

April 28, 2021

## **Re. Pregnant Workers Fairness Act**

Dear Member of Congress:

As organizations committed to promoting the health and economic security of our nation's families, we urge you to support the Pregnant Workers Fairness Act, a crucial maternal and infant health measure. This bipartisan legislation promotes healthy pregnancies and economic security for pregnant workers and their families and strengthens the economy.

In the last few decades, there has been a dramatic demographic shift in the workforce. Not only do women now make up almost half of the workforce, but there are more pregnant workers than ever before and they are working later into their pregnancies. The simple reality is that some pregnant workers—especially those in physically demanding jobs—will have a medical need for a temporary job-related accommodation in order to maintain a healthy pregnancy. Yet, too often, instead of providing pregnant workers with an accommodation, employers will fire or push them onto unpaid leave, depriving them of a paycheck and health insurance at a time when it may be most needed.

Additionally, discrimination affects pregnant workers across race and ethnicity, but women of color and immigrants may be at particular risk. Latinas, Black women and immigrant women are more likely to hold certain inflexible and physically demanding jobs that can present specific challenges for pregnant workers, such as cashiers, home health aides, food service workers, and cleaners, making reasonable accommodations on the job even more important, and loss of wages and health insurance due to pregnancy discrimination especially challenging. American families and the American economy depend on women's income: we cannot afford to force pregnant workers out of work.

In 2015, in *Young v. United Parcel Service*, the Supreme Court held that a failure to make accommodations for pregnant workers with medical needs will sometimes violate the Pregnancy Discrimination Act of 1978 (PDA). Yet, even after *Young*, pregnant workers are still not getting the accommodations they need to stay safe and healthy on the job and employers lack clarity as to their obligations under the law. The Pregnant Workers Fairness Act will provide a clear, predictable rule: employers must provide reasonable accommodations for limitations arising out of pregnancy, childbirth, or related medical conditions, unless this would pose an undue hardship.

The Pregnant Workers Fairness Act is modeled after the Americans with Disabilities Act (ADA) and offers employers and employees a familiar reasonable accommodation framework to follow. Under the ADA, workers with disabilities enjoy clear statutory protections and need not prove how other employees are treated in order to obtain necessary accommodations. Pregnant workers deserve the same clarity and streamlined process and should not have to ascertain how their employer treats others in order to understand their own accommodation rights, as the Supreme Court's ruling currently requires.

Evidence from states and cities that have adopted laws similar to the Pregnant Workers Fairness Act suggests that providing this clarity reduces lawsuits and, most importantly, helps ensure that workers can obtain necessary reasonable accommodations in a timely manner, which keeps pregnant workers healthy and earning an income when they need it most. Workers should not have to choose between providing for their family and maintaining a healthy pregnancy, and the Pregnant Workers Fairness Act would ensure that all those working for covered employers would be protected.

The need for the Pregnant Workers Fairness Act is recognized across ideological and partisan lines. Thirty states and D.C. have adopted pregnant worker fairness measures with broad, and often unanimous, bipartisan support. Twenty-five of those laws have passed within the last seven years. These states include: Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Minnesota, Nebraska, New Mexico, Nevada, New Jersey, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, West Virginia, Vermont, Virginia, and Washington. Lawmakers have concluded that accommodating pregnant workers who need it is a measured approach grounded in family values and basic fairness.

The Pregnant Workers Fairness Act is necessary because it promotes long-term economic security and workplace fairness. When accommodations allow pregnant workers to continue to work, they can maintain income and seniority, while forced leave sets new parents back with lost wages and missed advancement opportunities. When pregnant workers are fired, not only do they and their families lose critical income, but they must fight extra hard to re-enter a job market that is especially brutal on those who are pregnant and unemployed.

The Pregnant Workers Fairness Act is vital because it supports healthy pregnancies. The choice between risking a job and risking the health of a pregnancy is one no one should have to make. Pregnant workers who cannot perform some aspects of their usual duties without risking their own health or the health of their pregnancy, but whose families cannot afford to lose their income, may continue working under dangerous conditions. There are health consequences to pushing pregnant workers out of the workforce as well. Stress from job loss can increase the risk of having a premature baby and/or a baby with low birth weight. In addition, if workers are not forced to use their leave during pregnancy, they may have more leave available to take following childbirth, which in turn facilitates lactation, bonding with and caring for a new child, and recovering from childbirth.

For all of these reasons, we urge you to support the Pregnant Workers Fairness Act.

