequally burden women. For simplicity, the phase is placed in quotes. Refer to the glossary for the full discussion.
The current lack of analysis dealing directly with women in power and their implementation of family leave policies limits the conclusions drawn here. Much of the current research focuses on women’s path to power instead of their behavior within these positions. Understanding women’s decision-making and actions as leaders can aid women’s advancement. Nevertheless, the pattern of women in power supporting family leave or “women’s issues,” warrants further research.
Chapter 2

GENDER NORMS AND THEIR IMPACT ON POLICY

Women in leadership implement family leave policies more than their male counterparts in an effort to compensate for policy failures. To understand how these failures occur we must not only examine the values on which the policies are predicated, but also the subsequent gender norms that influence policy design and implementation.

Socially Constructed Ideas About Market And Care Work

Gender is socially constructed and institutionalized through social practices made within a system of boundaries that define what is appropriate for each gender (Ridgeway & Correll, 2004). This process has created gender roles that have become normalized in the greater society. However, these gender norms do not accurately reflect today’s families and have contributed to the failure of family leave policies.

Social construction or the creation of social reality, is a homogenous term, because people across race, class, religious lines, etc., experience a vast difference in social realities. However, this paper will address socially and culturally constructed gendered work according to the experience of the majority of women in the United States, all of whom face limitations and inequality.
The traditional nuclear family (i.e., heterosexual married couples with children) shapes a great deal of social policy. A male head of household/breadwinner and a woman as the stay at home-unpaid caregiver characterize the constructed gender roles in these traditional families. These clearly defined roles helped the traditional nuclear family meet the demands of both home and work life. The traditional nuclear family became the standard; however, it was only a reality for those of at least middle-class means (Coontz, 2008). Today, these families are even less prevalent. As noted in chapter one, only seven percent of American households are traditional nuclear families (See Table 1). Instead, 93 percent of U.S. families live in other family structures like LGBTQ, single parent and dual-income families, yet family leave policies are predicated on these traditional stereotypes of family norms (See Table 1).

For many other families, work and home life responsibilities collide. Jody Heymans’ recent research suggests that, “30% of working adults experience at least one work disruption per week as a result of care giving issues” (Writer, 2000, p. 1; Heymann, 2000). As you can see from table 2, child care problems represent the largest number of work related absences. However, care for other family, including parents, spouse/partner, grand children and other kin were significant as well (Heymann, 2000).
**Table 2: Work Absences**

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Childcare</td>
<td>42%</td>
</tr>
<tr>
<td>Elder/Parental Care</td>
<td>15%</td>
</tr>
<tr>
<td>Spouse/Partner Care</td>
<td>12%</td>
</tr>
<tr>
<td>Other: Grandchild/Kin Care</td>
<td>31%</td>
</tr>
</tbody>
</table>

Data from Heymann, 2000

LGBTQ families face work-life balance problems because they do not conform to the heterosexual gender roles found in the traditional nuclear family formation. Most family leave policies do not make provisions for unmarried partners and since LGBTQ families are unable to marry by law, this group has been excluded in most family leave policy design (Snyder, 2006; Badgett & Frank, 2007; Gerstel, McGonagle, 1999). With the exception of a few states like California, those in LGBTQ families cannot take family leave for a partner or a child (not legally their own), if they become ill (Human Rights Campaign, 2010). As a result, employers have disciplined or terminated many LGTBQ workers who were taking time for care responsibilities (Badgett & Frank, 2007). These outcomes have the largest impact on lesbian families. Of the same-sex couples with children, 21 percent are headed by women while only 5 percent are male...

Living outside the traditional gender roles and family structure has not only excluded LGBTQ families, but single parents as well. Working single parents carry the greatest burden of balancing both market and care work. While 30 percent of workers take at least one day off per week, single parents often have to take additional time off (Burris, 1991; Son & Bauer, 2010). Consequently, many single-parents “were fired;…lost wages;…were denied promotion…” or were reprimanded for care taking responsibilities (Williams & Boushey, 2010, p. 86). Unfortunately, these outcomes are greater for women than men. Nationally, “9 out of 10 single parents are women” (Heymann, 2000, p. 157).

While living outside the traditional nuclear family structure has serious consequences for many families, living within them can be challenging as well. The gendered division of labor impacts who will perform care work. In fact, in heterosexual relationships and amongst siblings care work is almost always done by women. Research shows that for couples and single women without children, care for aging parents and sick relatives becomes the responsibility of women more than men (Hamilton, Gordon, & Whelan-Berry, 2006; Melchior, Berkman, Niedhammer, Zins, & Goldberg, 2007). Therefore, women experience higher rates of work related absences abandoning the possibility of maintaining their good employee or ideal worker status (Boyar, Maertz Jr., & Pearson, 2005;
Albiston, 2005 a, b). As a result, women often lose opportunities for promotion or additional responsibilities and have been disciplined for care related absences (Albiston, 2005 a, b).

Similarly, for the 13 percent of dual income families with children, the gendered division of labor also presents a work-life conflict for women more than men. As you can see from table 3, women have greater care responsibilities than men yet they participate almost equally in the labor market. In fact, according to one study, married men spend 44 percent less time doing household work than their spouses (Lincoln, 2008).

### Table 3: Work/Life for Dual-Earner Households

![Bar chart showing comparison between men and women in dual-earner households.](image)

Women in the workforce are, therefore, double-burdened by the social expectations of care-work and a traditional organizational ideology that emphasizes commitment to market work (Alkadry & Tower, 2008). Working
women are expected to achieve a SuperMom quality, or the ability to have market success while simultaneously maintaining a traditional nuclear family. Out of necessity, many women achieve the SuperMom status. Evidence of supermoms’ existence can be found in a study by Arlie Russell Hochschild. This study found that when care work is factored into overall work rates, women with families worked an extra month of twenty four hour days a year compared to men with families (Hochschild, 2003). Since many women actually do live up to these unequal gender expectations, men therefore have fewer care responsibilities. Further, since these men lack the same experience with balancing both home work with market work they are less likely to see the need for family-friendly policies as vigorously as women do. In fact, Joan Williams reports that:

Perhaps one reason today’s workplace has not adapted to the needs of today’s workforce is that top managers [mostly white men] often have no personal experience, and little sense, of what it is like when family and work responsibilities conflict, because their wives—and a few stay-at-home husbands—take care of their family’s needs (Williams & Boushey, 2010).

The work-life conflict exists for most working people. While women are impacted more significantly by it then men, men also report challenges balancing work and life responsibilities. According to the Catalyst report, 56 percent of men in the legal profession without children have experienced the work-life conflict (Rhode, 2003). Interestingly though, when these men list their criteria for
employment, the work-life balance ranked third, while women listed it as their number one priority (Rhode, 2003).

Nevertheless, both market and care work, paid and unpaid labor are equally important to providing satisfaction to men and women. As Deborah Rhode (2002) suggests, it is not only a woman’s issue, but men can benefit from addressing gender inequality, in order to achieve a more balanced and satisfying life.

FMLA

In an effort to remedy the work/family conflict, policy makers crafted the federal program, the Family Medical Leave Act (FMLA). FMLA was signed in 1993 by President Bill Clinton. Its provisions include the following:

Covered employers must grant an eligible employee up to a total of 12 work weeks of unpaid leave during any 12-month period for one or more of the following reasons: for the birth and care of the newborn child of the employee; for placement with the employee of a son or daughter for adoption or foster care; to care for an immediate family member (spouse, child, or parent) with a serious health condition; or to take medical leave when the employee is unable to work because of a serious health condition.

Here, covered employers are companies or organizations with at least 50 employees and all government agencies except
municipalities with less than 50 employees. Eligible employees are those who have worked more than twelve months or 1,250 hours (U.S. Department of Labor, 2010).

