

# Winning The Pregnant Workers Fairness Act



An Inside Story and Lessons Learned from the  
Decade-Long Fight for Justice, Fairness, and Equality

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**A Better Balance** is a national legal nonprofit advocacy organization that uses the power of the law to advance justice for workers, so they can care for themselves and their loved ones without sacrificing their economic security. Through legislative advocacy, direct legal services and strategic litigation, and public education, A Better Balance’s expert legal team combats discrimination against pregnant workers and caregivers and advances supportive policies like paid sick time, paid family and medical leave, fair scheduling, and accessible, quality childcare and eldercare. When we value the work of providing care, which has long been marginalized due to sexism and racism, our communities and our nation are healthier and stronger. Learn more at [www.abetterbalance.org](http://www.abetterbalance.org).

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# Executive Summary

Armanda Legros, a single mother from Queens, New York, was forced out of her job at an armored truck company after requesting light duty and lost her health insurance at eight and a half months pregnant. As a single mother without a paycheck, she struggled to pay for basic necessities, including food for her children. She almost lost her apartment after falling behind on rent, turning to public assistance as she watched her credit score drop. When she first reached out to A Better Balance in 2012 to discuss the unjust treatment she experienced, she wrote, “It angers me and frustrates me because I am out of work with no pay due to ‘restrictions’ as common as no heavy lifting due to my pregnancy.” Armanda went on to engage in ten years of advocacy with A Better Balance in support of the Pregnant Workers Fairness Act (PWFA). After ten years of hearing from Armanda and the thousands of women like her from all over the country, Congress finally passed the Pregnant Workers Fairness Act on December 23, 2022.

The PWFA closes a pernicious gap in our nation’s civil rights laws that forced Armanda to choose between a paycheck and a healthy pregnancy. It will afford millions of pregnant and postpartum workers, particularly Black and Latina women in low-wage, inflexible, and non-traditional jobs, crucial new protections during pregnancy and immediately after childbirth to protect their health and keep their jobs, guaranteeing long overdue fairness, dignity, and equality under the law.

This report, “Winning the Pregnant Workers Fairness Act,” documents the history of the decade-long fight to pass the Pregnant Workers Fairness Act (PWFA). It also imparts lessons learned for fellow advocates, grassroots organizers, lawmakers, staff, and the public seeking to advance progressive workplace rights. How did a major piece of civil rights legislation pass in a heavily partisan and divided Congress? The answer is multifaceted and complex, but we believe certain key tactics and strategies were most fruitful and will help serve as a roadmap for future advocacy campaigns.

In 2011, A Better Balance Co-Founder & Co-President Dina Bakst recognized a disturbing pattern: pregnant workers, especially those in low-wage jobs,

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were facing terrible workplace mistreatment—and current law offered little help. Through extensive legal research, with the assistance of then law fellow Elizabeth Gedmark, it became apparent that both the Pregnancy Discrimination Act (PDA) and Americans with Disabilities Act (ADA) were failing workers. Pregnant workers needed immediate relief to protect their health and avoid devastating economic consequences. Instead, they routinely faced two impossible options: work without an accommodation and risk their health, or take unpaid leave—or worse yet, lose their job.

In January 2012, Bakst offered a solution in a *New York Times* Op-Ed: lawmakers should pass legislation to provide pregnant and postpartum workers an affirmative right to reasonable accommodations, absent undue hardship to their employers. Pregnancy accommodations, she argued, are good for women’s economic security, public health, and an employer’s bottom line. “No woman in America should be forced to choose between her job and a healthy pregnancy,” she wrote.

A movement was born. Immediately, federal, state, and local lawmakers responded to Bakst’s call for new legislation. Three months later, after close consultation with A Better Balance and several organizational partners, Congressman Jerrold Nadler, along with Congresswoman Maloney and several other colleagues, introduced the very first Pregnant Workers Fairness Act.

Recognizing the long path it would take to move the PWFA in Congress, A Better Balance pivoted to working with partners to codify protections in states and cities, starting with our first big win in New York City in 2013. State by state, we worked with a wide range of stakeholders to make the legal, maternal health, economic, business, and moral case for pregnant workers fairness legislation. Crucially, in nearly every state, we engaged workers, who shared their stories with lawmakers and the media. We found remarkable success garnering bipartisan support in every corner of the country, even conservative Southern states, which later proved pivotal in driving federal change.

Yet, for many years following the PWFA introduction, action at the federal level remained stalled. The 2015 Supreme Court decision, *Young v. UPS*, created new challenges for our advocacy efforts, as news outlets hailed it as a “big win” for

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pregnant workers. However, we continued to make the argument for a new law, explaining to lawmakers and the public that the PWFA was still urgently needed for millions of pregnant and postpartum workers in this country, especially for workers in low-wage and physically demanding jobs, particularly women of color, who needed the law on their side.

Finally, in 2019, momentum grew. A Better Balance’s new report, *Long Overdue*, authored by Bakst, Gedmark, and ABB National Policy Director Sarah Brafman, documented problematic gaps in the law with original analysis: over two-thirds of pregnant workers were losing their accommodations cases in court post-*Young*. A few months later, Congress held its first hearing on the bill where Bakst testified, sharing these new findings—the Committee named the hearing “Long Over Due.” Then, critically, after extensive good faith negotiations, the U.S. Chamber of Commerce announced its support for the bill. The PWFA passed with overwhelming bipartisan support in the House of Representatives in September 2020, and again in May 2021, after a second House hearing. However, it would take another year and a half of sustained advocacy by a powerful and diverse coalition of civil rights, business, labor, health, faith, and women leaders—and most powerfully, pregnant workers and working moms themselves—to get the PWFA over the finish line in the Senate and signed into law by President Biden, at the end of 2022.

