

No woman in the United States should have to choose between the health of her pregnancy and her job. Yet, this is happening all too often around the country. The Pregnant Workers Fairness Act (H.R. 1065) would ensure that pregnant workers are given fair treatment on the job, provide clearer expectations for employers, and will boost the economy.

Pregnant women are pushed out of their jobs because the law does not explicitly guarantee reasonable accommodations for pregnancy, childbirth, and related medical conditions. This means pregnant workers who simply need a stool to sit on, access to water to stay hydrated, or temporary relief from heavy lifting are pushed out of their jobs or even terminated. The Pregnant Workers Fairness Act would explicitly ensure employers will reasonably accommodate employees with medical conditions related to pregnancy, childbirth, or related medical conditions when necessary **unless it would cause an undue hardship on the employer.**

The Pregnant Workers Fairness Act Will Support Businesses by Clarifying Employers' Obligations to Pregnant Workers

The PWFA will provide much needed clarity, leading to upfront and informal resolutions among employers and employees in ways current federal laws do not. The law will help prevent problems before they start.

While pregnant workers have some protections from discrimination under the federal Pregnancy Discrimination Act, those protections are limited—employers only need to accommodate pregnant workers if they already provide accommodations to other workers.

The Americans with Disabilities Act does not require accommodations for conditions that do not qualify as disabilities under the Act and pregnancy is not a disability. This leaves many workers without protections and creates confusion among both employers and employees with regard to workplace accommodations.

Thirty states including Tennessee, Kentucky, South Carolina, West Virginia, Illinois, Nebraska,

and Utah already require certain employers to provide accommodations to pregnant employees.¹

Clarity is particular crucial for small businesses. As one business publication in South Carolina stated “specific guidance regarding the requirements for accommodating workers with medical needs arising from pregnancy [] should be *particularly helpful* for small businesses.”²

The **U.S. Chamber of Commerce supports H.R. 1065** because “ensuring that expectant mothers have every option to stay active in the workplace is good for women, families, and business. This legislation reduces confusion by establishing clear guidelines and a balanced process that works for employers and employees alike.”³ The **Society for Human Resources Management (SHRM)** also supports H.R. 1065 as do major corporations including Adobe, Cigna, Levi Strauss, L’Oreal, and Microsoft, among others.⁴

The Pregnant Workers Fairness Act Will Help Boost Morale and the Bottom Line

Pregnancy discrimination and pregnancy-related job loss remain significant causes of employment inequality between women and men. According to one recent report, “getting pregnant is often the moment [pregnant women] are knocked off the professional ladder.”⁵

The PWFA will **increase employee retention and morale**, and reduce employers’ turnover and training costs, which can be quite high.

The law would **help employers avoid costly litigation** by providing clear guidelines so they can anticipate their responsibilities. At least two states with pregnant worker fairness laws have reported a reduction in litigation since the laws

went into effect and other states have seen no increase.⁶

Ensuring pregnant workers stay safe on the job will **reduce employers’ healthcare costs**. According to the March of Dimes, each premature/low birthweight baby costs employers \$65,000 in newborn health care costs.⁷

Research shows most **medically necessary accommodations are typically short term and low-cost**,⁸ like allowing a worker to sit on a stool instead of standing during a shift or allowing a pregnant worker to keep a bottle of water by her workstation.

Business Groups Across the Country Have Supported State-Level Pregnant Workers Fairness Laws

- **In Kentucky, Greater Louisville Inc.**, the metro Louisville, Kentucky chamber of commerce, outspokenly supported the state legislation that passed in 2019, testifying that the measure “balances the need to support women in the workplace while clearly and concisely defining what constitutes reasonable accommodations and when an employer is and is not obligated to provide them.”⁹
- **In South Carolina**, after a state-level pregnant workers fairness law passed, one business publication said in praising the new law that it creates “clearer expectations” as to employer obligations and “employers have learned that it makes good business sense to create a work environment where expectant and nursing mothers feel valued and respected.”¹⁰
- **In Utah**, the **Davis Chamber of Commerce**, supported the state level bill saying, “We not only think it’s the right thing to do, but we think that keeping women in the workforce is smart.”¹¹
- **One business lobby in another state with 4,000 employer members said they “strongly support”** reasonable accommodations and that “Responsible employers have been providing such accommodations for years as part of comprehensive strategies to retain qualified workers.”¹²

For more information visit www.abetterbalance.org/resources

¹ *State Pregnant Worker Fairness Laws*, A Better Balance, <https://bit.ly/2yEKL6P>.

² *Pregnancy Raises Many Questions in the Workplace*, Upstate Business Journal (Aug. 16, 2018), <https://bit.ly/2pQC6KA>.

³ *U.S. Chamber of Commerce Applauds Committee Approval of Pregnant Workers Fairness Act*, (Jan. 14, 2020), <https://www.uschamber.com/press-release/us-chamber-of-commerce-applauds-committee-approval-of-pregnant-workers-fairness-act>.

⁴ An open letter in support of the Pregnant Workers Fairness Act from leading private-sector employers, <http://www.nationalpartnership.org/our-work/resources/workplace/coalition/an-open-letter-in-support-of-PWFA-from-private-sector-employers.pdf> (last visited Jan. 31, 2020).

⁵ See Natalie Kitroeff & Jessica Silber-Greenberg, *Pregnancy Discrimination Is Rampant Inside America's Biggest Companies*, N.Y. TIMES (Feb. 8, 2019), <https://www.nytimes.com/interactive/2018/06/15/business/pregnancy-discrimination.html>

⁶ Equal Rights Advocates, *Expecting A Baby, Not A Lay-Off*, pg. 25, http://www.ncdsv.org/images/ERA_ExpectingABabyNotALay-off_2012.pdf. The Hawaii Civil Rights Commission reported a similar reduction in pregnancy discrimination complaints and litigation after enactment.

⁷ MARCH OF DIMES, 2019 March of Dimes Report Card 9 (2019), https://www.marchofdimes.org/materials/MOD2019_REPORT_CARD_and_POLICY_ACTIONS_BOOKLETv72.pdf.

⁸ BETH LOY, OFFICE OF DISABILITY EMPLOYMENT POLICY, JOB ACCOMMODATION NETWORK, ACCOMMODATION AND COMPLIANCE SERIES WORKPLACE ACCOMMODATIONS: LOW COST, HIGH IMPACT 4 (2015), <https://askjan.org/publications/Topic-Downloads.cfm?pubid=962628>.

⁹ Hearing on S.B. 18 Before the S. Comm. on the Judiciary, 2019 Gen. Assemb., Reg. Sess. (Ky. Feb. 14, 2019) (testimony of Iris Wilbur, Director of Government Affairs at Greater Louisville Inc.), <https://www.ket.org/legislature/archives/>.

¹⁰ Jada Jacobs, *New South Carolina Law Protects Pregnant and Nursing Employees* (June 20, 2018), <https://www.propelhr.com/blog/new-sc-law-protects-pregnant-employees-and-nursing-mothers>.

¹¹ Editorial, *Utah needs to get right with women, accommodate breastfeeding in the workplace*, Standard Examiner (Feb. 25, 2016), https://www.standard.net/opinion/our-view/utah-needs-to-get-right-with-women-accommodate-breastfeeding-in/article_be70363c-d663-5722-b7cb-9381c4fcb1f3.html.

¹² Brad MacDougall, *AIM, Advocates Reach Deal on Protections for Pregnant Workers*, AIMBlog (Mar. 1, 2017), <https://blog.aimnet.org/aim-issueconnect/aim-lawmakers-advocates-reach-deal-on-protections-for-pregnant-workers>.