The purpose of the law is to protect workers from losing their jobs when they must tend to family obligations. Proponents intended the policy to be gender neutral in an effort to encourage more men to engage in care work. The authors did this by attempting to make the policy accessible to both men and women (Pavalko & Henderson, 2006). FMLA advocates claimed it would do so in a manner that would not hurt businesses. However, various researchers have suggested that FMLA is limited in scope, responding to the labor needs of those who already have access to financial and familial resources (Gertel, McGonagle, 1999). Within families and workplaces, gender circumscribes every person’s roles and responsibilities. As discussed earlier, women are seen as the caregivers for children, elderly, and other kin. Despite the policy writer’s intent, women are still more likely to take FMLA because the policy does not address gender bias.

**FMLA POLICY DESIGN AND IMPLEMENTATION CONCERNS**

There are numerous policy design and implementation concerns stemming from FMLA. This paper will focus on the gendered expectations of
market and care work which has made FMLA as it is currently crafted problematic. The main FMLA policy design flaws are in the following areas:

a. FMLA is unpaid leave premised on a traditional nuclear heterosexual family of at least middle class means, therefore it is not accessible to all groups, e.g., the working poor, LGBTQ parents, etc. FMLA addresses only the needs of people who are both heterosexual and already have additional social and financial support (Gerstel, McGonagle, 1999). For all others, the availability of paid sick or vacation time may be more valuable resource for workers trying to balance care work and market work (Pavalko & Henderson, 2006).

b. Many people, particularly women, people of color and the working poor, hold jobs in companies with fewer than 50 employees (Crouter & Booth, 2009). Therefore, they do not have access to FMLA.

FMLA policy design relies heavily on the traditional nuclear family formation. Of these traditional heterosexual married couples, only those with both adults in the labor market have real access to FMLA. However, not all dual earning couples who are challenged by the work-family conflict take FMLA leave. Dual earning families with higher incomes tend use their income to purchase private care providers as a way to balance the work and home life challenges, leaving less need to take family medical leave (Selmi & Cahn, 2006).
Further, those with high incomes tend to hold professional jobs, which may require longer hours of work, but also offer greater control over their schedules (Selmi & Cahn, 2006). Having more autonomy over their schedule allows these families greater ability to balance their work and home lives.

Low-income dual earning families also do not frequently use FMLA. According to Son and Bauer’s study, most low-income workers are employed in small businesses with less than 50 employees or they work part time, so they are not eligible for FMLA leave (Son & Bauer, 2010). However, low-income full-time workers in businesses with more than 50 employees also faced difficulties accessing FMLA. One worker noted that she barely made enough money to pay her bills. She said that, “if I take a day off they don’t offer you sick time. And if it’s my daughter that’s sick versus me that’s sick, I don’t get my sick time because I wasn’t sick, my kid was sick” (Gerstel, 2008).

Ultimately, FMLA is most often utilized by dual income middle-class families. In fact, Jane Waldfogel’s study reports that families with incomes ranging from $50,000 to $75,000 used FMLA most frequently. In one example of middle class nurses with median incomes of $60,000, reported taking FMLA when “they were pregnant, when their children fell sick, their spouse was injured, or their elderly parents needed them for some medical problem” (Gerstel, 2008). Many of these women have spouses with incomes that allowed them the freedom to take FMLA leave.
While FMLA can be best utilized by heterosexual dual earner families who are of at least middle class means, it is problematic for this group as well. According to the Levy Economics Institute, “the middle class, …debt-to-income ratio [has] reached its highest level in 20 years” (Wolff, 2007). While dual-income middle-class families appear to be stable, many are struggling to keep their families financially sound. In fact, countless dual-income middle-class families are one job loss, medical problem or hefty credit card bill away from bankruptcy (Sullivan, Warren, & Westbrook, 2000). As a result, few of these families have the luxury of taking FMLA’s unpaid leave.

Debt acts as a barrier for many dual-income middle class families, but gendered ideas about market and care work do as well. While women and men in dual earning households work nearly the same hours weekly, they do not often receive equal pay. The work women traditionally perform continues to be undervalued. Women are either segregated into low-paying jobs or they are not paid an equal salary for the same work men perform (Alkadry & Tower, 2006). As a consequence, when families decide who will provide care, salaries often become a determining factor (Duvander, Ferrarini, & Thalberg, 2005; Albiston 2005, a). This results in an unequal portion of women providing care. Furthermore, gender roles and stereotypes about who should do market and home work also influence family decisions about who will provide care. Many families, despite income considerations, automatically assume that men are the breadwinners and women are care takers.
Although design flaws create significant barriers to FMLA participation, organizational implementation impacts it as well. Unfortunately, organizations do not exist in a vacuum and these same bias narratives are carried into the workplace. However, the problems of gender role expectations are compounded by organizational culture. Many organizations subscribe to and thus help to normalize the notion that an ideal worker spends 40 or more hours a week in the workplace and takes no time off (Albiston, 2005, b). These organizations do not consider people who take time off for care responsibilities ideal. We see employers use both punishments and rewards as incentives for workers to meet the ideal worker model. Employers withhold raises and promotions of workers who have missed work, while other employers choose to reward workers with organizational benefits for having the least missed days. This reward/punish system makes it clear to employees that the model worker cannot have outside responsibilities (Albiston, 2005, b).

This ideal worker concept along with the care giver stereotype creates implementations problems for organizations and their employees. In an effort to sustain the ideal worker model, many employers block FMLA use to their employees. They block FMLA use to men because they believe men should be breadwinners who do not participate in care work (Albiston, 2005, b). Men are expected to spend their time at work, making them suitable and loyal workers. In contrast, employers tend to expect women will need to take time for care responsibilities. As a result, women are seen as liabilities and uncommitted
workers (Newman and Mathews, 1999). In fact, some employers do not hire women because of the perceived costs and disruptions to work women pose. While others make taking leave a barrier to raises and promotion, which essentially forces ambitious women to adhere to the ideal worker model (Blohm & Riveira, 2006).

FMLA, despite all intentions has fallen short of its goal to minimize the impact of the work/family conflict on American workers. The underlying gender bias not only shaped how the policy was crafted, but also how organizational leaders implement the policy.

**PAID LEAVE**

*California Paid Leave*

California Paid Leave was signed in 2002 by Governor Gray Davis. California was the first and remains one of only two states in the U.S. with paid family leave. This leave attempts to remedy the shortcomings that exist in FMLA. The policy provisions include:

1. Six weeks of partial pay each year while taking time off for the birth or adoption of a newborn baby or child, or to care for a seriously ill parent, child, spouse or registered domestic partner.

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6 New Jersey offers paid family medical leave and Washington State will have it in 2012.
2. The PFL program is 100 percent employee-funded. It is a form of coverage under State Disability Insurance (SDI) Program. Therefore workers who are eligible for SDI also qualified for PFL benefits.

3. PFL does not require an employee to work a minimum number of hours or days before becoming eligible for paid family leave benefits.

4. PFL benefits will replace approximately 55 percent of wages each year.

5. Employers may require a worker to use a maximum of two weeks of vacation time before receiving PFL benefits. If available, one week of this vacation time will be used to cover the seven-day waiting period.

6. Workers may receive PFL benefits during leave that is taken all at one time or on an intermittent basis in hourly, daily or weekly increments. (Employment Development Department, 2009; Paid Family Leave California, 2009)

Unlike FMLA, California Paid Leave policy is far more inclusive. Eligibility now includes domestic partnership which allows unmarried couples and/or those living in LGBTQ families a leave option. California Family Leave is paid which allows those with lower incomes access to the leave. In addition, almost all organizations public and private regardless of their size are covered by PFL. As a result, California PFL has enormous potential for
leveling the uneven use of family medical leave between classes of California residents and has already reduced the turnover rate for many of California’s organizations (Milkman & Appelbaum, 2004, p. 60).

_California Paid Leave Concerns_

Achieving paid leave was an important step in improving the work-life balance in the U.S. and certainly California is a leader in addressing the needs of working people. However, like FMLA, California PFL implementation is adversely affected by gender bias which impacts the policy’s effectiveness. The underlying gender bias influencing home and work life persists despite improved policy design. In California, 80 percent of the family leave claims are made by women (Sherriff, 2007). Regardless of equal pay legislation, men are still being paid more than women. Thus, in dual income households, the person with the lower wage (women) will likely take the time off of work (Duvander, Ferrarini, & Thalberg, 2005; Heymann, 2000; Williams & Boushey, 2010).