Passing the Pregnant Workers Fairness Act took over a decade of savvy advocacy, sustained pressure, and movement-building. In this report, we highlight eight tactics and strategies that led to this victory and together create a roadmap for a successful work-family justice campaign:

- 1. Center Workers: They Are Experts and Leaders**
- 2. Make Progress in States**
- 3. Build a Broad Coalition and Engage Diverse Stakeholders**
- 4. Gain Business Support**
- 5. Achieve Robust Bipartisanship and Overcome Opposition**
- 6. Build Relationships with Lawmakers and Constantly Create New Materials to Maintain the Urgency of the Issue**
- 7. Channel the Power of Communications and Use Consistent, Value-**

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## Based Messaging

### 8. Push Until the Bitter End, Even When Success Seems Nearly Impossible.

Much work remains to enforce and implement the PWFA, and an array of additional work-family justice policies are still necessary. Yet the passage of this historic civil rights legislation proves that major bipartisan, workers' rights victories *are* possible.

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## Chapter 1

# How We Identified That Pregnant Workers in Need of Accommodation, Especially Women in Low-Wage and Physically Demanding Jobs, Were Falling Through the Cracks of Federal Civil Rights Laws

### RAMPANT DISCRIMINATION AGAINST PREGNANT WORKERS SPARKS A 21ST CENTURY MOVEMENT FOR WORKPLACE EQUALITY

There are many ways to tell the story of how Congress passed the Pregnant Workers Fairness Act (“PWFA”). It is a story about workers—overwhelmingly women in low-wage and non-traditional jobs—who did not shy away from bravely sharing their stories, alongside unrelenting advocates who demanded Congress afford them long overdue dignity and equality under the law. It is the story of unlikely allies, federally and around the country, forging deep partnerships—another rarity, especially in the realm of labor and workplace rights. It is about the triumph of bipartisanship, a rarer and rarer occurrence in today’s highly polarized political climate. And it is the story of legal experts sounding the alarm bells on, and refusing to accept, the severe limitations of the law, especially when it comes to serving the most vulnerable and marginalized.

In 2011, A Better Balance Co-Founder & Co-President Dina Bakst recognized a disturbing pattern: pregnant workers, especially those in low-wage jobs, were facing terrible workplace mistreatment<sup>1</sup>—and the law at the time offered little help. Through extensive legal research<sup>2</sup> with the assistance of then law fellow Elizabeth Gedmark, it became apparent that both the Pregnancy Discrimination Act and Americans with Disabilities Act were failing workers. Pregnant workers needed immediate relief to protect their health and avoid devastating economic

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consequences. Instead, they routinely faced two impossible options: work without an accommodation and risk their health, or take unpaid leave—or worse yet, lose their job.

**This disturbing trend persisted both in our calls with workers on our free legal helpline<sup>3</sup> and in the cases we reviewed. A pregnant worker, often a low-wage woman of color, would seek a modest job modification—refraining from heavy lifting, carrying a water bottle, using a stool as a cashier, or taking extra bathroom breaks as needed, for instance. The worker’s manager would refuse the worker’s request, forcing them to choose between their health and their livelihood.<sup>4</sup>**



**ABB Community Advocate Floralba Espinal.**

Over and over, pregnant workers came to us faced with this same dilemma. **Due to structural limitations in both federal pregnancy discrimination and disability accommodation law, we too often could not provide them any assurance that they had a clear right to accommodations at work. They faced devastating economic consequences if pushed out of work, and dire health consequences if forced to continue working without accommodations. For example:**

- » A pregnant care attendant submitted a doctor’s note with a lifting restriction and was immediately sent home. She told her employer she could work and her employer ended up firing her anyway, saying he could not accommodate her. Without savings, she ended up moving into a shelter, seventeen weeks pregnant.<sup>5</sup>
- » A pregnant desk clerk at a large, upscale hotel chain asked for a few minutes to sit down during her nine-hour shift. Her employer denied her requests, and she was pushed out of her job and onto public assistance.<sup>6</sup>

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» A pregnant grocery store employee was advised to avoid heavy lifting after she was diagnosed with a blood clotting disorder. Her boss said there was no work for her and fired her after eleven years on the job.<sup>7</sup>

**Having a baby should not trigger economic devastation or lifelong poverty.**

Pregnant and postpartum workers, especially women in low-wage jobs, inflexible jobs, and jobs in male-dominated industries with serious physical demands, should not have to choose between ensuring a healthy pregnancy and delivery and supporting their families. This is especially true at a time when this country is facing a maternal mortality crisis fueled by racism, when families are facing severe economic challenges, and access to reproductive health care has been severely curtailed in America.



ABB Community Advocate Armanda Legros and son.

Before the Pregnant Workers Fairness Act’s passage, it was clear workers needed an affirmative right to reasonable accommodations, so they could get immediate relief to stay healthy and attached to the workforce. Our helpline illuminated that existing laws—the Pregnancy Discrimination Act and Americans with Disabilities Act—were failing them. In the next section, we explain why.

**EXISTING LAW FAILED PREGNANT WORKERS**

The problems the workers who called our helpline experienced were not just due to individual unsympathetic managers but also to fundamental gaps in our nation’s legal protections for pregnant workers. The Pregnancy Discrimination Act (“PDA”), a 1978 law intended to rout out centuries of employment discrimination against pregnant women, offered limited recourse when it came

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to pregnant people<sup>8</sup> who needed accommodations, especially for women in low-wage and physically demanding jobs, most of whom were women of color. Likewise, the Americans with Disabilities Act required accommodation of only those pregnant workers with disabilities—excluding pregnant workers who needed accommodations in order to prevent complications or disabilities from arising, such as extra restroom breaks to prevent a urinary infection from developing.

