Left Behind

*Parental Leave and the Promise of Transnational Practice*

Architecture and Contemporary Labor
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The deplorable state of parental leave practices in the United States is well established. Along with Papua New Guinea, the United States is one of two remaining countries that do not require any kind of paid maternity leave for new mothers.¹ The Family Medical Leave Act, passed in 1993, stipulates only twelve weeks of unpaid, postpartum leave for female employees of non-exempt companies.² Whereas other developed countries have seen expansive increases in allowed time off, financial benefits, and eligibility for non-childbearing parents in recent years, the United States has witnessed no federal movement on parental leave policy in nearly a quarter century. Particularly in light of mounting evidence demonstrating the net benefits of parental leave for newborns, employee-parents, and even employers, the failure to redress legal policies and corporate practices in the United States is becoming ever more baffling and inexcusable.

Of course, the federal legal minimum does not preempt more progressive state and local policies, and businesses are free – and indeed encouraged – to provide stronger parental leave benefits voluntarily. But in architectural practice, the adoption of supplemental paid leave is source of particular vexation due to several unique characteristics of the profession’s working culture. First, the project-based nature of

² Covered private-sector employers must have “50 or more employees in 20 or more workweeks,” and employees are only eligible after twelve months of full-time service, among other criteria. “Fact Sheet #28: The Family and Medical Leave Act.” U.S. Department of Labor, Wage and Hour Division. Revised 2012.
architecture lends itself poorly to long gaps in employment, on account of both the
difficulty of employee exit and reentry and the irreplaceable value of specific knowledge
held by project workers. Second, architectural culture generally encourages long hours
and workweeks, discouraging family rearing and placing heavy pressures on parents.
Third, the collaborative nature of the design process discourages remote work and
flexible hours. And lastly, the industry’s long and pernicious record of gender inequity
has historically worked to marginalize the issue of paid family leave, further
exacerbating professional inequalities and anti-family biases.

As architectural practice evolves and adjusts to contemporary economic
conditions, the increasing presence of large, transnational firms is presenting the
profession with new management challenges but also opportunities for addressing the
issue of parental leave. Because overseas offices are subject to the labor and human
rights laws of their host countries, firms are often required to institute multiple
personnel policies to remain legally compliant. For firms with offices in the United
States, this invariably means that their employees located abroad receive more
generous parental leave benefits with longer leaves of absence and higher rates of
compensation.

This paper argues that transnationality in corporate architectural practice
encourages firms to voluntarily improve their leave policies for U.S. workers, and in the
process, invites the adoption of new models of design work. Beginning with an overview

of contemporary architectural practice, it examines the state of parental leave policies in U.S. architecture firms today and compares them to peer industries. It then examines trans-national firms in architecture and other industries, focusing in particular on disparities in Human Resources (HR) policies and how they relate to broader legal requirements. Lastly, it speculates on the implications of these policies for employees and firms and how they might influence future models of architectural labor and production.

**Inadequacy and Innovation in Domestic (U.S.) Firms**

Most U.S. businesses today offer their employees little more than the federally required minimum maternity leave. As a result, only twelve percent of private U.S. employees in all sectors receive any type of paid family leave, which includes bereavement leave and sick leave for dependents.\(^4\) The availability of paid parental leave and other types of family leave is somewhat improved in the public sector, due to the adoption of state-level leave policies providing for paid maternity leave in California, Rhode Island, and New Jersey.\(^5\)

Statistical data on the policies of architecture firms nationwide is virtually nonexistent, but anecdotal accounts support the notion that common practice in the profession differs little from national economic trends. Firms that offer paid leave


options for new parents are by and large the exception. More troublingly still, most U.S. architects fail to qualify for the federal unpaid protections afforded by FMLA. Only three percent of firms nationally have fifty of more employees, meaning that less than thirty-seven percent of architects are eligible for the twelve weeks of job-protected leave guaranteed by FMLA. Some state level protections – like Connecticut’s version of FMLA, which provides for sixteen weeks of unpaid leave – apply to architecture firms, but in many cases, these state statutes are even more under-inclusive than those enforced by the federal government. Overall, only twelve states and the District of Columbia have supplemented federal family leave policy with longer time allowances or looser eligibility requirements for employees and employers, but none of these mandate paid leave of any kind.