We also welcome the opportunity to provide you with additional information. For more details, please contact Dina Bakst ([dbakst@abetterbalance.org](mailto:dbakst@abetterbalance.org)), Emily Martin ([emartin@nwlc.org](mailto:emartin@nwlc.org)), Vania Leveille ([vleveille@aclu.org](mailto:vleveille@aclu.org)), or Michelle McGrain ([mmcgrain@nationalpartnership.org](mailto:mmcgrain@nationalpartnership.org)).

Sincerely,

A Better Balance  
American Civil Liberties Union  
National Partnership for Women &  
Families  
National Women's Law Center  
1,000 Days  
2020 Mom  
9to5  
ACTION OHIO Coalition For Battered  
Women  
Advocates for Youth  
AFL-CIO  
African American Ministers In Action  
Alaska Breastfeeding Coalition  
Alianza Nacional de Campesinas  
All-Options  
American Academy of Pediatrics  
American Association of University  
Women (AAUW)  
American Association of University  
Women (AAUW) Indianapolis  
American College of Obstetricians and  
Gynecologists  
American Federation of State, County and  
Municipal Employees  
American Federation of Teachers  
AnitaB.org  
Asian Pacific American Labor Alliance,  
AFL-CIO  
Association of Farmworker Opportunity  
Programs  
Association of Maternal & Child Health  
Programs  
Association of State Public Health  
Nutritionists  
Autistic Self Advocacy Network  
Baby Cafe USA  
Beaufort-Jasper-Hampton Comprehensive  
Health Services  
Black Mamas Matter Alliance  
Bazon Center for Mental Health Law  
Bloom, Baby! Birthing Services  
Bread For the World  
Breastfeeding Coalition of Delaware  
Breastfeeding Family Friendly  
Communities

Breastfeeding Hawaii  
BreastfeedLA  
Building Pathways, Inc  
California Breastfeeding Coalition  
California WIC Association  
California Women's Law Center  
Casa de Esperanza: National Latin@  
Network for Healthy Families and  
Communities  
Center for American Progress  
Center for Law and Social Policy (CLASP)  
Center for LGBTQ Economic  
Advancement & Research  
Center for Parental Leave Leadership  
Center for Public Justice  
Center for Reproductive Rights  
Chosen Vessels Midwifery Services  
Church World Service  
Clearinghouse on Women's Issues  
CLUW  
Coalition for Restaurant Safety & Health  
Coalition of Labor Union Women (CLUW)  
Coalition on Human Needs  
Congregation of Our Lady of Charity of the  
Good Shepherd, U.S. Provinces  
Connecticut Women's Education and Legal  
Fund (CWEALF)  
DC Dorothy Day Catholic Worker  
Disciples Center for Public Witness  
Economic Policy Institute  
Equality Ohio  
Equal Pay Today  
Equal Rights Advocates  
Every Texan  
Every Mother, Inc.  
Family Equality  
Family Values @ Work  
Farmworker Justice  
Feminist Majority Foundation  
First Focus Campaign for Children  
Futures Without Violence  
Gender Equality Law Center  
Gender Justice  
Grandmothers for Reproductive Rights  
(GRR!)

Hadassah, The Women's Zionist  
Organization of America, Inc.  
Health Care For America Now  
Healthy Children Project, Inc.  
Healthy and Free Tennessee  
Healthy Mothers, Healthy Babies Coalition  
of Georgia  
HealthyWomen  
Hispanic Federation  
Hoosier Action  
Human Rights Watch  
ICNA CSJ  
In Our Own Voice: National Black  
Women's Reproductive Justice Agenda  
Indiana Chapter of the American Academy  
of Pediatrics  
Indiana Institute for Working Families  
Indianapolis Urban League  
Institute for Women's Policy Research  
Interfaith Workers Justice  
Justice for Migrant Women  
Kansas Action for Children  
Kansas Breastfeeding Coalition  
KWH Law Center for Social Justice and  
Change  
La Leche League Alliance  
La Leche League USA  
LatinoJustice PRLDEF  
LCLAA  
Legal Aid at Work  
Legal Momentum, The Women's Legal  
Defense and Education Fund  
Legal Voice  
Mabel Wadsworth Center  
Maine Women's Lobby  
Mana, A National Latina Organization  
March of Dimes  
Maternal Mental Health Leadership  
Alliance  
MCCOY (Marion County Commission on  
Youth)  
Methodist Federation for Social Action  
Michigan Breastfeeding Network  
Michigan League for Public Policy  
Midwives Alliance of Hawaii  
Minus 9 to 5