### The Genesis & Pitfalls of the Pregnancy Discrimination Act

In 2019 testimony delivered before the United States Congress, A Better Balance Co-Founder and Co-President Dina Bakst explained the history behind the passage of the PDA.<sup>9</sup> As Bakst testified, in the late 1970s, nearly forty million women worked in the United States, most as either their family’s sole breadwinner or its higher earner.<sup>10</sup> When these women became pregnant, they faced rampant workplace discrimination—imperiling their economic security<sup>11</sup>—with employers refusing to hire, and routinely firing, women simply because they were pregnant or intended to become pregnant. Still other employers discriminated against women by providing non-essential benefits to employees, such as cosmetic surgery, while categorically excluding pregnancy from disability and fringe benefit plans.<sup>12</sup>



A Better Balance Co-Founder and Co-President Dina Bakst testifies before Congress in 2019.

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The courts provided little relief to pregnant women harmed by such blatant discrimination. In 1974, in *Geduldig v. Aiello*, the Supreme Court relied on faulty reasoning to hold, bafflingly, that pregnancy discrimination was not sex discrimination under the Equal Protection Clause.<sup>13</sup> Two years later, in *Gilbert v. General Electric*, the Court held that pregnancy discrimination likewise was not sex discrimination under Title VII of the Civil Rights Act, echoing *Geduldig's* suspect reasoning.<sup>14</sup>

After the *Gilbert* decision, Congress stepped in and explicitly outlawed pregnancy discrimination by passing the PDA. Speaking on the Senate floor, Senator Harrison Williams emphasized the need to end discrimination against pregnant women and ensure equal treatment of pregnant workers: “The central purpose of the bill . . . is to require that women workers be treated equally with other employees on the basis of their ability or inability to work. The key to compliance in every case will be equality of treatment.”<sup>15</sup>

To that end, the PDA amended Title VII in two key ways to recognize pregnancy discrimination as a form of sex discrimination. First, the first clause of the PDA broadened the definition of “because of sex” and “on the basis of sex” under Title VII to include “pregnancy, childbirth, and related medical conditions.” As a result, employers could no longer discriminate against pregnant women in hiring, firing, and other “terms and conditions” of employment.<sup>16</sup>

Second, the PDA’s second clause specified that “women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes . . . as other persons not so affected but similar in their ability or inability to work.”<sup>17</sup> This second clause reflected the dominant feminist discourse of the era: women needed equal—not special—treatment, an approach known as “formal equality.”<sup>18</sup>

But that second clause of the PDA left the critical question of equal treatment compared to *whom* unanswered,<sup>19</sup> spawning decades of confusion and litigation. And the formal equality approach offered little protection to those pregnant women who worked jobs where everyone was treated poorly—jobs that women of color disproportionately worked, in low-wage, physically demanding industries. In the 1980s, scholar Kimberlé Crenshaw coined and developed

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the concept of intersectionality, “a term that captures the fact that systems of oppression are not singular; they overlap and intersect in the same way that power does.”<sup>20</sup> **In conversation with Crenshaw, scholar Patricia Schultz expounded, “The awareness of intersectionality is a step in the right direction towards substantive equality. It takes us beyond just formal equality, having the same laws for women and men, to laws that will help overcome material, substantive inequality because they are better able to include reality.”<sup>21</sup>**

An intersectional lens, informed by a desire for substantive equality, would have illuminated the fundamental problem with the PDA’s comparative approach: in workplaces where all workers are treated poorly—workplaces where women of color predominate—a comparative standard is little help to pregnant workers in need of accommodation. After all, if a pregnant warehouse worker’s non-pregnant co-worker were refused accommodations, the PDA would give her no right to one either.

In the years since passage, the PDA’s comparator standard has proven fundamentally incapable of achieving full equality for pregnant workers, particularly those in low-wage, physically rigorous industries, who are disproportionately women of color. These workers’ other potential recourse—disability accommodation law—has proven largely ineffective as well, while also illuminating an alternate path forward.

**The Americans with Disabilities Act Presents Challenges—and a Model—for Pregnant Workers in Need of Accommodation.**

The Americans with Disabilities Act (“ADA”), passed in 1991, afforded groundbreaking new rights and protections to people with disabilities.<sup>22</sup> Among other things, the ADA included a requirement that employers engage in an interactive process with employees with disabilities to determine whether reasonable accommodations would permit them to continue working, absent undue hardship on the employer’s business.<sup>23</sup> **The ADA drew upon a profound idea: the provision of reasonable accommodations constitutes equal, not special, treatment.**<sup>24</sup>

Litigators began testing the bounds of the law and its potential applicability to pregnancy, especially in situations where a pregnant worker suffered very

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serious health complications. Courts responded with a nearly uniform stance: **pregnancy in and of itself was not a disability under the ADA.**<sup>25</sup> Even in the case of severe pregnancy-related complications and illness, courts held, the ADA often did not protect workers.<sup>26</sup>

Congress later passed the Americans with Disabilities Act Amendments Act (“ADAAA”) in 2008, broadening the scope of disabilities that could qualify for reasonable accommodations.<sup>27</sup> In March 2011, the U.S. Equal Employment Opportunity Commission (“EEOC”) issued regulations clarifying that temporary disabilities could be considered disabilities under the law.<sup>28</sup> Scholars and advocates believed the ADAAA should be interpreted broadly to classify most conditions pregnant workers experienced as temporary disabilities, which would have allowed pregnant workers to seek reasonable accommodations in the workplace under the ADAAA.<sup>29</sup>