In addition to the unequal pay issues, the traditional nuclear family narratives continue to persist. For couples, these traditionally defined roles often dictate that women handle care work within the family. Therefore, despite improved policy design, implementation is still impacted (Milkman & Appelbaum, 2004).
Like FMLA, the traditional nuclear family narrative also seeps into California workplaces. California employers have blocked the implementation of paid leave because of the ideal worker model. Employers perceive leave as disruptive to operations. Therefore, they tend to deny workers access in several ways including, refusing women with small children employment opportunities, by rejecting workers leave requests and by failing to promote mothers based on the assumption that they won’t work hard enough (Bergen, 2008). In fact, in the 2006 case Glenn-Davis vs. City of Oakland, a female police lieutenant was awarded $2 million in damages when the jury found she was passed her over for a promotion because she was pregnant and had young children (Bergen, 2008).

There are many more examples of California employers discriminating against workers who take or attempt to take leave. One of the biggest barriers to leave for California workers is knowledge of the policies existence. Employers are supposed to post work place signs making employees aware of their right to the paid leave policy, however, few do (Milkman & Appelbaum, 2004). In 2007, less than 30 percent of California workers knew that paid leave policy existed (Crouter & Booth, 2009; Milkman & Appelbaum, 2004). Therefore, despite the policy’s intent and the improved design, the underlying gender bias that undermines FMLA also impedes the proper implementation of California Paid Leave.
Nordic Family Policies

Nordic countries are often commended for their generous family policies. Unlike U.S. policies, many Nordic countries place an emphasis on supporting parents, work and children. Research has shown that Nordic countries like Finland, Norway and Sweden rank the highest in family support policies as well as in gender equity (Ray, Gornick, & Schmitt, 2008). The family policies apply to individuals in the labor market. The benefits include:

1) Full-Time Equivalent Paid Leave
   a) Finnish parents receive 32 weeks of paid leave at 90 percent of their income for the first two months, then 70 percent of their income for the weeks thereafter (Myhrman & Säntti, 2007; Ministry of Social Affairs and Health, 2006; Forssen, Jaakola, & Ritakallio, 2008; Haataja, 2009).
   b) Norwegian parents receive 44 weeks of paid leave at 100 percent of their income or 54 weeks at 80 percent of their income (Eydal 2007; Haataja, 2009; Skevik & Hatland, 2008).
   c) Swedish parents receive 47 weeks of paid leave at 80 percent of their income (Bjornberg & Dahlgren, 2008).
2) Father Targeted Entitlements

a) Finnish fathers receive 18 weekdays of non-transferable time off, often referred to as *daddy days*. Father’s are reimbursed at 70 percent of their income. In 2005, 69 percent of fathers used *daddy days*, however only nine percent took additional parental leave (Myhrman & Säntti, 2007; Ministry of Social Affairs and Health, 2006; Forssen, Jaakola, & Ritakallio, 2008; Haataja, 2009).

b) Norway is the first Nordic country to introduce one month of *daddy days*. Today, fathers receive six weeks of non-transferable *daddy days* at 80 percent of their income (Skevik & Hatland, 2008; Haataja, 2009). The use of *daddy days* increased male participation in family

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7 Non-transferable leave refers to leave that can not be shared with the other parent. Father's must “use it or lose it.”
leave from 5 percent in 1992 to 85 percent in 2000. However, the use of additional parental leave is still relatively low (Lappegård, 2008).

c) Swedish fathers receive 60 daddy days of non-transferrable leave, reimbursed at 80 percent of their income. Paid daddy days have increased father leave from 7 percent in 1990 to 19 percent in 2004. Nevertheless, Swedish fathers only take 35 percent of the 480 parental leave days available to them (Björnberg & Dahlgren, 2008).

Table 5: Father Targeted Entitlements

<table>
<thead>
<tr>
<th>Daddy Days</th>
<th>US</th>
<th>Sweden</th>
<th>Norway</th>
<th>Finland</th>
</tr>
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<tbody>
<tr>
<td>0</td>
<td>0</td>
<td>18</td>
<td>36</td>
<td>60</td>
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3) Childcare

a) Finland provides public, private or at-home subsidized childcare. Children are entitled to one free year of pre-school before starting grade school. Otherwise, childcare costs in public day cares are based on a sliding scale. The maximum cost for public care per child is
€200 ($272.00) per month. For private childcare, parents are given €137.33 a month ($187.05) per child, however parents with lower incomes can receive an additional childcare supplement at a maximum of €134.55 ($183.27) per month. The third option is homecare for children under three. Homecare is subsidized at €294.28 ($483.00) a month per child. In addition to the childcare subsidies, Finland provides a child allowance for children under 17 at €100.00 ($136.21) per month. That rate is increased modestly for each additional child and single parents are given an additional supplement as well (Forssen, Jaakola, & Ritakallio, 2008; Ministry of Social Affairs and Health, 2006).

b) Norway has a mix of both public and private childcare. Funding for the childcare is shared equally between parents and the government. The cost of care for one child is NOK 2,250 ($381.00). Public and private childcare centers receive about NOK 2938 ($500) a month per child in government subsidies. For parents of children ages one to three, who do not receive any care or receive only part-time care, a cash allowance of NOK 3,303 ($558.00) a month is awarded. The award increases for each additional child and single parents are given a larger stipend (Skevik & Hatland, 2008; Equality, 2007; Rindfuss, Guilkey, Morgan, & Kravdal, 2007).
c) Similarly, Sweden also has public and private childcare. Public childcare is provided for children ages one to six, at no more than three percent of the household income. Children age’s four to six are given three free hours of pre-school a day, not to exceed 15 hours a week. Swedish parents also have the option of private childcare. While these groups are called private, they are largely non-profits and parent co-operatives that are a part of the municipals. In addition, parents are given a child allowance which is given to all children and is not means tested. Child allowances are €113 ($153.00) a month. Families are given a supplementary amount for each additional child up to €226 ($406.60) a month (Bjornberg & Dahlgren, 2008).

4) Housing Allowance:
Finland, Norway and Sweden all have housing benefits to supplement the income of very low-income families.

a) Finland’s housing allowance is means tested. Individuals and families receive an allowance after going through an eligibility process that calculates an individual’s age, ability, their marital status, the amount of rent paid and the square footage of the dwelling. The allowance can be used for either rented or owned property. In 2002, approximately 11 percent of Finnish households received a housing allowance. The average amount received for families with children €290($381.00) (Jäntti, 2007; Andress & Hummelsheim, 2009).
b) The Norway housing allowance is also means tested. Conditions for receiving an allowance are determined by household income, housing costs and the size of the dwelling. In 2008, there were about 100,000 households who receive housing allowances which makes up about two percent of the Norway population. In 2001, the average housing benefit in Norway was NOK 238 per month ($278.00) (OECD series, 2008).

c) Like Finland and Norway, Sweden’s housing allowance is mainly received by low-income families who are subjected to a means test. Individuals and families must meet income, housing and family size guidelines to become eligible. In 2005, on average, a single parent would receive €182 ($222) in housing benefits, while a two-parent household would receive €187 ($227) (Bjornberg & Dahlgren, 2008).

**Nordic Family Policies Concerns**

Like Americans, families in the Nordic countries also accumulate significant amounts of debt. In fact, 90 percent of their disposable income goes to pay for consumer debt (Liddle & Lerais, 2007). However, in the Nordic countries the intentional shift away from the traditional nuclear family model to a dual earner model has increased families ability to take family leave. Further, these policies have increased gender equity as well as male participation in
childcare leave. According to the *Global Gender Gap report in 2007*, Sweden, Norway and Finland ranked in the top three for gender equity and “have all closed over 80 percent of the gender gap...” (Hausmann, Tyson, & Zahidi, 2007, p. 16). The combination of full-time equivalent paid leave, father targeted entitlements, affordable quality childcare and housing has resulted in the high labor participation of women. In fact, women who have access to these benefits are said to have re-entered the workforce faster after childbirth than women who do not have access to these benefits (Duvander, Ferrarini, & Thalberg, 2005).