While the nature of architectural work poses significant hurdles for employee leave and family rearing, some firms have seen the heavy investment in employees – and the high cost of turnover – as a reason to voluntarily improve on low legal minimums. Supporting this notion is a meta-survey produced by the Center for

7 Connecticut’s version of FMLA, despite allowing for longer leave than the federal government, applies only to employers with at least seventy-five employees and does not include state and municipal workers. Conn. Family Medical Leave Act, Sec. 31-51kk. Available at https://www.ctdol.state.ct.us/wgwkstnd/fmla/FMLAstatute.pdf.
American Progress showing that the typical cost of replacing an employee who makes $75,000 or less (the typical U.S. architect earned just over that mark in 2015), averages around 20% of their salary, a significant expense that often meets or exceeds that of paid parental leave.⁹ The benefits sometimes offered to help recruit talent and reduce turnover can include unpaid time off, partially paid time off, fully paid time off, and flexible work arrangements. In some cases, firms offer parental leave benefits to birth, surrogate, and adoptive parents regardless of gender, reflecting a wider trend in companies and countries across the world.

Prominently, Perkins + Will, the third-largest architecture firm in the United States by revenue, recently instituted a leave policy that makes new mothers, fathers, and domestic partners eligible for four weeks of fully paid leave.¹⁰ The policy allows for flexible allocation of time off, giving employees the option to distribute their four weeks throughout the first twelve weeks of the child’s birth.¹¹ EYP, an architecture and engineering firm based out of Albany, instituted in 2011 a set of “core hours” that allow

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parent-employees to work additional hours at flexible times if desired. Smaller firms, like Bora Architects in Portland, Oregon, and TowerPinkster in Grand Rapids, Michigan, have adopted policies that comply with their internal financial constraints, both of which allow employees to take six weeks of paid leave at sixty percent salary. In the case of TowerPinkster, this time may be extended to twelve weeks with a doctor’s recommendation. While these firms are exceptions, they demonstrate the approximate limits of voluntary leave adoption in U.S. corporate architecture. Yet, it should be noted that far more is possible and should be sought. Rogers Stirk Harbour has long provided a full year of parental leave at full salary, largely privately funded, to its London employees after only one year of employment.

In U.S. architecture firms with paid and partially paid parental leave, a common practice is to provide employee compensation through short-term disability insurance. However, this has several disadvantages for employees. First, it requires new mothers to navigate multiple levels of medical care and administrative bureaucracy to submit an insurance claim. Second, and more troublingly, disability benefits exclude adoptive mothers, new fathers, many same-sex couples, and new parents of foster children from

14 For the story of TowerPinkster, see Liao, Alice. “When Architects are Also Caregivers.” Architect Magazine. 11 August 2016. Available at http://www.architectmagazine.com/practice/when-architects-are-also-caregivers_o.
parental leave benefits. Finally, on a conceptual level, the medical categorization of pregnancy and childbirth as subsets of disability perpetuates the stigmatization of both female bodies and of child rearing.

The tendency to give maternity benefits rather than parental benefits, through disability insurance or otherwise, is also an unfortunately common practice among U.S. companies that voluntarily provide leave benefits. In addition to excluding non-birth mothers and men from coverage, disparate treatment based on gender reinforces inequality within the profession and in the economy generally. Women architects currently achieve licensure, promotion, and career recognition at significantly lower rates than men, and in a field in which time away from the office can be an impediment to career advancement, policies that allow for leave equally are essential to equalizing opportunity. To quote a commonly used rallying point, paternity leave is a feminist issue. The idiosyncrasies of architectural practice only compound its importance.

While the concessions made by domestic architecture firms are paltry at best, leaders in some peer U.S. industries are moving toward more robust parental leave benefits. Nowhere is this more evident than in Silicon Valley, where companies like Netflix (one year paid), Etsy (six months paid), Adobe (26 paid for birth mothers, 16 paid weeks for other new parents), Google (18 paid weeks for birth mothers, 12 paid weeks for other new parents), and Microsoft (20 paid weeks for birth mothers, 12 weeks for other new parents) are nearing and sometimes exceeding the standards set by even the

15 See, e.g., Lau, Wanda. “Q+A: Rosa Sheng Wants to Know Why Women Leave Architecture.” Architect Magazine. 14 May 2014. (Stating that women graduate from architecture schools at equal rates as men, but only eighteen percent of licensed architects today are women.)
most progressive European nations. Even smaller companies in non-tech industries are improving their standards: Chobani, a pioneer in the feel-good food industry, recently announced that it would begin offering six weeks of paid parental leave to all of its employees. Of course, in these industries as in architecture, parental leave policies are only valuable if the professional working culture supports and equally advances employees who take advantage of them.

