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Make My (Mother's) Day . . .

By Kimberley Strassel

Here's a suggestion to all those sons scurrying in search of a Mother's Day present. Candy and flowers are swell, but a more lasting gift would be a call to your Senator or Congressman to request giving Mom a break.

Mom could use it, since she's been dealing with a lot of stress these past 60 years. It used to be that women only had the difficult jobs of cooking, cleaning, raising children, shopping, gardening, etc. Back in 1950, fewer than 12% of women with children under the age of six were in the workforce. Two-thirds of households were "traditional," meaning the man went to work and the woman stayed home. No more. Today, nearly two-thirds of married couples have both spouses in the labor market. A whopping 60% of women with children under the age of six are punching a time card or carrying a briefcase. Culture warriors can fight over whether this is good or bad, but there's no getting around the reality of our modern world.

That is, unless you are the government, which has largely ignored the fact that its workforce has dramatically

changed. Look around at our many laws and institutions that govern economic behavior, and they all have one startling thing in common: They were designed at a time when women didn't work. Marginal tax rates, labor laws, Social Security, benefits rules, Medicare -- all were created to cater to a "traditional" one-earner family. Moreover, our laws continue to function under outdated assumptions about how people work, primarily geared for employees who work full-time at the same company for their entire lives.

This disconnect has been painful for all modern families, but an especially huge burden for working mothers, who are those most likely to function outside the old norms. Not only do they toil in a world that never expected to have them, they don't work according to the old-fashioned model. Women go in and out of the economy frequently to raise children or to look after elderly relatives. They change jobs, often as part of that process. And they are those most likely to work part-time so as to juggle family demands.

Mom, as a result, has it tough. Consider our system of marginal taxation. It's punitive enough for any individual, but consider the woman who, after having children, decides to go back as the "second earner" in her household. Her first discovery will be that -- even though she may only be earning a minimum wage -- she is instantly put into her husband's tax bracket. That means that while she may be doing the exact same work as the single woman working alongside her, she's keeping less of her paycheck. Consider, too, that when Mom goes back to work, she has to pay for those services she's no longer providing at home: childcare, cooking, cleaning. Between taxation (federal, state, local, Social Security) and these extras, the average middle-income woman can expect to keep about 35 cents of every dollar she makes. And many women find they'd actually lose money if they went back to a career they love.

Just as thorny is workplace flexibility. The 1938 Fair Labor Standards Act, which created the 40-hour work week, was designed to protect employees from abusive companies. Today, the law

itself has become abusive. It requires that hourly workers who put in more than 40 hours must be paid overtime. True, many American count on overtime pay, but just as many would prefer flexible arrangements -- say, if they worked 50 hours one week, they could work 30 hours the next, so as to catch some of their child's soccer games. A 1995 poll showed that a whopping 81% of women would prefer compensatory time off in lieu of overtime wages. Of course, federal employees have had the option of alternate work scheduling since 1978 -- and some 46% of them take advantage of that arrangement. Yet in 1997, when then-Sen. John Ashcroft promoted legislation extending this flexibility to the private workforce, unions ferociously helped kill the bill.

And pity the woman who doesn't work a full 40-hour week. Our tax law has created a system that makes employees dependent on their employers for health care, retirement programs, childcare services and more. This is great if you work for Ford, since taxpayers

everywhere subsidize your perks. Yet many women work part-time or in jobs in smaller companies that can't afford these extras. These women are left to purchase their own benefits with after-tax dollars. Or consider those dual-earner couples who have "duplicate" benefits. One set is wasted, yet current law makes it largely impossible for an employee to forgo perks in lieu of higher wages.

Even women who have access to company benefits often can't utilize them. Defined benefit plans (pensions) are designed to reward long service, and therefore penalize women who take time out for children. While 401k plans are better, many still have long vesting requirements. And the alternative is Social Security, which is also geared to one-earner families. It is generous to women who don't work, paying a benefit equal to half their husband's. But the woman who spends her entire life paying into the system could find she receives not much more than if she'd never worked at all.

The solutions here aren't more rules or higher taxes, but free-market reforms that would serve everyone -- in particular women. We need a fairer tax system, whether it be a flat tax or simply allowing spouses to file truly separate tax returns. We need flexible labor and benefits laws that allow employees freedom to negotiate how they work, and how they are compensated. We need to unshackle benefits from the workplace and provide fairer tax relief, giving employees more control over these goods. And we need Social Security reform, namely private accounts.

Today's Mom is capable of "doing it all," provided misguided public policy doesn't get in the way. So if you really want to do something lasting for Mom, give Congress a call.

Ms. Strassel is a member of the Journal's editorial board and a co-author of "Leaving Women Behind: Modern Families, Outdated Laws," just published by Rowman & Littlefield.