Clearly, the Nordic country progress far exceeds equality measures in the U.S. In fact, the *Global Gender Gap* report indicated that the U.S. is ranked 31st world-wide in gender equity and fell three points between 2006 and 2007. However, the authors report that “no country has yet achieved [full] gender equity” (Hausmann, Tyson, & Zahidi, 2007, p. 24). Even in the Nordic Countries, underlying gender bias influencing home and work life continue despite tremendous improvements to policy design. The notion that men are the breadwinners and women are the care givers is not unique to the United States. Like California’s paid leave, mothers in the Nordic Countries take 92 percent of the family leave excluding *daddy days* (Ellingsæter & Leira, 2006). According to research in Sweden, women continue to “perform the largest part of unpaid household and care work” (Haataja, 2009; Duvander, Ferrarini, & Thalberg, 2005, p. 4). Similarly, in a Finnish time study, mothers reported they spend two and a half hours providing childcare and another two and a half hours on
housework whereas fathers provide one hour of childcare and do about 45 minutes of household chores (Pääkkönen & Niemi, 2002).

As a result of these traditional nuclear family narratives, opportunities for women in the paid labor market are impacted. In fact, because women are thought of as care givers they are segregated into fields like teachers, nurses and administrators, which have historically been lower paying positions (Duvander, Ferrarini, & Thalberg, 2005; Melkas & Anker, 1998). Despite equal pay legislation, men are still being paid more than women. Finland, Norway and Sweden all report an approximate 20 percent wage gap between men and women (Alfredsson, 2009; Eurofound Annual Report, 2008). Thus, in dual income households, the person with the lower wage (women) will likely take the time off of work (Duvander, Ferrarini, & Thalberg, 2005; Lappegard, 2008).

In addition to traditional nuclear family narratives, organizational leaders also impact the implementation of family leave. Nordic Country employees are sometimes afraid to take leave because of the reported discrimination. Employers have been known to retaliate against workers who take leave by withdrawing employment contracts, terminating workers, changing their roles and withholding raises and/or promotions (Ellingsæter & Leira, 2006).

The traditional nuclear family narratives continue to define the roles of men and women. All too often women are expected to handle care work within the family. Therefore, despite significant improvements to policy design,
implementation is still impacted. For proper implementation of family leave policies, the underlying gender bias must be addressed.

**Conclusion**

Family leave policies fail at least in part because of gendered ideas about market and care work. In the U.S., market work reinforces the male breadwinner model by creating structures that do not allow individuals time for care responsibilities (Albiston, 2005, b). Since care work has been customarily done by women, women participating in market work experience the work-family conflict more often than men. However, even in Nordic Countries where extensive family policies help minimize the work/family conflict, care work still falls to women.

Research on family leave policies suggest that by adding additional policies, we can alleviate the work-family conflict disproportionately faced by women. For example, much of the literature reports that modifying policy design and organizational structures such as paid leave, childcare, flex-time, part-time work, job sharing, etc. would allow for better implementation of family leave policies (Albiston, 2005 a; Spain & Bianchi, 1996; Lewis & Lewis, 1996). In fact, studies have shown that if family leave policies are to be effective, both policy design and organizational structures changes will need to be made (Albiston, 2005 a; Williams, 2000; Fraser, 1997). However, as we can see in
California and Nordic Paid leave examples, policy design does not address the entire problem.

Changing structures through policy will not necessarily improve the implementation of family leave policies. Despite the presence of formal policies, implementation can still be impeded by gendered ideas about market and care work. Therefore, in searching for ways to redress this problem, we do not emphasize policy redesign or promoting fundamental changes in organizational structure, but rather focus on the leadership that implements the policies. Specifically, we examine gendered differences in leadership style.
WOMEN IN LEADERSHIP POSITIONS

The research shows that women in power generally support family leave or family friendly policies. Group think or biases are often used as the rationale to explain the similarities in women’s voting and thinking patterns. Of course, sex alone as a variable can lead to essentialism when used to examine the decision making and implementation patterns of women (Albiston, 2005a,b). 8 Clearly, religious and political affiliation as well as position on feminist issues, in particular would influence any person’s decision-making. However, the construction of gender and the subsequent discrimination often leads to shared social experiences among women. Out of these shared experiences are often common views on how to address problems. Historically, white men have held positions of power and as a result have shaped ideas of leadership, bias, neutrality, fairness and impartiality. In fact, these groups are seen as inherently possessing these qualities (Kincheloe, 1991; Powell, 2000). Therefore, as more diverse opinions are heard, questions about what constitutes leadership, bias

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8 We are cautious in presenting this argument because we in no way support an essentialist view of gender, i.e., the belief that belonging to a group dictates one's values, beliefs or behavior. This research does however lead us to believe that because of their shared experience with gender bias, women are typically more responsive than men to family leave policies. Recommended reading for essentialism discussion: Albiston, C. R. (2005). Anti-essentialism and the Work/Family Dilema. Berkeley Journal of Gender, Law and Justice, 30-49. Critical Race Theory: An Introduction. New York, New York: NYU Press, 2001, Chapter four titled Essentialism and Anti-essentialism of Delgado, Richard and Jean Stefancic.
and fairness emerge (Kristin J. Anderson, 2009). Does life experience shape leadership styles and decision making? The research below seems to suggest that life experience does shape these factors.

Ideally, research specifically examining women leaders’ treatment of family leave requests and related concerns would be consulted. However, given the absence of such published work at this time, we do the next best thing. We review the literature on women in power positions such as Board Directors, Senior Executives, Justices, Legislators and Politicians, to determine whether they implement “women friendly” policies more than their male counterparts. Overall, the research indicates that if women have power in the traditional sense, recognized here as the ability to create, modify or implement policy within an institutional work setting, they are more likely than men to take leadership on “women’s issues.” Accordingly, since leave policies can be thought of as a potentially “women friendly,” we make the inference that women are more likely to support the use of such policies.

**Women on Boards of Directors**

We see that women who are Board Directors tend to be more supportive and therefore implement “women friendly” policies more enthusiastically than their male counter-parts. World-wide, women hold significantly fewer board positions than men. However, the largest percentages of women on boards of fortune 500 companies are in the Nordic countries (Hearn & Piekkari, 2005). In
fact, Nordic countries lead the U.S. by nearly 10 percent in “women’s empowerment in terms of economic, political, educational, and health and well-being measures” (Hearn & Piekkari, 2005; Hausmann, Tyson, & Zahidi, 2007). As such, the analysis of their corporations has been critical to understanding the overall impact women have had on corporate boards (Corporate Women Directors International, 2008). In a study of 100 large Finnish companies, Hearn and Piekkari found there is a strong correlation between the number of women on boards and the creation of gender-related policies. These policies, defined as equal recruitment, equal promotion and family friendly policies, were more likely to exist if there were women on their board. In fact, the study revealed that corporations with the largest number of gender-related policies had both a female board member and a female top executive manager (Hearn & Piekkari, 2005).

Researchers Mary C. Mattis and John J. Burke help reveal why women on boards lead on “gender-related” policies. Mattis’ survey of female corporate board directors revealed that women “recognize [that it is] their responsibility to address issues relating to women employees, and see their concerns as appropriate business for board discussion” (Mattis, 1993). Similarly, in Burke’s study, 58 percent of women felt it was their responsibility to advocate for equal opportunities and family friendly policies. These women advocate for “role-modeling for women managers and professionals, the development of a more women-friendly organizational culture (i.e., policies and practices), and career guidance for high-performing women” (Burke, 1994, p. 30). As a result, these
board members have not only been instrumental in the development of family friendly policies in many organizations, but they are also responsible for an increase in the number of women in senior management (cf. Konrad, Kramer, & Erkut, 2008; Siciliano, 1996; Burke & Mattis, 2000). Women on Boards believe it is their responsibility to address “women’s issues,” suggesting that women may feel that without their advocacy these issues would not be addressed. They reached this conclusion based on their previous employment experiences. (cf. Konrad, Kramer, & Erkut, 2008; Siciliano, 1996; Burke & Mattis, 2000).