Despite Congress’s expansion of the ADA and the EEOC’s regulatory work, courts continued to hold that many common pregnancy-related conditions were not “disabilities” as required to trigger protection under the law.<sup>30</sup> As one court concluded, “[a]lthough the 2008 amendments broadened the ADA’s definition of disability, these changes only have had a modest impact when applied to pregnancy-related conditions.”<sup>31</sup> Another court noted that, even following the expansion of the ADA, “[o]nly in extremely rare cases have courts found that conditions that arise out of pregnancy qualify as a disability.”<sup>32</sup> Such reasoning left unprotected those pregnant workers with medical needs that did not rise to the level of disabilities but who nevertheless needed accommodations in order to *prevent* serious complications from arising.<sup>33</sup>

Even those pregnant workers who experienced severe pregnancy-related complications—such as high-risk pregnancy, hyperemesis gravidarum, and pregnancy-related bleeding—were often unprotected by the ADA, with courts holding that such complications did not amount to an “impairment” that substantially limited a major life activity, as required under the ADA.<sup>34</sup> For example, one court concluded that a Texas pharmacist who had to undergo two emergency surgeries related to her high-risk pregnancy did not have a “disability” and, accordingly, dismissed her ADA claim.<sup>35</sup> Another court dismissed the ADA accommodation claim of a worker who was diagnosed with hyperemesis

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gravidarum (severe nausea) and hypokalemia (low potassium) when she was rushed to the emergency room upon “fe[eling] weak, ‘almost faint’ and nauseous, and . . . vomiting and bleeding.”<sup>36</sup> Despite these serious diagnoses, the court held that the “plaintiff ha[d] not shown that she had a disability for purposes of the ADA.”<sup>37</sup> Yet another court held that a plaintiff with pregnancy complications, including preeclampsia, was not disabled within the meaning of the ADA because she had “presented no admissible evidence of her pregnancy complications or explained how they disabled her”<sup>38</sup>—despite the fact that preeclampsia is one of the three leading causes of maternal mortality.<sup>39</sup>

In December 2012, A Better Balance heard from a Walmart worker in the Midwest who, at the time, was twenty-eight weeks pregnant. Walmart sent her home after her doctor advised she refrain from climbing eight-foot ladders because climbing or carrying the ladder could lead to preterm contractions and her doctor did not want her to risk falling.<sup>40</sup> The worker was still able to climb six-foot ladders and perform all the other responsibilities her job entailed.<sup>41</sup> The worker was also willing to temporarily transfer to another job, such as cashier, so as to avoid climbing ladders. She was aware of a non-pregnant worker who had been transferred to a position in the fitting room after she fell off a higher ladder and injured her back.<sup>42</sup> Walmart denied her request, pointing to its written policies at the time, which indicated she did not qualify for an accommodation because she did not have a disability, since pregnancy is only temporary.<sup>43</sup> As a result, she was forced out onto an unpaid leave of absence, losing income on which she depended.<sup>44</sup>

This example illustrates two problems with relying upon the ADA for protection for pregnant workers in need of reasonable accommodation. First, the ADA is of limited use in instances where accommodations are necessary to prevent health problems in pregnancy, like preventing the health consequences that could result from falling off a tall ladder. Second, major employers, including the country’s largest employer, still had not altered their policies to accommodate temporary disabilities (the category in which pregnancy-related disabilities would fall), one and a half years after the EEOC promulgated regulations.

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Still, although the ADA ultimately offered little protection, it would prove pivotal for pregnant workers in need of accommodation in another respect: the law’s accommodation framework served as a model for the Pregnant Workers Fairness Act (“PWFA”).

## The PWFA embraced the core insight at the heart of the ADA’s accommodation framework: providing reasonable accommodations fosters equality, leveling the playing field for all workers.

Drawing inspiration from the ADA’s vision for substantive equality, the PWFA hewed closely to the ADA’s well-established structure. That structure requires employers to provide reasonable accommodations to workers, absent undue hardship, and includes an interactive process requirement through which employers and workers identify appropriate accommodations. The PWFA even went so far as to explicitly adopt the ADA’s definitions of key terms, stating, for instance, that “the terms ‘reasonable accommodation’ and ‘undue hardship’ have the meanings” given to those terms in the ADA.<sup>45</sup> In so doing, the PWFA adopted standards that were time-tested, familiar to employers, and—in contrast to the PDA—rooted in meeting workers’ individual needs without regard for how well (or how poorly) other workers were treated.

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## Chapter 2

# How the Pregnant Workers Fairness Act Was Born: Spotlighting the Problem and Offering a Solution

Once we identified the problem pregnant workers in need of accommodation were facing, our next task was exposing it.

