

Stopping Pregnancy Discrimination ABB and Clients Featured in the *New York Times*

When **Otisha Woolbright** and **Candis Riggins** came to us because their employer, Walmart, refused to accommodate their pregnancies, forcing them to choose between their health and their jobs, A Better Balance, along with our partners the National Women's Law Center and Mehri & Skalet, LLC, were honored to represent them.

As reported in the *New York Times* on June 17, 2018, because women like Otisha and Candis fought back, we were able to pressure Walmart to adopt a new policy that gives workers who are pregnant, breastfeeding, or recovering from childbirth the right to seek accommodations like extra bathroom breaks, a change of duties, or even a temporary position.



While we celebrate this **policy change** and are thrilled that our work and clients garnered such prominent national media coverage, we're also concerned. To date, Walmart has failed to publicize the new policy. We think it's no accident. Without this information employees remain unsure of their rights and unable to advocate for

themselves. Moreover, as the country's largest employer, Walmart could lead by example and change the entire retail industry, helping millions of workers and their families. There is much more to be done. Through our social media channels, website, trainings, and hotline, ABB is working to get the word out.

Even as we focus on educating employees and ensuring that Walmart implements its own policy, our pending legal cases continue. At the end of March, we celebrated a victory when a federal judge ruled in our clients' favor in our **class action lawsuit** alleging that two former employees experienced pregnancy discrimination while working at Walmart. This ruling enables the case to proceed to the next stage of litigation. We also continue to investigate Walmart's unlawful **absence control policies**, which disproportionately and unfairly affect employees with disabilities and serious health issues as well as those who are caring for ill family members. We currently represent a number of individuals before the **Equal Employment Opportunity Commission** and will continue to fight to ensure that Walmart complies with the law.

Fighting Sexual Harassment on the Front Lines

Over the past six months, we have been leading efforts across the nation to fight for better policies to combat sexual harassment, especially in low-wage and male-dominated industries, and holding accountable those employers that fail to protect their workers.

In New York, we led advocacy efforts, including rallying support from over 80 organizations statewide, to push for **strong new anti-sexual harassment protections in state law**. As a result of our work, New York will be the first state in the country to require all employers to conduct annual anti-sexual harassment training for their employees.

In the South, we are **supporting workers at XPO Logistics**, a global supply chain provider for companies including Verizon, Pepsi, and Disney, who are facing harrowing conditions on the job but are fighting back and saying #MeToo.

As **Steering Committee members of the new Sexual Harassment Action Network**, we are working in coalition with workers, organizers, unions, and advocacy groups to educate, organize, and mobilize low-wage workers to fight back against sexual harassment from the ground up. We continue to work as part of the **Poultry Workers' Rights Coalition** to fight back against dangerous workplace conditions, including sexual harassment, and to address the fear many of these workers have about filing complaints and speaking out due to immigration concerns.

We will not stop fighting for change until every worker, no matter the industry, feels safe and respected at work.



Photos: Left, Otisha Woolbright, ABB client and Community Advocate, featured in *The New York Times*. Right, ABB Southern Office Director Elizabeth Gedmark protesting working conditions at a poultry plant in Kentucky.

More Workers Gain Right to Paid Sick Time for Themselves and Their Family

No worker should have to go to work sick or fail to take care of a sick family member because they fear losing their job. Our victories in passing **paid sick and safe time legislation** around the country have continued to grow. Only halfway into 2018, two additional states, **Maryland** and **New Jersey**, have already passed paid sick time laws bringing the total for statewide rights to this important benefit up to 10. In addition, new areas of the country are passing these laws: **Austin, Texas**—the first Southern city to do so—and **Duluth, Minnesota**. In Maryland, workers began earning paid sick time in February. Both New Jersey's and Austin's laws are set to take effect in October, while Duluth's will go into effect in January 2020. In addition to ensuring workers can care for personal or family health issues, all four of these new laws allow workers to use sick time for "safe time" purposes to address needs related to domestic violence, sexual assault, or stalking. In Austin, Duluth, and New Jersey, sick time can be used to care for extended and chosen family members (or loved ones who are the equivalent of family, even absent a biological or legal relationship).

ABB played a significant role in the passage of these laws. New Jersey's sick time law, for example, is the fruition of years of advocacy work that ABB has been part of starting with the first paid sick time bill that passed in the state in 2013, in Jersey City, followed by bills in 11 more New Jersey localities, as part of a long-term strategy to pass a strong, statewide paid sick time law. In Austin and Duluth, ABB lent substantial technical assistance to advocates on the ground from the early stages of drafting the ordinance to the final days leading up to passage. We are now standing with our coalition partners to defend these laws from any litigation or legislative attacks.



