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FACT SHEET:

Fairness for Pregnant Workers

The **Pregnant Workers Fairness Act (PWFA)** would promote nondiscrimination by ensuring that pregnant workers are not forced out of their jobs unnecessarily or denied reasonable job accommodations that would allow them to continue working while maintaining healthy pregnancies.

Existing Federal Laws Inadequately Protect Pregnant Workers Who Wish to Stay on the Job

- Women make up almost half of the American workforce¹ and families rely on women's salaries to make ends meet: Women are the primary or co-breadwinners in almost two-thirds of families in the United States.²
- Three-quarters of women entering the workforce in our country will be pregnant and employed at some point in their lives.³ Some of these women—especially those in physically strenuous jobs—will face a conflict between their duties at work and the demands of pregnancy.
- All too often, pregnant women are pushed out of their jobs, or forced to risk their health to continue earning a paycheck to feed their families.
- Even after the Supreme Court's ruling in *Young v. UPS*, pregnant women remain vulnerable. A pregnant worker who seeks an accommodation must currently go through a multi-step process, which can be quite challenging. Many pregnant workers who need temporary adjustments are unfamiliar with company policy and will find it difficult, if not impossible, to know whether their employer is accommodating a large percentage of non-pregnant workers while failing to accommodate pregnant workers—the standard set out by the Supreme Court.

Need for Greater Legal Clarity Has Been Recognized Across the Country

- Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Louisiana, Maryland, Massachusetts, Minnesota, Nebraska, Nevada, New Jersey, New York, North Dakota, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, West Virginia, New York City, NY, Philadelphia, PA, Providence, RI, Central Falls, RI, and Washington, D.C. all explicitly require certain employers to provide some form of accommodations to pregnant employees.⁴
- The PWFA has already garnered broad support from prominent women's groups across the country, health groups, unions, and dozens of other organizations.⁵

The PWFA Would Clarify Existing Law and Create A Uniform National Standard

- The PWFA will protect pregnant workers who face being pushed out on leave or terminated when they ask their employers for minor workplace accommodations.
- The law will require reasonable accommodations for pregnancy, childbirth, and related medical conditions, unless they cause an undue hardship for the employer. An employer cannot deny a



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pregnant worker employment opportunities or force her to take an accommodation that she does not want or need. An employer cannot unilaterally force a pregnant worker to take leave when another reasonable accommodation could help keep her on the job.

- The PWFA will direct the U.S. Equal Employment Opportunity Commission (EEOC) to make rules implementing the law within two years of enactment, including a list of exemplary accommodations that should be provided unless they pose an undue hardship for the employer.
- The PWFA addresses the problem through an existing and familiar reasonable accommodations framework, modeled after the Americans with Disabilities Act.

The PWFA Will Benefit Working Women, their Families, their Employers and the Public

- Women who need income but lack accommodations are often forced to continue working under unhealthy conditions, thus risking their own health as well as the health of their babies.⁶
- Research has shown that stress from job loss can increase the risk of having a premature baby and/or a baby with low birth weight.⁷ There is no need for these risks if a simple accommodation will allow a woman to stay on the job.
- Working during pregnancy can be a beneficial choice for many women. By working extra months, women can earn additional income and achieve increased seniority. Moreover, women who work during pregnancy may be able to take a longer period of leave following childbirth, which in turn facilitates breastfeeding,⁸ bonding with and caring for a new child, and recovering from childbirth.
- The PWFA would promote women's economic security during a critical time that is often filled with financial hardship.⁹ Keeping women employed also saves taxpayers money in the form of unemployment insurance and other public benefits.
- Providing reasonable accommodations also carries benefits for employers, including reduced turnover and increased productivity.¹⁰ The PWFA would provide clearer guidelines for employers so they can anticipate their responsibilities and avoid costly litigation. Clear statutory protection allows for informal resolutions and eliminates the need for legal intervention.

For more information, contact A Better Balance at 212-430-5982 or abetterbalance.org.

¹ Catalyst, Statistical Overview of Women in the Workplace, (Dec. 2011) at <http://www.catalyst.org/publication/219/statistical-overview-of-women-in-the-workplace>.

² Heather Boushey & Ann O'Leary, The Shriver Report: A Woman's Nation Changes Everything: Executive Summary, (Oct. 2009), at http://www.americanprogress.org/issues/2009/10/womans_nation.html.

³ Alexandra Cawthorne & Melissa Alpert, Labor Pains: Improving Employment and Economic Security for Pregnant Women and New Mothers, (Aug. 2009), at http://www.americanprogress.org/issues/2009/08/pregnancy_support.html.

⁴ A Better Balance, "Pregnant Worker Fairness Legislative Successes," <http://www.abetterbalance.org/resources/pregnant-worker-fairness-legislative-successes/>.

⁵ Pregnant Workers Fairness Act Letter of Support (May 7, 2012), available at: http://www.nationalpartnership.org/site/DocServer/Pregnant_Workers_Fairness_Act_Sign-On_Letter.pdf?docID=10262.

⁶ Mayo Clinic Staff, *Working During Pregnancy: Do's and Don'ts*, available at: <http://www.mayoclinic.com/health/pregnancy/WL00035>; see also Joanna L. Grossman, *Pregnancy, Work, and the Promise of Equal Citizenship*, 98 Geo. L.J. 567, 582-84 (March 2010).

⁷ March of Dimes, *Stress and Pregnancy* (January 2008/January 2010), available at: http://www.marchofdimes.com/pregnancy/lifechanges_indepth.html.



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⁸ Full-time employment usually decreases the duration of breastfeeding; breastfeeding has significant health benefits for both babies and mothers. See A Better Balance, *The Public Health Case for Workplace Flexibility*, (November 2010), available at:

<http://www.abetterbalance.org/web/images/stories/Documents/fairness/factsheets/PHC-2010-ABetterBalance.pdf>.

⁹ Almost half of all babies born in the United States are born to families receiving WIC food supplements. See Kimberly Brown, *Shocking Need: American Kids Go Hungry*, ABC News, (August 24, 2011), available at:

http://abcnews.go.com/US/hunger_at_home/hunger-home-american-children-malnourished/story?id=14367230#.Tu-55mC4Iy4.

¹⁰ Job Accommodation Network, *Workplace Accommodations: Low Cost, High Impact*, pg. 3, at <http://www.jan.wvu.edu/media/LowCostHighImpact.doc>. The Job Accommodation Network is a service of the U.S. Department of Labor's Office of Disability Employment Policy (ODEP).