In early 2012, A Better Balance Co-Founder and Co-President Dina Bakst did just that, penning an Op-Ed in *The New York Times* that laid out the problem in no uncertain terms: “Few people realize that getting pregnant can mean losing your job . . . and it happens thanks to a gap between discrimination laws and disability laws.”<sup>46</sup>



Dina Bakst’s 2012 *New York Times* Op-Ed, “Pregnant, and Pushed Out of a Job.”

reasonable accommodations, absent undue hardship to employers. Workplace laws, she argued, must provide pregnant workers, especially those in low-wage and physically demanding jobs, the right to immediate relief to remain healthy and on the job. **No worker in America “should be forced to choose between her job and a healthy pregnancy.”<sup>48</sup>**

Bakst’s Op-Ed began as A Better Balance’s work always does: it was rooted in the lived experiences of low-wage workers. It highlighted the story of a New Yorker who was fired from her retail job after requesting to avoid heavy lifting and climbing tall ladders due to her pregnancy.<sup>47</sup>

From there, Bakst offered a solution. Legislators, she wrote, could pass laws providing pregnant workers an affirmative right to

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The Op-Ed presented common sense policy arguments for a legislative fix. First, pregnancy accommodations are good for public health because women who can protect their health and work longer into their pregnancies often qualify for longer periods of leave following childbirth, which facilitates breastfeeding, as well as bonding with, and caring for, a new child. Second, pregnancy accommodations promote family economic security. Pregnant workers who are forced out early onto unpaid leave are set back with lost wages and, when they return to work, with missed advancement opportunities. Finally, pregnancy accommodations are good for an employer’s bottom line in terms of lower turnover costs and greater loyalty, productivity, and healthier workers.<sup>49</sup>

At that time, a few states had laws on the books offering varying levels of protections for pregnant workers in need of transfers or other accommodations.<sup>50</sup> For Bakst, this was wholly insufficient: whether a pregnant worker could maintain their health and their paycheck should not depend on where they happened to live or for whom they happened to work.<sup>51</sup>

With Bakst’s Op-Ed, a movement was born.

## VOICES FROM THE MOVEMENT: Dina Bakst, A Better Balance Co-Founder and Co-President

The Op-Ed ignited a firestorm, exposing the horrifying reality facing pregnant workers.<sup>52</sup> As Bakst recalls from that time:

“For so many, the Op-Ed was the first time they learned about this gap in our federal laws and the continued prevalence of this form of pregnancy discrimination, despite laws on the books meant to help.”<sup>53</sup>

Almost immediately, federal, state, and local lawmakers reached out to us at A Better Balance, asking how they could help. We were a small and scrappy team of six back then. The response was overwhelming—and thrilling. Policymakers knew from the Op-Ed that we had the on-the-ground knowledge to diagnose the problem. Now they turned to us for the technical expertise to fix it.

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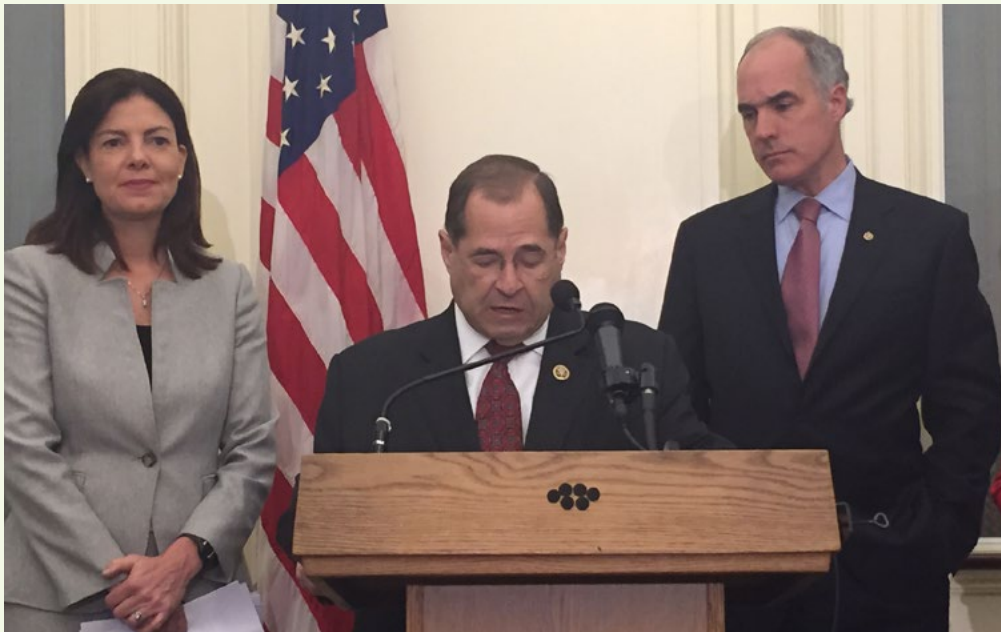
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My Op-Ed had mentioned a bill we had already worked with New York State Senator Liz Krueger to introduce in 2011, which planted the seed for other lawmakers. The day my Op-Ed was published, Representative Jerrold Nadler (D-NY) reached out to me saying he had read the piece and wanted to work together to draft federal legislation.

**“Nearly ten years ago, I read an Op-Ed in *The New York Times* by Dina Bakst, an attorney with A Better Balance who had been representing pregnant workers seeking accommodations to help them stay on the job throughout their pregnancy. Ten years and countless meetings later we are finally here getting ready for a hopefully bipartisan vote on the floor.” —Rep. Nadler**



Rep. Nadler (speaking) with Sen. Shaheen (left) and Sen. Casey (right) at a press conference for the PWFA.

That same day, New York Representative Carolyn Maloney circulated the piece to every member of Congress and demanded a federal fix modeled after the New York bill. Later recounting why the issue resonated so deeply with her, Congresswoman Maloney said:

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**“When I was working in the New York State legislature and pregnant with my first child, my job was threatened. After that, I made it my goal to ensure no other woman would endure the discriminatory treatment I endured. I was proud to support A Better Balance’s efforts to pass the Pregnant Workers Fairness Act (PWFA) in 2012 because this issue is deeply personal to me and millions of individuals around the nation.”<sup>54</sup> —Congresswoman Maloney**

Advocacy groups took notice as well. I heard later that one women’s rights organization leader had written to a group of other advocates that, “A couple Hill offices have reached out to me this week . . . as a result of Dina Bakst’s *New York Times* piece to talk about federal legislative fixes.”<sup>55</sup>

Less than four months later, and after close consultation with A Better Balance and several organizational partners, Congressman Jerrold Nadler, along with Congresswoman Maloney and several other colleagues, introduced the very first federal Pregnant Workers Fairness Act.