Photo: ABB Co-President Sherry Leiwant (second from right) attended the signing of the expanded and newly titled Earned Safe and Sick Time Act in NYC.

Here in **New York City**, the City Council recently expanded its sick time law, newly titled the *Earned Safe and Sick Time Act*, as the law now allows workers to use earned sick time for safe time purposes, which include needs related to human trafficking. Furthermore, the law's family definition was expanded to include extended relatives and chosen family. This expansion took effect in May.

These recent victories mean that millions more workers have this important right. In total, more than 40 jurisdictions in the U.S. have passed paid sick time laws, 10 of them—covering an estimated 14 million workers—with our model family definition—a key policy goal of our LGBTQ Rights Project. We are looking forward to building on this momentum in the coming months.

Defending Local Democracy

With more and more cities and counties across the country joining the movement to require fairer policies for working families, some states are trying to roll back that progress by blocking—or "preempting"—cities from enacting certain kinds of regulations. States are trying to stymie local policymaking across issues, from employee benefits to LGBTQ rights to immigration and sanctuary cities.

A new victim of this troubling trend has been equal pay efforts. Earlier this year, Michigan and Wisconsin both passed laws that prohibit cities from banning salary history inquiries. The Pennsylvania legislature is considering a similar bill. These laws are **part of a larger movement to prevent municipalities from pursuing economic justice goals**: currently 25 states block cities from enacting a higher minimum wage and 18 have prohibited cities from ensuring paid sick leave for workers without creating a statewide paid sick time policy.

LGBTQ rights are also increasingly being targeted. Beyond the outright preemption of local nondiscrimination ordinances in North Carolina, Tennessee, and Arkansas, dozens of states have introduced so-called "First Amendment Defense Acts" that would severely undermine existing or future local LGBTQ protections. These bills would essentially provide people and businesses with a license to discriminate, seriously weakening local LGBTQ protections.

ABB is working hard to defend and expand the power of cities and counties to enact progressive policies in those issue areas and beyond. Earlier this year, ABB filed *amicus* briefs urging courts in Pennsylvania and Minnesota to defend local paid sick time ordinances, and our LGBTQ Rights Project is helping in a number of states to protect local nondiscrimination laws from state interference. We are also working with advocates across the country to fight anti-sanctuary city and gun preemption laws that prevent cities and counties from making their communities safer and more inclusive. Cities and counties have an important role to play in protecting their residents and advancing progressive policies, and ABB is committed to helping them achieve those goals.

Huge Victories for Pregnant Workers

On May 18th, **South Carolina** became the 23rd state to grant explicit protections for pregnant workers in need of accommodations after the legislature unanimously passed the Pregnancy Accommodations Act. This huge victory sends the clear message that legislators on both sides of the aisle and throughout the country support fairness for pregnant workers.

A Better Balance Community Advocate Natasha Jackson shared powerful testimony before the state legislature about being pushed off the job while pregnant. Thanks to Natasha's advocacy, the legislators understood just how much this law stood to affect women's lives. Our attorneys also testified in support of the bill in the state legislature, offered legal support and guidance, helped negotiate with the business community, and worked closely with the local advocates every step of the way.



The bipartisan **Kentucky Pregnant Workers' Rights Act**, on which we lead advocacy efforts, also showed tremendous promise this legislative session. The bill passed out of committee unanimously after ABB testified along with our former client, Officer Lyndi Trischler, who told her powerful story of discrimination under heartbreaking circumstances. While the bill did not pass this year, the bill sponsor and coalition are dedicated to continuing the fight next session. In **Tennessee**, we advocated for a pregnancy anti-discrimination bill for public sector employees, and we continue to support pregnant worker fairness campaigns in **Indiana**, **North Carolina**, and **Georgia**. Our job is not done until laws in every state explicitly protect pregnant workers in need of accommodations.

Making Progress on Paid Leave

In states across the country, the 2018 legislative session has been one of **major progress on paid leave**. In **Massachusetts**, a strong comprehensive paid family and medical leave law passed both

chambers. **Vermont's** legislature passed a paid family leave law, which was vetoed by Governor Phil Scott. **Hawaii's** legislature, after a robust coalition campaign to create a new program, voted to study paid family leave. In **California**, a bill to add paid family leave for military families dealing with deployment passed the Senate unanimously and is now pending in the Assembly. In **New Jersey**, a comprehensive bill to expand and improve its paid family leave program is advancing rapidly.