**Senior Executives**

As there are women Board Members, there are significantly fewer women Senior Executives than men world-wide. According to the International Labour Organization, only about three percent of senior executive level jobs are held by women globally (Internations Labour Organization, 1997). In fact, in the U.S., less than “5% of the highest ranking corporate positions such as Chair Person, Vice President, Chief Executive Officer, [and] President” are held by women (Wirth, 2001, p. 39). Nevertheless, several studies suggest that when women are present in top executive positions, they positively influence the implementation of “women friendly” policies. A study of university administrations reported that when evaluating family-friendly policy implementation, “sex was the only demographic characteristics that was significantly related to decisions about whether to grant or deny requests; female
participants granted requests for alternative work arrangements 73% more than males” (Powell & Mainiero, 1999 p. 51).

Table 6: Senior Executives

<table>
<thead>
<tr>
<th></th>
<th>United States</th>
<th>World-Wide</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women</td>
<td>5%</td>
<td>3.0%</td>
</tr>
<tr>
<td>Men</td>
<td>95%</td>
<td>97.0%</td>
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</tbody>
</table>

Research shows that a crucial key to the success of women within organizations is access to flexibility and family friendly policies. One organization reports how, “2 women with young children had introduced job-sharing, with each working three days, so there was adequate hand-over time. They found this highly successful, as did the department.” (Chesterman, C., Ross-Smith, A., & Peters, M., 2004, p. 15). These types of arrangements are said to be more prevalent when “women [are] in [the] upper tiers of management” (Chesterman, C., Ross-Smith, A., & Peters, M., 2004, p. 15).
Similarly, Suzan Lewis found that “the gender of the manager” matters in the implementation of family friendly policies and that “women managers seem to provide work–family arrangements more often” [then men] (Lewis, 2003, p. 3, 19). In fact, Lewis’ study reveals that the more female managers in an organization, the more flexible work arrangements exist. For example, JoAnn Heffernan Heisen, World Wide Vice President and Chief Information Officer at Johnson and Johnson remarks that employers need to support women by offering family friendly policies. Heisen acknowledges, however, that there is still significant difficulty for women taking advantage of those policies because of the ideal worker model. Nevertheless, she is optimistic that “as more and more women attain senior positions, and have family responsibilities to deal with, they will serve as change agents in the culture of their corporation” (Costello, Stone, & Stapleton, 2001). This illustrates once again that women’s life experiences shape both their leadership style and decision making. While few women exist in upper levels of management, on average those who do, appear to support workplace flexibility and gender equity policies.

**Women Judges**

Like board directors and executives, women justices also experience the *glass ceiling*. Of the 111 Supreme Court Justices in U.S. history, three have been women (Sherman, 2009). The pipeline theory, the notion that people gain qualifications as they gradually move through the hierarchy, has been used to justify why more women haven’t risen within the courts (Palmer & Simon,
However, despite numerous qualified women in the lower courts, there were only 40 women on the 800 member federal bench during the Regan administration. Federal courts are critical as they are the place where most Supreme Court Justices are chosen (Sherman, 2009). Today, nearly, one quarter of federal courts have women Justices.

Recently, concern around decision-making and judicial impartiality has crept into the political debate. The question, can a judge or any person truly be impartial? Impartiality is defined as “the ability to not show favoritism, but to judge equally without precondition or bias; to judge fairly” (Wiggins, 2006). The concepts of objectivity and neutrality have also been challenged. White males have dominated the bench for the bulk of American history. As such, they have been able to shape and therefore normalize the notion that whiteness and maleness are synonymous with objectivity, neutrality and fairness (Kincheloe, 1991; Powell, 2000). Studies have shown that as more women (and people of color) have become judges, the more opinions differ from those of the white males who customarily held the positions (Kristin J. Anderson, 2009). As a result, women (and people of color) have been accused of bias, that their life experiences improperly influence their decision making. However, the decision making of the white male justices has received little attention. Nevertheless, recent studies have shown that the life experience of any person impacts their decision making, regardless of race or gender (Peresie, 2005).
In fact, Songer found that of all 52 state supreme courts, “women’s cases” were supported 15 percent more by women judges (Songer & Crews-Meyer, 2000, p. 753, 758). A study of the Minnesota State Supreme court was also revealing. The court of seven justices, dominated by women, demonstrated a pattern of women voting in unison on “female issues.” The four women, Justice Rosalie Wahl, Justice M. Jeanne Coyne, Justice Esther Tomljonovich and Justice Sandra Gardenbring agreed on all cases 58 percent of the time (Maule, 2000). While their political or religious affiliations are likely the source for their differing opinions, their shared social experiences are likely the cause for the 81 percent agreement on family law cases (Maule, 2000).

Similarly, a study of the U.S. Appellate court judges demonstrates that women justices “exert more influence over cases involving” segregation, race, voting rights and gender discrimination (Massie, Johnson, & Gubala, 2002 p. 6). Researchers used the U.S. Court of Appeals database to review the justice’s pattern and revealed that female judges vote more conservatively on criminal cases and more liberally on civil rights and liberties (Massie, Johnson, & Gubala, 2002 p. 10). The implication drawn is that women have more experience with discrimination and therefore vote differently than men.

Likewise, U.S. Supreme Court Justices Sandra Day O’Conner, Ruth Bader Ginsberg and Sonya Sotomayor support women’s issues. In fact, Sandra

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9 ‘Oklahoma and Texas have separate courts of last resort for civil and criminal cases. Thus, our total is fifty-two rather than fifty.’ (Songer & Crews-Meyer, 2000, p. 753)
Day O’Conner, despite being considered a conservative, appointed by a conservative President to a conservative court, supported women’s rights issues more often than many would have suspected. For example, O’Conner narrowly upheld Roe v. Wade, supported the need for affirmative action, healthcare services and family leave (Cornell University Law School, 2003; Hayes, 2005).

Ruth Bader Ginsburg, however, was a tireless advocate for “women’s issues.” She has an impeccable history of supporting women’s issues, prior to becoming a Supreme Court Justice she co-founded the Women’s Rights Project at the ACLU (Totenberg & Merritt, 1997). During Ginsburg’s tenure on the bench she supported numerous women’s issues including upholding Roe v. Wade, promoting equal pay for women, opposing gender discrimination and supporting family leave.

Even recent appointment Sonya Sotomayor, who is considered a moderate, also supports “women’s issues.” While her voting record shows no evidence that she would uphold Roe v. Wade, Sotomayor has demonstrated opposition to workplace discrimination in sexual harassment and sex discrimination cases (Phillips, 2009). There has been enormous debate about whether life experiences impact an individual’s decision making. As my reference to Joan Williams’ study suggests earlier, personal experience or lack thereof can impact our decision making as well as our actions. Ginsburg and Sotomayor believe their experiences shape their decision making.
Sotomayor’s “wise Latina” comment challenged the notion that the American Justice System is impartial and unbiased. Sotomayor stated that “personal experiences affect the facts that Judges choose to see…” (Sotomayor, 2002). She claims “our gender and national origins may and will make a difference in our judging” (Savage, 2009).

Similarly, Ginsburg’s own experiences with sex discrimination inspired her to fight against gender inequality (Staff, 2006). In fact, Ginsburg said in response to Sotomayor’s “wise Latina” comments that “Yes, women bring a different life experience to the table. All of our differences make the conference better. That I'm a woman, that's part of it, that I'm Jewish, that's part of it, that I grew up in Brooklyn, N.Y., and I went to summer camp in the Adirondacks, all these things are part of me” (Weiner, 2009).

The voting patterns of women in the judiciary seem to suggest a link between experiences and voting and in this case a correlation between courts with women and “pro-female decisions” (Gryski, Main, & Dixon, 1986, p. 152).