**Navigating the Transnational Gap**

Like many industries, contemporary architectural practice finds itself taking on new roles on an increasingly globalized stage. By virtue of firm specialization, brand demand, and the emergence of new overseas markets, U.S. firms are increasingly establishing international presences. In 2015, thirty-one percent of the revenue brought in by the nation’s fifty largest firms came from abroad, a more than twofold increase since 2007. By the same token, many commercial and high-end architecture firms established overseas have expanded their reach into the U.S. market, opening offices and hiring employees in the United States.

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18 Raw data provided by *Architectural Record* at www.architecturalrecord.com/Top300/. Calculations are the author’s own.
Because minimum legal requirements are so fundamental in shaping parental leave policies, transnationality creates complex conditions in which employers are required to meet minimum labor standards in each of the countries in which they have offices. While transnational firms can legally institute nothing more than the bare minimum in each of its separate offices, anecdotal evidence suggests that this may not be the case. Instead, firms sometimes raise the minimum standards of their U.S. offices above the legal minimum, allowing workers to receive more generous benefits and longer parental leave than they might otherwise. In the case of parental leave, this pattern works exclusively to the benefit of U.S.-based architects, given the disparities in legal protections between the U.S. and everywhere else.

A useful example of this trend is that of Snøhetta, a transnational firm first established in Oslo but which has an office in New York. To provide context, Norway’s national policy gives new mothers up to 46 fully paid weeks of leave, through a combination of employer and state-provided subsidies.19 For their U.S. employees, Snøhetta voluntarily allows eight weeks of fully paid pregnancy leave, plus two paid weeks and two unpaid weeks of parental leave for mothers and fathers of newborns and adopted children. These benefits can be supplemented with available vacation days and are available to all employees who have been with the firm for a year. Bjarke Ingels Group (BIG), a Danish transnational firm also with offices in New York, has a similar

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leave policy for its U.S. employees that is available to both female and male employees.\textsuperscript{20}

Conversations with senior management at Snøhetta and BIG suggest that these policies are influenced by practices in their overseas offices, and that each fits into a larger and distinctly Scandinavian corporate ethos of employee care and employer responsibility. Interestingly, these leave benefits come despite a professional reputation for lower-than-average salaries as compared to other high-end New York architecture firms, suggesting that these and possibly other transnational firms place a premium on family benefits rather than income.\textsuperscript{21}

This pattern of transnational influence is also evident in peer industries such as law. One example would be that of DLA Piper, a London-based firm that offers a full sixteen weeks of paid leave to both men and women.\textsuperscript{22} By comparison, employees in its London offices receive up to thirty-seven weeks of paid leave, subsidized almost entirely by the state.\textsuperscript{23} Another comparable law firm is Winston and Strawn, based in the United States but with offices overseas, which recently announced that it would provide twenty

\textsuperscript{20} Denmark’s national policy is comparable to that of Norway’s, providing up to a full year of paid leave. See “Parental leave when working in Denmark.” Oresunddirekt. Available at http://www.oresunddirekt.se/in-english/in-english/family-parenting-in-denmark/parental-leave-when-you-work-in-denmark.


weeks of paid parental leave to all employees regardless of gender. While the state of parental leave is better in “big law” than in architecture, testimonies contend that this amount of parental support is nevertheless unusual.\(^\text{24}\)

While few empirical studies or public testimonies exist that might account for this trend in transnational employee benefits, there are several plausible explanations for this phenomenon:

1. **Resolving internal tensions.** A central tenet of social psychology holds that people evaluate fairness in relative terms. Equalizing internal conditions within a corporation, or at least decreasing disparities, could potentially improve interpersonal collaboration and inter-office relationships. Treating employees at equal levels of authority with equal respect also reflects larger principles of fair treatment, and can promote respect for the corporate system.

2. **Leadership background.** Firms with international presences tend to also draw their employees and leaders from varied backgrounds. As managers bring different personal and cultural values into their work, they might implement human resource policies that reflect their personal approaches to employment and family rearing.

