

January 13, 2022

Dear Majority Leader Schumer:

For too long, lawmakers have ignored the role the workplace has played in contributing to adverse health outcomes for Black mothers and babies. We thank you for your commitment to ending this shameful history and prioritizing Black maternal health. We are asking you now to continue acknowledging the voices and experiences of Black pregnant workers, organizations, and doulas and **to center the voices of Black pregnant workers by bringing the Pregnant Workers Fairness Act (H.R. 1065) to a vote without delay.**

The Black Mamas Matter Alliance, in collaboration with A Better Balance, invited Black women leaders from nine states for a listening session to provide an opportunity to share how they directly support Black pregnant workers in their efforts to navigate employment throughout their pregnancy, specifically as their experience relates to the need for pregnancy accommodations in the workplace.

As we convened together, one outstanding message was clear—Black mamas and pregnant people are suffering both economic hardship and negative health outcomes due to pregnancy discrimination and the lack of support in their workplace. The trauma sustained from decades of systemic racism has transcended into the workplace and left many pregnant people unable to ask for, or receive, accommodations at work to stay healthy and on the job. The Pregnant Workers Fairness Act would provide employees the right to request reasonable accommodations for their pregnancy, childbirth, or related medical needs, unless it would cause an undue hardship to their employer. This critical legislation which will enable pregnant workers, particularly Black pregnant workers, to ask for and receive accommodations that are reasonable and timely to stay healthy and connected to the workforce is long overdue.

While our final report is being completed, the stories gathered are so impactful that we would like to share several of these profound statements with you to add understanding and urgency to vote on the Pregnant Workers Fairness Act.

Tiffany Burks from the Southern Birth Justice Network in Florida shared this experience of a client:

One of our doula clients was actually fired from her job at a gas station...Her feet were getting swollen because she was standing on her feet at the gas station. She asked for a stool and they were like you got to go. She was fired and basically lost out on resources to save up for her child before the child was born...When she became income insecure...her iron levels dropped down really low, where she had to start going to the hospital and getting iron infusions just to get her to a safe level to have a birth center birth.

We strongly encourage you to consider the life experiences of Black pregnant people who are working in order to provide for themselves and their families. Black women, particularly those working in low wage jobs during pregnancy, face little support from employers, yet research shows Black mothers have among the highest labor force participation rates in the country and 80 percent of Black mothers are their family's primary breadwinner.¹ Historically, Black pregnant people have been exploited in the workplace, and that exploitation continues to this day. As Cherrisse Scott, Founder and CEO of SisterReach in Tennessee, shared:

¹ Nina Banks, Economic Policy Institute, Black Women's Labor Market History Reveals Deep-Seated Race and Gender Discrimination (Feb. 19, 2019).

I think that the stress of losing a job or not having a good relationship with your employer due to your pregnancy is a social determinant of health. Poor, low wage birthing people are doing what they have to do to take care of themselves and their families' and that means that taking abuse is often the end result.

These assertions are backed up by research. A lack of access to reasonable accommodations has contributed to the staggering reality that Black women experience disproportionate pregnancy-related stress.² Faced with the threat of termination, loss of health insurance, or other benefits, Black women are often forced to keep working which can compromise their health and the health of their pregnancy. Black women also have the highest incidence of preterm birth³ and yet we know that workplace accommodations such as reducing heavy lifting, bending, or excessive standing can help prevent preterm birth, the leading cause of infant mortality in this country. Most distressingly, maternal mortality rates for Black women are three to four times higher than white women.⁴

Providing Black birthing people a clear, affirmative right to accommodation is crucial for preventing complications and protecting their health. As Danica Davis, Co-Founder of the Baobab Birth Collective in Alabama said:

It's really sad to see that in 2021-- birthing people are an afterthought, and that can have a negative impact on their health and the health of our communities overall.

The Pregnant Workers Fairness Act will positively impact Black pregnant worker's health and economic security by helping to remove one of the many barriers Black mamas and pregnant people face at work. This past year during Black Maternal Health Week, the Biden-Harris administration announced their commitment to addressing health disparities that negatively affect Black mothers and babies. We urge you to also center the needs of Black pregnant workers and bring the Pregnant Workers Fairness Act to the floor. In so doing, you have the opportunity to uplift the health and economic wellbeing of Black pregnant workers and pregnant workers of color.

Thank you for your time and attention.

Sincerely,

The Black Mamas Matter Alliance (BMMA) is a national network of Black women-led organizations and multi-disciplinary professionals, whose work is deeply rooted in reproductive justice, birth justice, and the human rights framework, in order to ensure that all Black Mamas have the rights, respect, and resources to thrive before, during, and after pregnancy. Our alliance includes a diverse range of professionals from Midwives & Doulas to OB/GYNs, nurses, lawyers, academics, and public health researchers. The work that we do is grounded in the birth and reproductive justice, and human rights framework. Last September, we took the lead in organizing a sign-on letter from organizations dedicated to ending racial injustice and system racism urging Congress to pass the Pregnant Workers Fairness Act.

A Better Balance (ABB) is a national legal advocacy organization dedicated to using the power of the

² March of Dimes, *Pregnancy and Stress* (2015) <https://www.marchofdimes.org/materials/Maternal-Stress-Issue-Brief-January2015.pdf>.

³ March of Dimes, 2019 March of Dimes Report Card (2019).

⁴ Emily Jones, *Cardiovascular Disease is the Leading Cause of U.S. Maternal Death*, Preventive Cardiovascular Nurses Association (Jan. 16, 2020) (citing Petersen EE, Davis NL, Goodman D, Cox S, Mayes N, Johnston E, Syverson C, Seed K, Shapiro-Mendoza CK, Callaghan WM and Barfield W. Vital Signs: Pregnancy-Related Deaths, United States, 2011-2015, and Strategies for Prevention, 13 States, 2013-2017. *MMWR Morb. Mortal Wkly. Rep.* 2019; 68:423-429).

law to advance justice for workers and promote fairness in the workplace. A Better Balance leads the movement at the federal, state, and local level to ensure pregnant workers can receive the accommodations they need to remain healthy and working. Through the organization's free national legal helpline, A Better Balance speaks to hundreds of pregnant workers each year who are fired or forced out for needing accommodations or face devastating health consequences because their employers denied them accommodations.