Women Legislators and Politicians

The poor representation of women in power is a trend that does not escape women legislators and politicians. In fact, in 1999, women held only 13 percent of national level elected positions worldwide (Palmer & Simon, 2006).
politicians/legislators), in public voting patterns, in Congress and the Senate has lead to the dismal representation of women in elected office (Palmer & Simon, 2006). In 2005, “there were sixty-six women in the house and fourteen women in the Senate, making [U.S.] Congress only 14.9 percent female,” while women make up 51 percent of the U.S. population (Palmer & Simon, 2006, p. 19; U.S. Census Bureau, 2007).

Nevertheless, many of these trail blazers have supported women’s issues. In fact, Massie et., al., reports, “women legislators sponsored more legislation dealing with feminist issues, and as the percentage of women [in office] increased, the number of bills enacted dealing with feminist issues also increased” (Massie, Johnson, & Gubala, 2002, p. 6). In 2000, the Fins elected their first female president, Tarja Halonen. By 2004, Finland was said to have “the most gender-balanced workforce in the European Union, with employment rates for men and women ages 55 to 64 split at just about 50 percent each” (Latto & Reitan, 2008). In addition, as described in chapter two, Finland is one of the world leaders in gender equity and is said to have closed nearly 80 percent of the gender gap in their country. Both men and women are encouraged to take on childcare responsibilities with the implementation of generous family polices. As a result, women have greater economic and political participation as well as greater educational opportunities (Hausmann, Tyson, & Zahidi, 2007).

President Halonen is a strong women’s rights advocate. In Parliament, she established the Department of Equality, became a role model as the first
female Minister of Foreign Affairs (the equivalent to U.S. Secretary of State), and as the first Finnish female president she has appointed “more women to positions of authority in Finnish government than” any male President (Mirror, 2007).

In the U.S., we see support for family issues across party lines. Congresswoman Barbara Lee (D) exemplifies this notion with her unwavering support of “women’s issues.” Congresswoman Lee supports legislation that would close the wage gap between men and women, a women’s right to choose, childcare initiatives and universal healthcare which has been described by many as a “woman’s issue” (Barbara Lee for Congress, 2003). Further, Lee most recently supported, the Federal Employee Paid Parental Leave Act, which in addition to FMLA’s unpaid leave would provide four weeks of paid parental leave to federal employees.¹⁰

Similarly, Congresswoman Ileana Ros-Lehtinen (R), shows her support of “women’s issues” when voting for the Pay Check Fairness Act. The Act advocates for equal pay between men and women. In addition, Congresswoman Ros-Lehtinen supports funding for healthcare for women and children and voted to support the Federal Employee Paid Parental Leave Act (Ileana Ros-Lehtinen, 2009; Florida, 2010; Ileana Ros-Lehtinen).

¹⁰ This bill has not yet passed in the Senate.
Like Lee and Ros-Lehtinen, New Jersey Congresswoman Carolyn Maloney (D), also advocates for “women’s issues.” Her voting record demonstrates support for childcare funding, child health and housing, she supports a women’s right to choose and the expansion of healthcare for women and children. Congresswoman Maloney also voted yes on the Federal Employee Paid Parental Leave Act (New York, 2010).

Margaret Roukema, former Congresswoman of New Jersey (R), became a strong advocate for family leave after her own experience with care issues arose. She said, “when my son Todd was stricken with leukemia and needed home care, I was free to remain at home and give him the loving care he needed,” (Washington, D.C.: U.S. Government Printing Office, 2007). While advocating for FMLA, she told colleagues, “But what of the millions of mothers who work for the thousands of companies that do not have family leave policies? ..the tragedy with Todd (her son) was what made me so determined about the Family and Medical Leave Act” (Washington, D.C.: U.S. Government Printing Office, 2007). Like many women in positions of power, Congresswoman Roukema’s life experience made an impact on her leadership choices. The enactment of the Family and Medical Leave Act of 1993 was her biggest legislative achievement. In fact, Roukema was largely responsible for the primary concession that allowed the bill to pass, the exemption of small businesses. She also supported abortion rights, gun control, child support, Bill

Linda Lingle, Republican Governor of Hawaii expanded FMLA in her state by adopting The Hawaii Family Leave Law (HFLL). The statute “provides employees who work for establishments with 100 employees or more, up to four weeks annually of protected family leave to care for a child, spouse, parent, or reciprocal beneficiary with a serious health condition or upon the birth or adoption of an employee’s child” (Department of Labor and Industrial Relations, 2005). Unlike FMLA, HFLL allows access to leave after six months of employment and has no number of hours’ requirement. This gives leave access to greater numbers of workers faster (Department of Labor and Industrial Relations, 2005).

The Governor of Washington State, Christine Gregoire (D) has been a strong advocate on “women’s issues.” Governor Gregoire has supported childcare, healthcare for all and for providing greater support for child abuse victims (Gregoire, 1978; Froschauer, 2009). However, in 2007 she was the second U.S. Governor to sign a bill to enact Paid Family Leave in the State. The leave will be implemented in 2012 (Senate Committee on Way and Means, 2009).

Jane Swift, Republican Governor of Massachusetts not only supports early education, but also advocates for family friendly policies as well. She remarked at the 21st Century Workforce Summit in 2001 “Policies that reflect
the importance of achieving a balance between work and family must be considered and adopted where appropriate. With the growing number of dual-income and single-parent households in America, workers today are under more pressure than ever to juggle the demands of family life and work. Employers in both the public and private sectors need to be responsive” (U.S. Department of Labor, 2001).

Conclusion

Integrating women and other diverse groups into positions of power will likely improve the implementation of family leave policies. Despite claims of bias or group think, both women and men are influenced by their life experiences. White men do not have a lock on leadership, neutrality, fairness or impartiality. Their life experiences subject them to bias as well. In fact, the notion of an ideal worker, who can work more than 40 hours a week and places work obligations above their household, is a long held male bias. The notion of an ideal worker has served to exclude countless women from office, judicial appointments and certainly employment opportunities. It is for that reason that we must ensure that diversity of opinion exists in our corporations, government (and all its agencies) as well as our justice system.

While women do not intrinsically vote or think in unison, their many shared experiences can lead to common views on issues. The research presented shows a trend that when women have power they often use it to promote “women
friendly” policies. However, so few women are appointed to Director Positions or Judicial positions, elected as representatives or promoted to Senior Management that their ability to make a meaningful impact on “women friendly” policies is relatively small (Parry, 2001, p. 78).
According to Deborah Rhode, gender is not always a reliable predictor of support for “women’s issues” (Rhode, 2009). Other factors such as race, religion, political party affiliation can also impact leadership style and decision making. However, it is often gender discrimination that impacts whether women feel compelled or the freedom to implement family leave policies or support “women’s issues” in general.

Undoubtedly the opportunities available for women to obtain leadership positions are significantly fewer than they are for men. Despite having comparable educational achievements, women hold only 20 percent of the management positions and 2 to 3 percent of the senior positions worldwide (Wirth, 2001, p. 25). This phenomenon has been coined the glass ceiling which is used to describe why qualified and competent women are being paid less for the same work as men and being passed over for positions with power. These “qualified and competent women look up through the glass ceiling and see what they are capable of achieving, but [gender discrimination] prevents them from breaking through” (Wirth, 2001, p. 25).

The glass ceiling not only impacts women in businesses, but also in politics as women attempt to achieve elected office. Regardless of what
leadership position women attempt to obtain, they often have to “work like men” to achieve them (Rhode, 2002). In an effort to obtain powerful positions, many women have to assimilate into the organizational culture so as to make themselves desirable candidates for these positions. This type of discrimination has many adverse affects on women’s ability to mobilize themselves around these issues.

**Queen Bees**

A significant amount of research and literature on the gendering of management has focused on women’s lack of support and advocacy of “women’s issues”. Many studies report that women, in an effort to obtain and retain positions of power, do not support “women’s issues”. These women, often referred to as Queen Bees, regard their struggle to the top as a badge of honor and resent women who want it made easier for them (Rhode, 2002, p.23; Malveaux, 2005; Czarny, 2009). The phrase Queen Bee refers to women who choose not to build alliances with other women and instead isolate themselves from their female colleagues and in some cases sabotage the success of other women. As Catherine M. Dalton notes, “[t]he analogy to the insect world derives from the behavior of honeybees. [T]he queen bee… is so protective of her status that she will kill any rivals to her exalted position” (Dalton, 2007, p. 350).