Mississippi Black Women's Roundtable  
Mom Congress  
MomsRising  
Monroe County NOW  
Mother Hubbard's Cupboard  
Mother's Own Milk Matters  
MS Black Women's Roundtable & MS  
Women's Economic Security Initiative  
NARAL Pro-Choice America  
National Advocacy Center of the Sisters of  
the Good Shepherd  
National Asian Pacific American Women's  
Forum (NAPAWF)  
National Association of Pediatric Nurse  
Practitioners  
National Association of Social Workers  
National Association of Social Workers  
NH Chapter  
National Advocates for Pregnant Women  
National Birth Equity Collaborative  
National Center for Law and Economic  
Justice  
National Center for Lesbian Rights  
National Coalition for the Homeless  
National Coalition of 100 Black Women,  
Inc. Central Ohio Chapter  
National Coalition Against Domestic  
Violence  
National Consumers League  
National Council for Occupational Safety  
and Health (National COSH)  
National Council of Jewish Women  
National Council of Jewish Women  
Cleveland  
National Council of Jewish Women  
(NCJW), Atlanta Section  
National Domestic Workers Alliance  
National Education Association  
National Employment Law Project  
National Employment Lawyers Association  
National Health Law Program  
National Network to End Domestic  
Violence  
National Organization for Women  
National Urban League  
National WIC Association

National Women's Health Network  
NETWORK Lobby for Catholic Social  
Justice  
New Jersey Breastfeeding Coalition  
New Jersey Citizen Action  
New Jersey Time to Care Coalition  
New Mexico Breastfeeding Task Force  
New Working Majority  
North Carolina Justice Center  
Northwest Arkansas Breastfeeding  
Coalition  
Nurse-Family Partnership  
Nutrition First  
Ohio Alliance to End Sexual Violence  
Ohio Coalition for Labor Union Women  
Ohio Domestic Violence Network  
Ohio Federation of Teachers  
Ohio Religious Coalition for Reproductive  
Choice  
Ohio Women's Alliance  
Oxfam America  
Partnership for America's Children  
Peirce Consulting LLC  
Philadelphia Coalition of Labor Union  
Women Philly CLUW  
Philadelphia NOW Education Fund  
Philaposh  
Physicians for Reproductive Health  
Planned Parenthood Federation of America  
PowHer New York  
Pray First Mission Ministries  
Pretty Mama Breastfeeding, LLC  
Prevent Child Abuse NC  
Public Advocacy for Kids (PAK)  
Restaurant Opportunities Center United  
RESULTS  
RESULTS DC/MD  
Shriver Center on Poverty Law  
SisterReach  
Solutions for Breastfeeding  
Speaking of Birth  
Southwest Women's Law Center  
The International Union, United  
Automobile, Aerospace and Agricultural  
Implement Workers of America (UAW)

The Leadership Conference on Civil and  
Human Rights  
The Little Timmy Project  
The National Domestic Violence Hotline  
The Ohio Women's Public Policy Network  
The Women and Girls Foundation of  
Southwest Pennsylvania  
The Women's Law Center of Maryland  
The Zonta Club of Greater Queens  
TIME'S UP Now  
U.S. Breastfeeding Committee  
Ujima Inc: The National Center on  
Violence Against Women in the Black  
Community  
UltraViolet  
Union for Reform Judaism  
United Church of Christ Justice and  
Witness Ministries  
United Electrical, Radio and Machine  
Workers of America (UE)  
United Food and Commercial Workers  
International Union (UFCW)  
United Spinal Association  
United State of Women  
United Steelworkers  
United Today, Stronger Tomorrow  
Universal Health Care Action Network of  
Ohio  
VA NOW, Inc.  
Virginia Breastfeeding Advisory  
Committee  
Virginia Breastfeeding Coalition  
Voices for Progress  
Wabanaki Women's Coalition  
We All Rise  
Western Kansas Birthkeeping  
William E. Morris Institute for Justice  
(Arizona)  
Women and Girls Foundation of Southwest  
Pennsylvania  
Women Employed  
Women of Reform Judaism  
Women's Fund of Greater Chattanooga  
Women's Fund of Rhode Island  
Women's Fund of Rhode Island  
Women's Law Project

Women's March  
Women's Media Center  
Women's Rights and Empowerment  
Network  
Women4Change  
Workplace Fairness  
Workplace Justice Project at Loyola Law  
Clinic  
Worksafe  
WV Breastfeeding Alliance  
WV Perinatal Partnership, Inc.  
YWCA Dayton  
YWCA Greater Cincinnati  
YWCA Mahoning Valley  
YWCA McLean County  
YWCA Northwestern Illinois  
YWCA USA  
YWCA of the University of Illinois  
ZERO TO THREE