Simultaneously, several New York City Councilmembers rushed to submit requests to introduce their own local legislation—so many that the Council had to determine the lead councilmember of the resulting bill on a first-come-first-served basis. Councilmember James Vacca ultimately introduced the bill as the lead sponsor.<sup>56</sup>

The Op-Ed also prompted more pregnant workers to speak out. We heard from woman after woman who had experienced just what I had described in the Op-Ed. For example, as we explained to the United States Equal Employment Opportunity Commission (“EEOC”) at a meeting the agency convened soon after the Op-Ed came out, “[O]ne woman who worked as a concierge for a large hotel chain was laid off when she was 8-months pregnant. According to her, the hotel systematically tells pregnant women that they should resign or go on disability rather than allow them to sit for a few minutes. The hotel does this to pregnant women even while providing accommodations for employees suffering from other temporary injuries or ailments.”<sup>57</sup> Our letter argued that Congress needed to pass a new law, since

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there was only so much the EEOC could do through regulations or informal guidance on the PDA or ADA to ensure pregnant workers get the immediate relief they need to remain healthy and on the job.<sup>58</sup>

When I sat down to write the Op-Ed in 2012, I never could have imagined the outcry my words would trigger. The response was beyond my wildest dreams. It felt like things could really change for millions of moms and moms-to-be in this country, especially for those in low-wage, physically demanding industries, who were struggling the very most.

It was only the beginning of a long fight to come. ”

— *Dina Bakst, Co-Founder & Co-President of A Better Balance*

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## Chapter 3

# Our Solution to the Problem: The Pregnant Workers Fairness Act

Lawmakers heeded Bakst’s call for new legislation, readily grasping the importance of passing a law that would specifically address the fundamental gaps in protections for pregnant and postpartum workers. On May 8, 2012, Representatives Nadler and Maloney introduced the Pregnant Workers Fairness Act in the House of Representatives.<sup>59</sup> Bakst and other women’s rights partner organizations spoke at the press conference with lawmakers outside the U.S. Capitol.<sup>60</sup> A few months later, on September 19, 2012, U.S. Senator Bob Casey introduced the same bill in the Senate.<sup>61</sup>

Until that point, the introduction of a federal Pregnant Workers Fairness Act was in no way a foregone conclusion. Convincing some partner organizations—who brought their own expertise, principles, and political instincts to the issue—that a new law was both necessary and wise, and then figuring out collectively how to craft such a piece of legislation, proved challenging. The experience was a useful one, both strengthening the bill text that was introduced at the time and sharpening the advocacy skills we would need to forge unlikely partnerships in the years ahead to get the PWFA across the finish line.



**ABB Co-Founder and Co-President Dina Bakst speaks at the introduction of the Pregnant Workers Fairness Act alongside Representatives Nadler and Maloney, 2012.**

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## DRAFTING THE PWFA

In February 2012, Representative Nadler publicly announced that he was working on legislation to address the problem identified in Bakst’s *New York Times* Op-Ed.<sup>62</sup> That spring, he invited A Better Balance and leading women’s rights and economic justice groups<sup>63</sup> to discuss how to best craft the bill language for the Pregnant Workers Fairness Act (or the Pregnant Workers Equality Act, as was its working title).

The working group grappled with one of the same issues discussed during the drafting of the Pregnancy Discrimination Act—how to draft the legislation in a way that would allow us to overcome inevitable opposition proclaiming the bill provided unfair “special treatment” for (predominantly) women over men. The group also debated whether the ADA should be amended to incorporate pregnancy-related needs.<sup>64</sup> Another point of debate centered on whether the PWFA should amend Title VII and the Pregnancy Discrimination Act or be introduced as a stand-alone bill.

**Ultimately, the working group decided that a stand-alone bill—in many ways mirroring the ADA but also taking into consideration the ways pregnancy may differ as a temporary medical condition—would be the cleanest approach.**

The PWFA defines “reasonable accommodations” and “undue hardship,” for example, to have the same meanings and interpretations as those terms are given in the ADA. However, there were important ways that the PWFA deviated from the ADA to recognize that pregnancy is unique and temporary. In the original introductory language, we avoided including language that an employee must be able to do the “essential functions” of the job. We knew from legal research and our work in the states that such language could sometimes be used as an excuse to push out pregnant workers from their jobs by deeming them unable to do their essential job duties, even though they could continue working with some temporary, reasonable accommodations.

After introduction, our legislative drafting work continued. Over the course of a decade, we developed amendments to the bill’s language after engaging with

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our sponsors and various stakeholders, including business groups and the Equal Employment Opportunity Commission. For example, the U.S. Chamber of Commerce, coalition partners, and lawmakers updated the bill to include a definition of “known limitations,” which made clear that a worker does not need to have an ADA-qualifying disability in order to merit accommodations under the PWFA. Stronger legislation resulted from these negotiated amendments.

