

September 14, 2020

Re. Pregnant Workers Fairness Act

Dear Member of Congress:

As organizations committed to promoting the health and economic security of our nation's families, we urge you to support the Pregnant Workers Fairness Act, a crucial maternal and infant health measure. This bipartisan legislation promotes healthy pregnancies and economic security for pregnant women and their families and strengthens the economy.

In the last few decades, there has been a dramatic demographic shift in the workforce. Not only do women now make up almost half of the workforce, but there are more pregnant workers than ever before and they are working later into their pregnancies. The simple reality is that some of these women—especially those in physically demanding jobs—will have a medical need for a temporary job-related accommodation in order to maintain a healthy pregnancy. Yet, too often, instead of providing a pregnant worker with an accommodation, her employer will fire her or push her onto unpaid leave, depriving her of a paycheck and health insurance at a time when she needs them most.

Additionally, pregnancy discrimination affects women across race and ethnicity, but women of color and immigrants may be at particular risk. Latinas, Black women and immigrant women are more likely to hold certain inflexible and physically demanding jobs that can present specific challenges for pregnant workers, such as cashiers, home health aides, food service workers, and cleaners, making reasonable accommodations on the job even more important, and loss of wages and health insurance due to pregnancy discrimination especially challenging. American families and the American economy depend on women's income: we cannot afford to force pregnant women out of work.

In 2015, in *Young v. United Parcel Service*, the Supreme Court held that a failure to make accommodations for pregnant workers with medical needs will sometimes violate the Pregnancy Discrimination Act of 1978 (PDA). Yet, even after *Young*, pregnant workers are still not getting the accommodations they need to stay safe and healthy on the job and employers lack clarity as to their obligations under the law. The Pregnant Workers Fairness Act will provide a clear, predictable rule: employers must provide reasonable accommodations for limitations arising out of pregnancy, childbirth, or related medical conditions, unless this would pose an undue hardship.

The Pregnant Workers Fairness Act is modeled after the Americans with Disabilities Act (ADA) and offers employers and employees a familiar reasonable accommodation framework to follow. Under the ADA, workers with disabilities enjoy clear statutory protections and need not prove how other employees are treated in order to obtain necessary accommodations. Pregnant workers deserve the same clarity and streamlined process and should not have to ascertain how their employer treats others in order to understand their own accommodation rights, as the Supreme Court's ruling currently requires.

Evidence from states and cities that have adopted laws similar to the Pregnant Workers Fairness Act suggests that providing this clarity reduces lawsuits and, most importantly, helps ensure that women can obtain necessary reasonable accommodations in a timely manner, which keeps pregnant women healthy and earning an income when they need it most. No woman should have to choose between providing for her family and maintaining a healthy pregnancy, and the Pregnant Workers Fairness Act would ensure that all women working for covered employers would be protected.

The need for the Pregnant Workers Fairness Act is recognized across ideological and partisan lines. Thirty states and D.C. have adopted pregnant worker fairness measures with broad, and often unanimous, bipartisan support. Twenty-five of those laws have passed within the last seven years. These states include: Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Minnesota, Nebraska, New Mexico, Nevada, New Jersey, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, West Virginia, Vermont, Virginia, and Washington. Lawmakers have concluded that accommodating pregnant workers who need it is a measured approach grounded in family values and basic fairness.

The Pregnant Workers Fairness Act is necessary because it promotes long-term economic security and workplace fairness. When accommodations allow pregnant women to continue to work, they can maintain income and seniority, while forced leave sets new mothers back with lost wages and missed advancement opportunities. When pregnant women are fired, not only do they and their families lose critical income, but they must fight extra hard to re-enter a job market that is especially brutal on the unemployed and on pregnant women.

The Pregnant Workers Fairness Act is vital because it supports healthy pregnancies. The choice between risking a job and risking the health of a pregnancy is one no one should have to make. Women who cannot perform some aspects of their usual duties without risking their own health or the health of their pregnancy, but whose families cannot afford to lose their income, may continue working under dangerous conditions. There are health consequences to pushing women out of the workforce as well. Stress from job loss can increase the risk of having a premature baby and/or a baby with low birth weight. In addition, women who are not forced to use their leave during pregnancy may have more leave available to take following childbirth, which in turn facilitates breastfeeding, bonding with and caring for a new child, and recovering from childbirth.

