



## FACT SHEET: Fairness for Pregnant Workers in Florida

No pregnant worker in Florida should have to choose between a healthy pregnancy and their job. Yet, this is happening all too often. The Florida Pregnant Workers Fairness Act (FL PWFA) will ensure that pregnant workers are treated fairly on the job, provide clearer expectations for employers, and boost our economy.

### Gaps in current law leave Florida's pregnant workers vulnerable.

- Florida law **does not explicitly provide reasonable accommodations** for pregnancy, childbirth, or other pregnancy-related medical needs.
- Pregnant workers have **limited protections under federal law**.
  - Under the Pregnancy Discrimination Act, absent other clear evidence of wrongdoing, employers only need to accommodate pregnant workers if they already provide accommodations to other workers.
  - The Americans with Disabilities Act only requires accommodations for pregnancy-related disabilities, but not pregnancy itself.
- This means that pregnant workers who simply need a stool to sit on, access to water to stay hydrated, or temporary relief from heavy lifting are **pushed out of their jobs or forced to risk their health**.<sup>1</sup>
- The FL PWFA will ensure that employers **reasonably accommodate** employees with medical needs related to pregnancy, childbirth, and related conditions, unless it would cause an **undue hardship** for the employer.

### The Florida Pregnant Workers Fairness Act will benefit businesses by:

- **Increasing employee retention and morale while reducing turnover and training costs.**<sup>2</sup>
- **Reducing healthcare costs.** Physically demanding work, where accommodations are more often necessary but too often unavailable, has been associated with an increased risk for preterm birth and low birth weight.<sup>3</sup> On average, each premature/low birth weight baby costs employers and employees an additional \$58,917 in newborn and maternal health care costs.<sup>4</sup>
- **Preventing costly litigation** by providing clear guidelines so employers can anticipate their responsibilities.
  - At least two states with pregnant worker fairness laws have reported a reduction in litigation since the laws went into effect, and other states have seen no increase.<sup>5</sup>

### Florida's economy needs strong measures to support women in the workforce.

- Florida ranks **48th in the country** for female labor force participation rates.<sup>6</sup> According to a report by the McKinsey Global Institute, Florida could add over 10% to the state GDP by 2025 through policies that help increase the number of working women in the state.<sup>7</sup>

### The Florida Pregnant Workers Fairness Act will promote healthier pregnancies and babies.

- **Women in Florida are being forced to choose between their jobs and a healthy pregnancy.** For example, in Tampa, a pregnant firefighter was denied temporary light duty on the job.<sup>8</sup>



the work and family legal center

2301 21st Ave. South, Suite 355, Nashville, TN 37212 | t: 615.915.2417 | info@abetterbalance.org | abetterbalance.org

- The **March of Dimes gave Florida a “C—” grade on its 2019 preterm birth report card**, reporting that 10.3% of babies in the state are born preterm and “the preterm birth rate among black women is 52% higher than the rate among all other women.”<sup>9</sup>
- According to the Louisville Department of Public Health and Wellness, “**accommodating pregnant workers, upon their request, is critical for reducing poor health outcomes.**”<sup>10</sup>

### More than half of states have already taken action to address this issue.

- **27 states**, including Kentucky, South Carolina, and West Virginia, require certain employers to provide accommodations to pregnant employees.<sup>11</sup>
- Most of these laws passed with **bipartisan support** and **backing from the business community.**<sup>12</sup>
  - Greater Louisville Inc., a prominent Kentucky chamber of commerce, called Kentucky’s proposal “**pro-business, pro-workforce legislation that will be good for our state’s economy.**”<sup>13</sup>
  - The South Carolina Chamber of Commerce took a neutral position on that state’s bill.<sup>14</sup> After the law passed, one business publication praised the law for creating “**clearer expectations**” for employers.<sup>15</sup>

**For more information on this legislation, please contact Elizabeth Gedmark, Vice President, at (615) 915-2417 or [egedmark@abetterbalance.org](mailto:egedmark@abetterbalance.org).**

<sup>1</sup> A Better Balance, *Pregnant and Jobless*, (2015), <https://www.abetterbalance.org/wp-content/uploads/2017/01/PregnantandJobless.pdf>.