## THE NUTS AND BOLTS OF THE PWFA: WHAT THE LAW DOES

The Pregnant Workers Fairness Act guarantees pregnant and postpartum workers the right to **reasonable accommodations for known limitations related to pregnancy, childbirth, or related medical conditions, unless such accommodations would pose an undue hardship to the employer.**<sup>65</sup> An employer must engage with the worker in an interactive process to identify an accommodation that meets the worker’s needs.<sup>66</sup> An employer cannot force a worker to accept an accommodation the worker does not want or need and cannot force the worker to take leave, whether paid or unpaid.<sup>67</sup>

**Under the Act:** Most workers are covered by the law, including employees of private employers with fifteen or more employees and government employees.<sup>68</sup> The law also covers job applicants.<sup>69</sup>

**“Reasonable accommodation”** has the same meaning as under the Americans with Disabilities Act (“ADA”)<sup>70</sup> and includes changes to a worker’s job duties, schedule, or work environment.<sup>71</sup>

Examples of pregnancy and postpartum accommodations can include, but are not limited to:

- Light duty;
- Assistance with manual labor and help with lifting;
- Temporary transfer to a less physically demanding position;
- Job restructuring;
- Additional, longer, or more flexible breaks to drink water, eat, rest, or use the bathroom;

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- Modifying food or drink policies to, for example, allow access to a water bottle or food;
- Acquiring or modifying equipment, devices, or work stations;
- Making existing facilities readily accessible and usable;
- Modified uniform or dress code to accommodate pregnancy, lactation, or related conditions;
- Modified work schedule;
- Break time, space, and other accommodations for lactation needs;
- Flexible scheduling for prenatal or postnatal appointments;
- Leave or time off for bedrest, recovery from childbirth or pregnancy loss, recovery from postpartum depression, mastitis, and more; and
- Other accommodations.<sup>72</sup>

**“Known limitations related to pregnancy, childbirth, or related medical conditions”** is broad—covering pregnancy, recovery from childbirth, lactation, mastitis, pregnancy loss, postpartum depression, and more<sup>73</sup>—and ensures that a pregnant or postpartum worker does not need to have a pregnancy-related disability in order to receive an accommodation.<sup>74</sup>

**“Undue hardship”** sets a high bar for employers, ensuring that pregnant and postpartum workers can receive accommodations so long as they do not cause significant difficulty or significant expense to the employer or fundamentally alter the nature of the business, based on factors such as the cost of the accommodation and its temporary nature, the employer’s size and financial resources, and the nature and structure of the employer’s operation.<sup>75</sup>

The employer must engage with the employee in an **“interactive process,”** a good-faith dialogue about the employee’s limitations and needs as well as the potential reasonable accommodations to meet those needs.<sup>76</sup> A worker does not need to use any “magic words” to start this process, does not need to mention the “Pregnant Workers Fairness Act” or use the phrase “reasonable accommodation,” and does not need to make their request in writing.<sup>77</sup> The employer must respond to the request expeditiously and engage in the interactive process without unnecessary delay.<sup>78</sup>

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To vindicate violations of their rights under the PWFA, workers must first file a charge with the EEOC, before filing a lawsuit. The remedies for violation of the PWFA are the same as those available under Title VII, such as back pay, equitable relief, compensatory and punitive damages, and attorneys’ fees.<sup>79</sup> Government employees need to pursue a slightly different process in order to vindicate their rights under the Act.<sup>80</sup> For instance, legislative branch employees may seek relief through the Office of Congressional Workplace Rights (“OCRW”).<sup>81</sup> Likewise, many federal agency employees must file an equal employment opportunity (“EEO”) complaint within their agency before they are able to file a lawsuit.<sup>82</sup>

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## Chapter 4

# Making the Legal, Economic & Health Cases

### BUILDING YEARS: 2012-2014

Even while drafting the Pregnant Workers Fairness Act in 2012, advocates and lawmakers both knew that this new bill was unlikely to pass in a divided Congress. Advocacy groups thus focused on educating members of Congress, stakeholders, and the public about the problem and solution at hand while also turning to cities and states to make progress and help make the case federally.

As discussed further in the section “States Paving the Way,” **in 2012, we simultaneously worked to make progress at the city and state level, recognizing the long path it would take to move the bill in Congress.** In September 2013, also inspired by Bakst’s 2012 *New York Times* Op-Ed, the New York City Council unanimously passed a city-wide Pregnant Workers Fairness Act, after months of advocacy by A Better Balance and New York partners including the National Organization for Women New York City (“NOW-NYC”).<sup>83</sup> In December 2013, the Philadelphia City Council passed a similar bill.<sup>84</sup> In January 2014, Governor Chris Christie of New Jersey signed into law the first statewide PWFA bill to pass as part of the new wave of state momentum.<sup>85</sup>

In the cities and states with pregnant workers fairness laws, we immediately saw the difference this type of law made in the lives of pregnant workers. For example, in 2014, days after the NYC PWFA went into effect, Floralba Espinal, a thrift shop employee in the Bronx and United Food and Commercial Workers (“UFCW”) member, was able to get her job back with a light duty accommodation soon after her boss pushed her out on unpaid leave for requesting less physically demanding work. As reported by Rachel Swarns in *The New York Times*,<sup>86</sup> Floralba sought the accommodation because she was worried she might miscarry again if she continued to lift heavy piles of clothing. She also knew others in her workplace had been given temporary transfers. However, in her case, her boss told her she could only return when she was