For all of these reasons, we urge you to support the Pregnant Workers Fairness Act.

We also welcome the opportunity to provide you with additional information. For more details, please contact Dina Bakst (dbakst@abetterbalance.org), Emily Martin (emartin@nwlc.org), Vania Leveille (vleveille@aclu.org), or Michelle McGrain (mmcgrain@nationalpartnership.org).

Sincerely,

A Better Balance
American Civil Liberties Union
National Partnership for Women & Families
National Women's Law Center

1,000 Days
9to5
9to5 California
9to5 Colorado
9to5 Georgia
9to5 Wisconsin
Advocates for Youth
AFL-CIO
African American Ministers In Action
Alianza Nacional de Campesinas
All-Options
American Association of University Women (AAUW)
American Association of University Women, Indianapolis (AAUW)
American College of Obstetricians and Gynecologists
American Federation of State, County, and Municipal Employees (AFSCME)
American Federation of Teachers
Asian Pacific American Labor Alliance
Association of Asian Pacific Community Health Organizations (AAPCHO)
Association of Maternal & Child Health Programs
Association of Women's Health, Obstetric and Neonatal Nurses
Black Mamas Matter Alliance
Breastfeeding Mother
Building Pathways
California Breastfeeding Coalition
California Women's Law Center
California Work & Family Coalition
Casa de Esperanza: National Latin@ Network for Healthy Families and Communities
Center for American Progress
Center for Parental Leave Leadership
Center for Public Policy Priorities
Center for Reproductive Rights
Centro de Trabajadores Unidos (United Workers Center)
Child Care Law Center
Child Welfare League of America
Chinese Progressive Association (San Francisco)

Church World Service
Citizen Action of NY
CLASP
Clearinghouse on Women's Issues
Closing the Women's Health Gap
Coalition on Human Needs
Coalition of Labor Union Women
Coalition of Labor Union Women, Philadelphia Chapter
Communications Workers of America (CWA)
Congregation of Our Lady of the Good Shepherd, U.S. Provinces
DC Jobs with Justice
Disability Rights Education and Defense Fund (DREDF)
Disciples Center for Public Witness
Economic Policy Institute
EMC Strategies
Equal Pay Today
Equal Rights Advocates
Family Equality
Family Values @ Work
Farmworker Justice
Feminist Majority Foundation
Friends Committee on National Legislation
Futures Without Violence
Gender Justice
Grassroots Maternal and Child Health
Leadership Initiative
Hadassah, The Women's Zionist Organization of America, Inc.
Healthy and Free Tennessee
Healthy Mothers/Healthy Babies Coalition of Georgia
Healthy Work Campaign, Center for Social Epidemiology
HER Development
Hoosier Action
Illuminate Colorado
In Our Own Voice: National Black Women's Reproductive Justice Agenda
Indiana AFL-CIO
Indiana Breastfeeding Coalition
Indiana Catholic Conference
Indiana Chapter of Unite Here Local 23

Indiana Coalition Against Domestic Violence
Indiana Friends Committee on Legislation
Indiana Institute for Working Families
Indiana Statewide Independent Living Council
Indianapolis Urban League
Indy Chamber
Interfaith Worker Justice
International Union, United Automobile,
Aerospace & Agricultural Implement Workers
of America (UAW)
Jewish Women International
Jobs With Justice
Justice for Migrant Women
Kansas Breastfeeding Coalition, Inc.
Kentucky Equal Justice Center
KWH Law Center for Social Justice and
Change
Labor Council for Latin American
Advancement (LCLAA)
Labor Project
LatinoJustice PRLDEF
Legal Aid at Work
Legal Momentum, The Women's Legal
Defense and Education Fund
Legal Voice
Louisiana Partnership for Children and
Families
Main Street Alliance
Maine Women's Lobby
Majaica, LLC
Make the Road New York
MANA, A National Latina Organization
March of Dimes
Marion County Commission on Youth, Inc.
Massachusetts Coalition for Occupational
Safety & Health
Metro-Detroit Chapter of the Coalition of
Labor Union Women (CLUW)
Michigan Immigrant Rights Center
MOBB United for Social Change
MomsRising
Monroe County NOW
MS Black Women's Roundtable
Mujeres Unidas y Activas
NAACP
NARAL Pro-Choice America