ABB is also hard at work on implementation in places that have already passed paid leave laws. Along with our partners, we helped lead a robust comment campaign on proposed regulations in **Washington, DC**, and weighed in on initial proposed regulations in **Washington State**. Both programs are scheduled to begin providing benefits in 2020.

In **New York**, benefits under the groundbreaking paid family leave law we helped write, fight for, and win began on January 1, 2018. We're continuing to play a leading role in outreach and education on the law through our Family Leave Works campaign (**FamilyLeaveWorks.org**) as well as through ongoing trainings and presentations. We are also arming workers with information on their rights every day through our free and confidential bilingual legal hotline (**1-833-NEED-ABB**).

Continuing to Lead on Equal Pay

The gender wage gap remains a stubborn reality for American women, especially women of color. Our equal pay work over these last few months has centered on both pushing for strong new legislation while also fighting back against harmful legislation that would block cities' ability to pass progressive equal pay legislation.

In New York, we are leading the campaign for a **state law that would prevent employers from asking applicants to provide their salary history** or relying on that information to set wages, a practice that perpetuates the gender wage gap. Since women and people of color historically make less at the outset of their careers, their lower salary perniciously follows them from job to job.

We are working to end New York's **sub-minimum wage for tipped workers**. Because women restaurant workers are forced to rely on tips to make minimum wage, their livelihood often depends on tolerating regular sexual harassment from male customers, co-workers, and supervisors. In the states that have already abolished the sub-minimum wage, sexual harassment rates have gone down by fifty percent.

The fight for equal pay requires innovative solutions and the ability for cities and states to implement those solutions. ABB is here both to push for those solutions and to push back on those trying to obstruct them.

Photo: Community Advocate Natasha Jackson testifies in support of the Pregnancy Accommodations Act.

Fall Celebration 2018

Have you bought your Fall Celebration tickets yet?

Join us Monday, October 15 from 6:30 – 9:00 pm at the Manhattan Penthouse for a powerful and inspirational evening celebrating the groundbreaking victories we have fought so hard for, and won, as we fight back against injustice and use the power of the law to protect and defend the rights of women and working families.

This year, we are thrilled to honor **Kalpana Kotagal**, Partner at Cohen Milstein, preeminent civil rights attorney, and co-author of the Hollywood "Inclusion Rider;" **Ai-jen Poo**, activist, Executive Director of the National Domestic Workers Alliance, and national leader on workers' rights, **Candis Riggins**, ABB Community Advocate for Pregnant Workers, and **Cindy Robbins**, President and Chief People Officer at Salesforce, and a pioneer of the company's equal pay efforts. **Gloria Steinem**, writer, lecturer, political activist, and feminist organizer, and **Jenny Yang**, former Chair of the Equal Employment Opportunity Commission, are serving as Honorary Co-Chairs of the event.

Tickets and sponsorship opportunities available at www.abetterbalance.org/fall-celebration-2018/, or email events@abetterbalance.org for details.



ABB in the Media

ABB and our clients have been featured in over 50 publications, podcasts, and TV and radio news programs since January, including *The New York Times*, *Slate*, *Feministing*, *Forbes*, *CNN*, *Huffington Post*, *Cosmopolitan*, *Time*, *NY Daily News*, *Consumer Reports*, *Rewire*, *US News*, *Refinery 29*, and *The Street*.

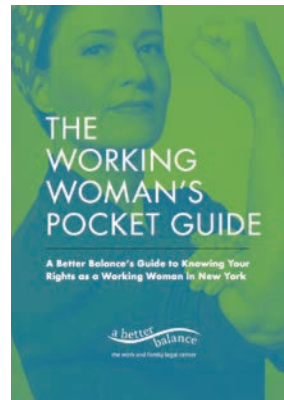
You can find a complete list at:

abetterbalance.org/newsroom/abb-in-the-media



Photo: ABB Co-President Dina Bakst being interviewed for the Brian Lehrer Show.

KNOWLEDGE IS POWER



The Working Woman's Pocket Guide, which has been featured in *Forbes* and shared widely on social media—provides a user-friendly way for women to understand their rights in the workplace, from sexual harassment to equal pay to paid family leave to healthcare coverage, and much more!

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