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11 To “work like men” refers to a person who adheres to the ideal worker model, which prioritizes market work over care work.
Queen Bees tend not to deviate from the traditional male-model of leadership. Margaret Thatcher, the Prime Minister of Britain, for instance, was often criticized for her lack of support of “women’s issues” and her “assimilating male characteristics” (Bull, 2004; Toynbee, 1988; Prugl & Tinker, 1997; Rhode, 1997). Using a male-model for success, these women want to prove “that gender is no barrier to those that are qualified” (Rhode, 2002; Duerst-Lahti & Kelly, 1995; Saal & Moore, 1993).

According to a study by Professors Scott Schieman and Taralyn McMullen, women who are managed by other women suffer greater stress than men (Schieman & McMullen, 2008). The stress is likely a result of the bias some women leaders have toward female subordinates or colleagues. In a 2007 study conducted by Workplace Bullying Institute and Zogby International, researchers report that “71 percent of office conflict cases are women bullying other women” (Namie, U.S. Workplace bullying Survey, 2007, p. 7; Namie & Namie, 2009). In fact, a bank employee Helen Green was awarded $800,000 in damages after being subjected to bullying by female colleagues (Dobson & Iredale, 2006).

Understanding the Queen Bee phenomenon takes us back to gendered roles at home and in the workplace. Since, most leadership and executive positions have been traditionally held by men, the qualities that reflect effective leadership have been defined by men. Characteristics such as aggressiveness, courageousness, power, competition and authority are generally associated with
leadership roles and have been attributed to men (Garcia-Retamero & López-Zafra, 2009, p. 493). Broadbridge and Hearn use the term homosocial to refer to a practice were men favor the social and workplace interactions of other men. In fact, the authors note:

In many organizations management has been, and continues to be, represented as gender neutral, whether as part of supposedly nongendered bureaucracy or as taken-for-granted managerial imperative. However, management often involves homosocial practices with men’s preference for men and men’s company, and the use of masculine models, stereotypes and symbols in management (often from sport, the military and evolution, such as the ‘law of the jungle’). Male homosociality that combines emotional detachment, competitiveness and viewing women as sexual objects as well as ostracizing and undermining them, and perpetuates hegemonic masculinity, also suppresses subordinate masculinities and reproduces a pecking order among men. Management, and especially what is often understood as effective business management, has often been assumed to be consistent with characteristics traditionally valued in men (Broadbridge & Hearn, 2008, p. 44).

As a result, in order for women to become candidates for leadership they must develop a leadership style that does not threaten men (Timberlake, 2005;
Ragins, 1993). To be accepted into executive leadership, many women must manage their image which often means conforming to masculine norms and criteria (Mavin, 2008; Ragins, 1993). Once women are in the positions working in isolation with men, the adopted behavior must be sustained if acceptance is to be continued (Dalton, 2007).

Others explain the Queen Bee phenomenon as internalized sexism, where women understand men to have the power and therefore see them as superior. As Sheila Tobias notes, women survived the workplace restrictions placed upon them by accommodating men’s need to feel superior (Tobias, 2005). Women work hard to distance themselves from the feminine characteristics that are perceived as weak. Betty Friedan refers to this trend as three sexes ---- men, women, and me. These token women leaders want to be perceived as atypical. They avoid alliances with other women and put off or decide not to have families so they would not be relegated to second class status (Tobias, 2005).

Instead of embracing and using how gender discrimination impacts both their life and work, many women accept the correlation drawn between masculine characteristics and successful leadership and distance themselves from “women’s issues” (Tobias, 2005; Mavin, 2008). Rejecting other women and “women’s issues” demonstrates their loyalty to men and secures the Queen Bee’s leadership position (Mavin, 2008).

Consequently though, assimilation is a double edged sword. While women strive to eliminate distinctions between themselves and men they
appear to provide no unique insight into the position. As a result, male leaders in control feel no need to promote additional women (Branson, 2007). So Queen Bee actions can often reinforce tokenism within organizations that have only superficial interest in diversity (Branson, 2007).

For Queen Bees, the glass ceiling makes assimilation seem like the only successful path to leadership. However, assimilation and distancing themselves from “women’s issues” often backfires by reinforcing tokenism and failing to provide the needed support for women in lower positions.

Wanna Bees

Queen Bees' assimilation into the male dominated culture can also trigger resentment and attacks from women in the lower ranks, often referred to as Wanna Bees. Wanna Bees can be brutal toward women in leadership because they have unrealistic expectations of support. Many Wanna Bees expect women leaders to smooth their path to leadership or at least provide guidance on how to achieve it. Wanna Bees often unconsciously expect a mothering kind of support from women in leadership and feel betrayed when the Queen Bee fails to meet their expectations (Chesler, 2001). According to Phyllis Chelser, “[t]o a woman, other women (are supposed to be) Good Fairy Godmothers and if they are not they may swiftly become their dreaded Evil Stepmothers” (Chesler, 2001, p. 5). Wanna Bees often ignore or are oblivious to the challenges that women in leadership face.
While the Queen Bee phenomenon has been used to explain why some women are not supportive of “women’s issues,” Wanna Bees can also choose not to advocate for these issues. Like Queen Bees, many Wanna Bees fear losing their collegial support and career opportunities (Rhode, 2002, p. 24). Wanna Bees want power and leadership and are unwilling to risk their goals for a larger woman’s agenda. These women may agree with the need for family-friendly policies and advocacy on behalf of women, but they feel supporting them would threaten their power or ability to obtain it (Duerst-Lahti & Kelly, 1995). In *Presumed Equal*, one respondent stated that, “I would never raise an issue [regarding gender discrimination or ‘gender charged topics’] at my firm because I fear it would hurt any chance for advancement I might have” (Blohm & Riveira, 2006, p. 540). Like Queen Bees, Wanna Bees understand that in order to obtain success they must not deviate from the norm, but it is also those very discussions and advocacy that might help these women attain the positions they seek.

**Afraid-to-Bees**

Similarly, Afraid-to-Bees or women in middle to lower positions anticipate being pigeonholed as a feminist, troublemaker, extremist, whiner, etc. (Rhode, 2002; Ashford, 1998). These women may or may not seek advancement, but do not want to be ostracized in the workplace. In Susan Ashford’s study, one respondent said if she rose a “women’s issue,” “I would be seen as a complainer and just the kind of abrasive person the organization
dislikes…I would probably wear the whiner label” (Ashford, 1998, p. 369).

Many women also fear they will be given the label incompetent and that they only address inequality as an excuse for their own personal failures. Unfortunately, these fears are often justified, as organizational leaders (mostly men) often see the women raising gender equity issues, as having self-serving motives (Ashford, Rothbard, Piderit, & Dutton, 1998). It is only when these women have significant credibility, either through job success or general reputation, that raising “charged issues” has fewer consequences. (Piderit & Ashford, 2003) Although, despite one’s credibility, if the issue being raised appears to have a direct impact on the individual raising it, their motives will come into question. (Ashford, Rothbard, Piderit, & Dutton, 1998; Piderit & Ashford, 2003) Therefore, undermining the attempt to raise an important issue.

Despite the assortment of reasons, all Bees are no more willing to support “women’s issues” then men.12 They are ultimately afraid to step outside the ideal worker model (male-model) to challenge gender discrimination. Whether women have been given leadership titles, desire leadership roles, or simply want organizational respect, addressing “women’s issues” is often viewed as a risk with significant consequences that no Bees are willing to take. However, if gender bias is left unchallenged then change in these areas will slow or halt.

12 The term Bees refers to the queen bees, wanna bees and afraid to bees as a collective group.
Women experience discrimination in areas like promotion opportunities, salary allocations, elections and appointments. Therefore, it is hard for women to have access to positions of power. These decision making positions are hard to attain for women because employers and constituents do not see them as ideal workers (Rhode, 2002; Albiston, 2005a; Duerst-Lahti & Kelly, 1995). Yet, these positions are the very ones needed in order to change policy agendas.