<sup>2</sup> U.S. Women’s Chamber of Commerce, *Letter to Congress Re: Business Support for the Pregnant Workers Fairness Act*, [https://www.abetterbalance.org/wp-content/uploads/2017/05/USWCC\\_Letter-of-support\\_-\\_PWFA.pdf](https://www.abetterbalance.org/wp-content/uploads/2017/05/USWCC_Letter-of-support_-_PWFA.pdf); Job Accommodation Network, *Workplace Accommodations: Low Cost, High Impact*, p. 5 (2015), <https://askjan.org/topics/costs.cfm>.

<sup>3</sup> See, e.g. Monique van Beukering et al., *Physically Demanding Work and Preterm Delivery: A Systematic Review and Meta-Analysis*, Int’l Archives of Occupational & Env’tl. Health (2014).

<sup>4</sup> *Premature Birth: The Financial Impact on Business*, March of Dimes, <https://bit.ly/2PCo2Qs>.

<sup>5</sup> Equal Rights Advocates, *Expecting A Baby, Not A Lay-Off*, [http://www.ncdsv.org/images/ERA\\_ExpectingABabyNotALay-off\\_2012.pdf](http://www.ncdsv.org/images/ERA_ExpectingABabyNotALay-off_2012.pdf); A Better Balance, *Pregnant and Jobless*, p. 16 (2015), <https://www.abetterbalance.org/wp-content/uploads/2017/01/PregnantandJobless.pdf>.

<sup>6</sup> *Status of Women in the States*, Institute for Women’s Policy Research, <https://statusofwomensdata.org/explore-the-data/state-data/florida/>.

<sup>7</sup> McKinsey Global Institute, *The Power of Parity: Advancing Women’s Equality in the United States*, <https://www.mckinsey.com/featured-insights/employment-and-growth/the-power-of-parity-advancing-womens-equality-in-the-united-states>.

<sup>8</sup> Dina Bakst, Elizabeth Gedmark, and Sarah Brafman, A Better Balance, *Long Overdue*, (May 2019), <https://www.abetterbalance.org/long-overdue/>.

<sup>9</sup> *Peristats: Florida*, March of Dimes, <https://www.marchofdimes.org/peristats/tools/reportcard.aspx?reg=01>.

<sup>10</sup> Louisville Department of Public Health and Wellness, *Pregnant Workers Health Impact Assessment*, Feb. 2019, <https://louisvilleky.gov/government/center-health-equity/health-impact-assessments>.

<sup>11</sup> *State Pregnant Worker Fairness Laws*, A Better Balance, <https://bit.ly/2yEKL6P>.

<sup>12</sup> Dina Bakst, Elizabeth Gedmark, and Sarah Brafman, A Better Balance, *Long Overdue*, (May 2019), <https://www.abetterbalance.org/long-overdue/>.

<sup>13</sup> Kent Oyler, Op-Ed., Guest Comment: Legislation Would Help Kentucky Women in the Workforce, *Louisville Business First* (Jan. 4, 2019), <https://www.bizjournals.com/louisville/news/2019/01/04/guest-comment-legislation-would-help-kentucky.html>.

<sup>14</sup> Mattie Quinn, Bumped Out, *Governing: The States and Localities* (Dec. 2018), <https://www.governing.com/topics/mgmt/gov-pregnancy-discrimination.html>.

<sup>15</sup> Jada Jacobs, New South Carolina Law Protects Pregnant and Nursing Employees, *Propel HR* (June 20, 2018), <https://www.propelhr.com/blog/new-sc-law-protects-pregnant-employees-and-nursing-mothers>.