

Advancing Equity in Maternal and Infant Health through the Pregnant Workers Fairness Act

A Better Balance is proud to have [spearheaded and led the movement](#) to make stronger protections for pregnant and postpartum workers a reality nationwide. The Pregnant Workers Fairness Act (PWFA) will ensure that workers with medical needs related to their pregnancy, childbirth, and related medical conditions are not forced out of their jobs unnecessarily or denied reasonable job accommodations that would allow them to continue working while maintaining healthy pregnancies, safely recovering from childbirth, or securely accessing time and space to express milk at work. **This new law will go into effect on June 27th, 2023**, and is a major achievement in advancing racial, gender, and economic justice. For a detailed fact sheet on the law, visit [here](#).

Before its passage at the federal level, A Better Balance was honored to work with advocates in maternal and infant health, economic and social justice, and the business community to help pass similar legislation at the state level in thirty states and five cities including South Carolina, Kentucky, Minnesota, North Dakota, and New York. These laws, which passed with bipartisan support, ensured that pregnant and postpartum workers, overwhelmingly women of color in low-wage and physically demanding jobs, would have access to reasonable accommodations like temporary light duty, a modified work schedule, transfer or time off for prenatal and postnatal appointments unless it would cause an undue hardship on their employer's business. The PWFA will provide access to reasonable accommodations for **3 million uncovered workers**, particularly in the South where there are fewer legal protections, and help address racial disparities in adverse health outcomes for new mothers and young infants.

The PWFA is a Critical Measure to Address Racial Disparities in Maternal and Infant Health by Expanding Access to Reasonable Accommodations.

- [Pregnancy accommodations in the workplace](#) are essential to the health of pregnant and postpartum workers across the nation.
- As we found in our [report](#) with Black Mamas Matter Alliance, Black mothers have the highest labor force participation rates in the country (76%) and occupy a large portion of low-wage jobs that lack access to accommodations or flexible scheduling which can lead to an increase in mental and physical health stressors.
- [Advocates and researchers](#) agree that in order to promote health equity and address the harms caused to individuals and families throughout the United States, we must recognize that “Black birthing people are disproportionately affected by pregnancy discrimination and bias in the employment context and lack of family-friendly workplace policies, which may hinder their participation in the labor force and lead to gender and racial inequities in income and health.”
- The PWFA will expand access to unpaid, job-protected leave, and ensure that pregnant workers are able to take the time they need to recover from childbirth without fear of losing their job. About [two in three low-wage workers](#) are ineligible for coverage under the Family and Medical Leave Act (FMLA) and thus have no federal right to time off after childbirth. Furthermore, analysis from [Abt Associates](#) on data from the Department of Labor shows that 25% of new U.S. mothers returned to work within less than two weeks of giving birth.

- Inequitable health risks from employment and lack of access to healthcare disproportionately harm women and people of color at an alarming rate. According to the [Centers for Disease Control and Prevention](#), the maternal mortality rate for Black women is over three times that of white women, at forty deaths per 100,000 live births in 2020.
- Additionally, the [March of Dimes](#) reported that in the United States in 2019, 20,969 infants died before reaching their first birthday, an infant mortality rate of 5.6 per 1,000 live births. The Black infant mortality rate is tragically [twice](#) that of the white infant mortality rate in the U.S.
- The PWFA is one crucial step we need to reduce these disparities by ensuring that all pregnant and postpartum workers, and especially women of color in the South, can remain safe and healthy at work.

According to a [2019 Health Impact Assessment](#) conducted by the Louisville, Kentucky Department of Public Health and Wellness, “Accommodating pregnant workers, upon their request, is critical for reducing poor health outcomes including:

- low birth weight,
- birth defects,
- Dehydration,
- insufficient amniotic fluid,
- Preeclampsia,
- Mastitis, and others”

The PWFA is an Important Tool in Promoting Maternal and Infant Health by Reducing Poor Health Outcomes.

- [Three-quarters of women](#) entering the workforce in our country will be pregnant and employed at some point in their lives. Although some pregnant workers can expect a routine and healthy pregnancy, many pregnant workers, especially those working in physically demanding jobs, may need modest accommodations to stay healthy and on the job or to prevent health problems from occurring.
- These outcomes are not only devastating for workers, but also quite costly for society. On average, each premature/low birth weight baby costs employers and employees an additional \$58,917 in newborn and maternal health care costs, according to the [March of Dimes](#). In 2021, [one in ten live births is preterm](#) and prematurity is the leading cause of infant mortality nationwide. While premature delivery does not always cause problems for the child, it does increase the likelihood of serious medical complications.
- Those who are pushed onto leave often must use up saved paid or unpaid leave they had hoped to reserve to recover from childbirth, and then, unable to afford more time without a paycheck, must return to the workforce much earlier than planned or medically advisable.

Now is the time for supporting the implementation of the PWFA at the state and local level across geographic regions, community-based outreach and education, and enforcement that uses an intersectional approach. Many vulnerable workers, including workers of color and immigrants, throughout the country lack access to information about this new law.