3. **Cultural exchange.** Inter-office communication, especially on the type of project-based work undertaken by architecture firms, can lead to the exchange of ideas,

\(^{24}\)“The firm of DLA Piper has a generous maternity and paternity policy, which is surprising in the still fratthish culture of big law.” Reed, Eric. “8 Best Companies for Paid Parental Leave.” The Street. 16 March 2016.
values, and perspectives. These might, in turn, foster an environment that is more encouraging of a work-life balance or sensitive to the needs of parents.

4. **Employee mobility.** Particularly in project-based work, employee shuffling and ad hoc assignment is common, especially when individuals develop unique and valuable skill sets. This can lead to interoffice mobility, which might encourage employers to implement standardized human resources policies facilitating transition.

5. **Identity and Branding.** In the case of firms that establish offices in the United States, associations with progressive ideas – such as Scandinavian welfare – may give firms additional incentive to adopt policies that seem consistent with this image. Such practices may also contribute to larger goals for internal corporate culture and external identity.

6. **“Perks race.”** Among top international firms, competition for talent may lead to stronger benefits packages that are consistent with international ideals. In comparison, domestic firms in a single financial market might be inclined to compete purely in terms of salary, or they might recruit talent from a less competitive applicant pool altogether.

7. **Economies of scale.** Lastly, international firms have larger resources than many small, domestic operations. The impact of a single employee’s temporary leave has less of an impact on the project operations and financial health of a larger firm, and the costs of parental leave can be more easily covered.
While these influences, priorities, and options are unique to sizeable transnational firms, the trend toward improved coverage is likely the result of their combination with external, generally applicable factors. For one, benefits in the United States undergo continuous fluctuations as the demands of employees shift. Currently, benefits that allow for improved “work/life balance,” such as telecommuting and “flextime,” are experiencing a nationwide increase in demand. These requests are consistent with the needs of family-rearing professionals, and the provision of parental leave is a logical extension of this trend. Second, “perks” are becoming increasingly useful for attracting top talent. Architecture firms like BIG and Snøhetta routinely emphasize non-salary incentives in their recruitment, focusing instead on opportunities for professional development, paid meals, commuting expenses, bonuses, and more intangible perks like prestige and community. As firms jostle in an increasingly competitive and information-saturated marketplace, innovative corporate branding is central to their ability to attract clients and employees alike.

**Conclusion and Future Directions**

The trends demonstrated in many transnational firms suggest the possibility that even in the absence of state-required parental leave practices, corporations may find it in their best interests to voluntarily support employee-parents with private benefits. Growing awareness in the architectural profession of the need for parental leave, as

well as other issues of parity and employee health, give reason for hope that architecture’s working culture might slowly embrace family-friendly practices as basic minimum standards. What’s more, the demand for independent corporate movement on this issue will gain importance in the coming years. Given the positions of the incoming executive administration and its presumptive labor secretary in particular, corporate initiative will likely be the only mechanism for improving employee security and equalizing opportunity, absent state and local action.26

The move toward increasingly transnational practice in architecture is only one of the profession’s many contemporary transformations that will affect this issue. As architectural labor moves to new platforms, and as design talent generally becomes decentralized, the imminent onset of the long-heralded “gig economy” suggests the possibility of new employment models and the need for new worker protections. In some ways, the increased flexibility professed by gig economy-advocates presents a tremendous opportunity for parenting that may far exceed the benefits offered by trends in employer policies. For one, more flexible work schedules and opportunities for remote work in short-term employment models could establish new compatibilities

between childrearing and design work. This type of employment could also permit convenient gaps between ‘gigs’ that, though likely unpaid, might create windows of opportunity for childrearing that come at a lesser cost to career advancement. Of course, the threat of financial insecurity in a system of short-term contractual employment looms large, and the U.S. currently lacks the public safety net required to guarantee family wellbeing and stability, especially for self-employed and part-time workers.

The reorganization of contemporary design work into an increasingly digital and transnational practice does not necessarily promise to improve the overall laboring conditions of workers, but that remains an issue for further research elsewhere. Rather, it should be understood that these transformations present opportunities to seize upon new solutions to the problems that have plagued the profession since its beginning. With new firm structures and changing professional priorities, architecture has renewed potential to push for parental leave policies with or without broader changes in the U.S. political culture. And if nothing else, change at least offers something different. Architects have reason to be hopeful just knowing that parental leave can only get better from here.