**Power**

Many studies have suggested that as more women enter the workforce, the more women would obtain leadership positions. This pipeline theory has been thwarted by gender discrimination and gendered ideas about market and care work which impede women’s advancement. Few women obtain positions of leadership and even fewer of them are able to yield influence within those positions. Many women are put into positions of leadership, but are not empowered to make real change (Rhode, 2002). “They lack the support from clients, [constituents] and colleagues to confer significant power” (Rhode, 2002, p. 13). Women with meaningful power often hold positions such as life time appointments to judicial seats, tenure, “safe electoral seats or [have] strong customer/client support (Rhode, 2002, p. 25). 

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13 There are many definitions of power ranging from common sensical understandings tied to formal governance structures to more de-centered notions emphasizing the multiple systems of power in the web-like model of power defined by Foucault. The notion of power can be as Angelique describes “an elusive concept with many manifestations.” Her discussion uncovers the overt and subtle forms of power and its entrenchment within the traditional model of power, i.e., power over our language, personal practices as well as in our personal relationships.
While a relative few number of women with power exist, those that do seem to support women’s issues and family leave policies more than men. Interestingly, despite the Bee phenomenon, when these women are out of isolation and within organizations that provide them the freedom to serve equally, they begin to speak freer and support women and women’s issues more regularly (Timberlake, 2005). These women are given the power to affect change because the organization is influenced by the “business case for diversity” (Rhode, 2002, p. 17. See citation 109). In these cases, women are able to reduce the numbers of obstacles to women’s success without significant backlash (Rhode, 2002, p. 18). Therefore suggesting that the Bee phenomenon is not about a set of choices that women make or do not make. Instead, it is about the set of organizational practices that create hostility and adverse consequences for these women should if they work outside the male model of leadership.

**Conclusion**

Gender is not the only variable influencing leadership style or decision making, gender discrimination often impacts a women’s ability to support “women’s issues.” Instead of supporting one another and policies that would increase gender equity, the Bees engage in ruthless competition and fear speaking out for concern they will lose real or imaged organizational power, advancement opportunities, collegial support, or they simply fear becoming labeled as a

(Angelique, 2008). FMLA fails at least in part because of its allegiance to the “fixed power roles” within modernist, top-down gendered organizations and family structures.
winner. The Bee phenomenon persists because organizational leaders assume women raise gender equity issues out of self-interest, that women are assumed to have inherent bias, and because employment environments only allow a few token women to exist.

Factors other than gender should be considered when making leadership decisions. Deborah Rhode notes how single variable can be misleading. She uses the race of Supreme Court Justices Thurgood Marshall and Clarence Thomas as examples of this point. Rhodes notes that while both men experienced racial discrimination in their lives they did “not draw the same lesson from” the experiences (Rhode, 2009). As a result, they had very different ideas about how to address issues of racism in America. Therefore, she posits putting any women in power will not necessarily be good for “women’s issues” or the feminist agenda. Who the women is matters (Rhode, 2009). Nevertheless, when women do break through the glass ceiling there is a trend of support for “women’s issues.”
Family leave policies fail at least in part because of their reliance on the traditional nuclear family and the subsequent gendered ideas about market and care work. In the U.S., market work reinforces the male breadwinner model by creating structures that do not allow individuals time for care responsibilities (Albiston, 2005, b). Since care work has been traditionally done by women, women participating in market work experience the work-family conflict more often than men. Research shows that despite even radical changes to policy design, implementation of family leave policies can still be impeded by gendered ideas about market and care work.

The research presented reveals that gendered ideas about market and care work influences women in power to implement family leave and family friendly policies more than men. Although, women do not intrinsically vote or think in unison, the research presented shows a trend that when women have power they often use it to promote “women friendly” policies. Certainly, there are women who do not support family leave and family friendly policies. Many do so because of religious, political, feminist views etc... However, many more fear supporting “women’s issues” because they are in tenuous, token, intermediary, and apprentice positions which are often stifled by significant gender
discrimination. Despite the apparent trend of support, so few women are appointed to Director Positions or Judicial positions, elected as representatives, or promoted to Senior Management that their ability to make a meaningful impact on “women friendly” policies is relatively small (Parry, 2001, p. 78).

In order to resolve the implementation failures we see from family-friendly polices like FMLA we have to address the underlying gender bias. Radical policy re-design is necessary in the U.S. Clearly, the Nordic Countries can be used as a model for improved gender equity. However, policy design did not resolve the wage gap, segregated employment or attitudes about care work in these countries (Saarinen, 2007; Kelber, 1994). Therefore, achieving gender equity in the U.S. will need to include increasing male participation in care work, enforcement and implementation of equal pay legislation, and desegregating employment. However, as JoAnn Heffernan Heisen, World Wide Vice President and Chief Information Officer at Johnson and Johnson suggests, it is women because of their experience with the work-family conflict, who will have to act as change agents to remove barriers that keep men and women from equally taking and accessing family leave.

There is much more work needed in understanding the extent to which women influence family leave policies. Future research might directly assess women in power and their influence on family leave implementation. Such research would allow us to see whether there is in fact a strong correlation between women in power positions and policy implementation. Determining
such a relationship could have a strong impact on policy design as well as the
appointment, election, promotion and advocacy for women in positions of power.
Finally, the need for more critical analysis and attention to this area can go a long
way toward improving the implementation of family friendly policies.
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74


INDEX

A
Arlie Russell Hochschild, 5, 12

B
Breadwinner model, 31, 60

C
California Paid Family Leave, 19-22
Care for aging parents, 10
Care Work, ii-iv, ix, xi, 2-4, 7, 10-15, 17, 18, 21, 29-32, 57, 60, 61

D
Daddy days, 24, 25, 29
Deborah Rhode, 13, 49, 59
Dual earning/Dual income, xi, 11, 15-17, 21, 30

E
Equal salary/pay, iv, 17, 21, 30, 41, 44, 61
Essentialism, xi, 33

F
Family Friendly Policies, iv, x, xi, 33, 35-38, 46, 60, 62
Family leave policies, ii, iii, iv, 1, 4-9, 32, 45-47, 58, 60, 61
Family Medical Leave Act (FMLA), iii, 4, 12-21, 43-45, 57, 60
Father Targeted Entitlements
  Nordic Countries, ii, 24, 25, 29
Finland, 23-30, 43
Full-Time Equivalent Paid Leave, 23, 29

G
Gender Bias, ii, iv, vii, xi, 4, 5, 14, 19, 21, 22, 29, 31, 42, 56, 61
Gender Equity, 23, 28, 29, 38, 43, 56, 58, 59, 61
Gender Norms, 7
Gender Roles, ii, 7-10, 17
Gendered Division of Labor, 10, 11
Global Gender Gap report, 29

H
Household Work, 11
I
Ideal Worker, xi, 4, 10, 19, 22, 38, 47, 56, 57

J
Joan Williams, 5, 12, 41

L
LGBTQ, xi, 8, 10, 15, 20

M
Market Work, ii, xi, xii, 2, 11, 12, 15, 31, 49, 60

N
Nordic Family Policies
Childcare, 25-17
Housing, 27, 28
Paid Leave, 23-25
Norway, 23, 24, 26-30

P
Paid Leave, x, 19-22, 29, 31, 32
Power
Women in Power/Leadership, ii, iii, iv, 1, 2, 4-7, 33, 34, 42, 51, 56-61

Promotion, xii, 10, 11, 18, 19, 22, 30, 35, 57, 62

R
Retaliate, 30

S
Segregated Jobs, 17, 30, 61
Single Parent, xi, 8, 10, 26, 28
Social Construction, xii, 7, 33
SuperMom, 12
Sweden, 23, 27, 30

T
Traditional Nuclear Families, ii, xii, 1, 2, 8, 10, 12, 15, 21, 22, 28, 30, 60

W
Women in leadership (see Power)
Women in Power (see Power)
Work Disruption, 8
Work Family Conflict/Work-Life Balance, vii, xii, 2, 4, 5, 9, 13, 15, 21, 28, 31, 60, 61
Work Related Absences, 8, 10