Gender and Equality Law

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Historical Foundations of Gender Equality Law

The feminist movement has evolved the role of each gender in society overall. The thinking patterns regarding gender and politics all over the world have continually evolved over time. The feminist theory explains gender as a "socially constructed role," showing that it is a byproduct of political provisions and hence is acquiescent to any form of communal and political examination. To further explore this mechanism, there is a need to scrutinize this notion as to how or why certain tasks, responsibilities, and privileges are distributed in each culture rationally and not based on differences perceived by each gender. This assignment will, hence, attempt to analyze the equality of both genders over time by reinventing new laws by investigating aspects of femininity and masculinity and the role of diverse social belief systems on the assumption of gender-related progress for each sex (Casey et al., 2008).

The feminist movements have, in fact, led to the formulation of laws promoting equality for not only women but also men. The theory of gender equality has formed better legislation due to feminist movements, which can be further narrowed down to the formulation of better labor laws like the Family and Medical Leave Act, which offered both female and male workers in the United States full protection and rights to pursue any family or medical-related leave (Seward et al., 2002).

Such an act can provide eligible workers of either gender with job-protected leave to care for a new child or certain family and medical needs. The federal FMLA generally provides up to 12 workweeks of unpaid leave in a 12-month period, but it does not cover every U.S. worker; both the employer and employee must meet statutory eligibility requirements.

Legal Protection, Workplace Equality, and Social Reform

Women are burdened with the task of bearing children and giving birth to them biologically; however, men are thought to have an equal role and bear the penalties of having offspring as well. Hence, an expansion in maternity leave and associated rights impacts their control over their private lives. Anil Dash appreciated this notion by declaring that emancipating each gender eventually liberated the other one as well. He said:

“I see as a husband, a father, and a friend to other husbands and fathers who have been in the same situation that we’ve been able to better serve our families and our communities because our wives and partners have had authority over what happens with their bodies. Freeing women to have control frees us men who have built our lives with them.”

The 2017 description is outdated and incorrectly refers to “Africa” as a government. In October 2025, South Africa’s Constitutional Court ruled the previous maternity and parental-leave scheme unconstitutional. Pending remedial legislation, its interim order provides four consecutive months of parental leave for a single or sole employed parent and an aggregate four months and ten days shared by two employed parents.

Persistent Gender Discrimination and the Need for Enforcement

Whereas in the US, there is no compulsion on the employer to give paid time off to either the mother or father of either an infant or an adopted child federally. Hence, the parents can only do so by taking an unpaid leave of absence grounded on the necessities of the Family and Medical Leave Act (FMLA). Under the newly formed Family and Medical Leave Act, FMLA extensions have been made to provide equal protection to both mothers and new fathers, where fathers can take around 12 weeks off from their work for newborn babies. Legislation was formed in the US, where the governing bodies forced employers not only to give the fathers paid leave but also not to change the terms and conditions of their employment due to their newly formed status of being fathers. Primarily, the FMLA only supported leave for females by enforcing their rights due to the Pregnancy Discrimination Act (PDA) (Seward et al., 2002).

According to the terms and conditions of the FMLA, the cons of the law include that the fathers can only get an unpaid vacation without having any adverse conditions to their occupation. However, it still lacks the need for an employer to compensate the fathers with equal salaries as women with maternity leave for their time off. Under the U.S. Family and Medical Leave Act, an employee does not have to be a government officer. Eligible employees generally must work for a covered employer for at least 12 months, have at least 1,250 hours of service during the preceding 12 months, and work at a location where the employer has at least 50 employees within 75 miles. FMLA leave is job-protected and may be unpaid.

If both father and mother are working under the same company for the same employer, then they are both given a combined amount of 12 weeks off (assuming that both parents can assume the role of caretakers alternatively by splitting the time off between them). In this case, it is mostly seen that almost all the leave is taken by the mother, hence giving the father a brief and limited opportunity to spend time with his infant (Casey et al., 2008).

To conclude, I feel that this law, if regulated in a better context, would provide opportunities for both

genders to aid their families equally without any discrimination. As society's perception regarding gender roles continues to evolve with the passing of time, there is an indefinite need to provide equal opportunities to both genders to not only grow and prosper in their workplace but also gain peace and stability in their family and kinship ties.

Works Cited

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