NARAL Pro-Choice Colorado
National Advocacy Center of the Sisters of the
Good Shepherd
National Advocates for Pregnant Women
National Asian Pacific American Women's
Forum (NAPAWF)
National Center for Law and Economic Justice
National Center for Lesbian Rights
National Center for Transgender Equality
National Coalition Against Domestic Violence
National Consumers League
National Council for Occupational Safety and
Health (COSH)
National Council of Jewish Women
National Council of Jewish Women –
California
National Domestic Workers Alliance
National Education Association
National Employment Law Project
National Employment Lawyers Association
National Health Law Program
National Immigration Law Center
National Network to End Domestic Violence
National Organization for Women
National Partnership for Women and Families
National Resource Center on Domestic
Violence
National WIC Association
NC National Organization for Women (NC
NOW)
Nebraska Appleseed
NETWORK Lobby for Catholic Social Justice
New Working Majority
NJ Citizen Action; NJ Time to Care Coalition
North Carolina Justice Center
Oxfam America
PA NOW
Parent Voices CA
PathWays PA
PhilaPOSH
Planned Parenthood Federation of America
Prevent Child Abuse NC
Physicians for Reproductive Health
Poligon Education Fund
PowHer New York
Pride at Work

Public Citizen
Quetzal
Restaurant Opportunities Centers United
RESULTS
RI CLUW
San Francisco CLUW Chapter
Service Employees International Union
SEIU 32BJ
Sexuality Information and Education Council
of the United States (SIECUS)
SisterReach
Shriver Center on Poverty Law
Silver in the City (Indianapolis, IN)
Solutions for Breastfeeding
Southern CA Coalition for Occupational Safety
& Health
Southwest Pennsylvania National Organization
for Women
Southwest Women's Law Center
TASH
Technology Concepts Group International,
LLC
The Greenlining Institute
The Leadership Conference on Civil and
Human Rights
The Little Timmy Project
The Ohio Women's Public Policy Network
The Zonta Club of Greater Queens
TIME'S UP Now
Ujima Inc: The National Center on Violence
Against Women in the Black Community
UltraViolet
UnidosUS
United Electrical, Radio and Machine Workers
of America
United Food and Commercial Workers
International Union (UFCW)
United Food and Commercial Workers Local
227
Union for Reform Judaism
United for Respect
United State of Women
United States Breastfeeding Committee
United Steelworkers
United Way of Kentucky

University of Illinois at Chicago, School of
Public Health, Division of Environmental &
Occupational Health Sciences
Vision y Compromiso
Voices for Children in Nebraska
Voices for Progress
Warehouse Worker Resource Center
Western Center on Law and Poverty
William E. Morris Institute for Justice, Arizona
Women4Change
Women's Achievement Network and
Development Alliance
Women & Girls Foundation
Women Employed
Women of Reform Judaism
Women's Center for Education and Career
Advancement
Women's Employment Rights Clinic Golden
Gate University
Women's Foundation of California
Women's Fund of Greater Chattanooga
Women's Fund of Rhode Island
Women's Law Project
Women's March
Women's Rights and Empowerment Network
Work Equity
Workers' Center of Central New York
Worker Justice Center of New York
Worksafe
Workplace Fairness
YWCA Greater Cincinnati
YWCA Mahoning Valley
YWCA McLean County
YWCA New Hampshire
YWCA Northwestern Illinois
YWCA of Van Wert County
YWCA USA
ZERO TO THREE