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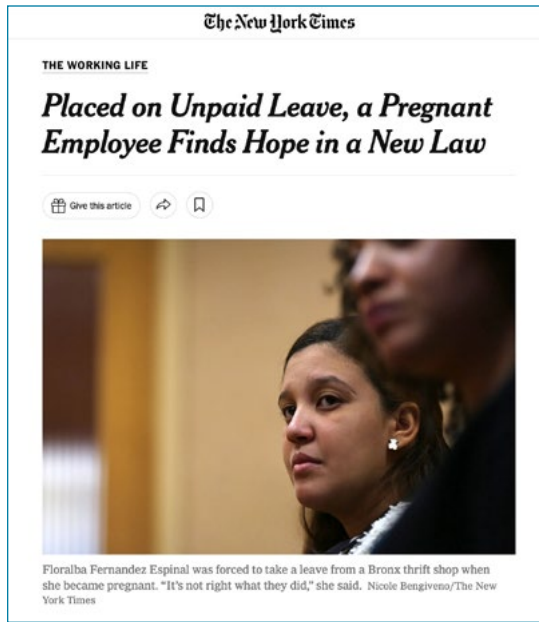


cleared to work without restrictions. Without a paycheck, Floralba knew she would struggle to pay rent or buy food. Fortunately, the NYC PWFA had just gone into effect, and A Better Balance demanded her employer comply with the new law. Within a matter of days, Floralba was reinstated, able to receive the light duty accommodation she needed, and maintain her seniority at the company.<sup>87</sup>

About eight months later, Angelica Valencia, who worked at a potato-packing company in the Bronx, was advised by her doctor to not work overtime shifts due to her high-risk pregnancy. She, too, had recently had a miscarriage. However, when she handed in her medical note, her employer immediately sent her home and said she could not return to work without a “full-duty release” from her doctor. Angelica worried about how she would get by



**New York Times article discussing ABB Community Advocate Angelica Valencia’s experience being pushed off the job while pregnant, 2014.**



**New York Times article discussing ABB Community Advocate Floralba Espinal’s experience with pregnancy discrimination, 2014.**

without a paycheck and a baby on the way. A few weeks later, A Better Balance took on Angelica as a client and sent a demand letter to her employer citing the company’s obligations under the NYC PWFA. The *New York Times* also featured Angelica’s story in an article by Rachel Swarns.<sup>88</sup> Days later, Angelica was told she could return to work immediately “without loss of seniority or fear of retaliation.”<sup>89</sup>

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We shared Floralba’s and Angelica’s powerful stories with state and federal lawmakers and explained the meaningful difference these laws were making at the state and local level. With these laws, pregnant workers could remain healthy and attached to the workforce, while businesses could avoid lengthy conflict by working with employees to identify a temporary, reasonable accommodation that does not pose an undue hardship.

The local laws bolstered the case for clear, unmistakable statutory fixes to provide fairness and equality for pregnant workers.

The movement was only just beginning.

## THREE YEARS AFTER THE PWFA’S INTRODUCTION, THE 2015 SUPREME COURT CASE *YOUNG V. UPS* REINFORCES THE NEED FOR A CHANGE IN THE LAW

In 2015, three years after the introduction of the federal PWFA, the U.S. Supreme Court agreed to hear a case called *Young v. UPS*.<sup>90</sup> The case presented an opportunity for the Court to weigh in on what had become widely disparate judicial interpretations of the PDA’s application to accommodation needs. It also presented a test as to whether the Court could create a workable pregnancy accommodation standard under existing law or whether a new law—the PWFA—was needed.

Peggy Young, the plaintiff in the case, worked as a driver for the United Parcel Service (“UPS”) for seven years before becoming pregnant in 2006.<sup>91</sup> She provided UPS notes from her OB/GYN and midwife recommending that she not lift more than twenty pounds during pregnancy.<sup>92</sup> Unwilling to accommodate her modest request, UPS told her that, “[b]ased on company policy,” she could not remain in her current position and that UPS would not provide her an alternate light duty position “because UPS did not give light duty for pregnancy but only for workplace injuries”—despite providing light duty assignments to workers with a variety of other medical conditions,<sup>93</sup> including those who lost their drivers’ licenses due to drunk driving.<sup>94</sup>

A Better Balance co-authored an amicus brief with the American Civil Liberties Union sharing with the Court the stories of pregnant workers who were denied

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ABB Vice President Elizabeth Gedmark speaks at the #StandWithPeggy Rally, 2014. Photo by Jeffrey Martin.

accommodations and making the legal case that, as flawed as the statute was, the PDA was intended to cover these situations where a pregnant worker had robust evidence that others had been treated better than she was.<sup>95</sup>

On a frigid morning, A Better Balance emceed a rally on the steps of the Supreme Court as the Justices heard oral arguments inside.<sup>96</sup> Senator Bob Casey kicked off the event, followed by workers sharing their stories and advocates speaking.<sup>97</sup> For the first time in a long time, the national media took notice of the persistent discrimination facing pregnant workers.

The Supreme Court’s opinion sided with Peggy Young herself.<sup>98</sup> But it also laid out a confusing and convoluted new legal standard<sup>99</sup> that required pregnant workers to identify non-pregnant comparators who were similar in their ability or inability to work, yet who had been accommodated.<sup>100</sup> We immediately knew from our helpline that pregnant workers in low-wage and non-traditional jobs would struggle to find comparators in their workplaces who had received accommodations. **The onerous *Young* standard did not (and could not) skirt the fundamental problem with the PDA: it does not require employers to**

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**affirmatively provide accommodations to pregnant workers regardless of how they treat others.**<sup>101</sup>

Nevertheless, news outlets hailed the *Young* decision as “a win for pregnant workers.”<sup>102</sup> The decision and its public reception presented a challenge: how to explain that *Young* won her case while not glossing over the fundamental problems with the Court’s convoluted new standard and the PDA more broadly.<sup>103</sup> That is, how could we convey that one woman’s victory did not spell victory for all or even most pregnant workers, especially low-wage working women of color?<sup>104</sup>

However well-intentioned, the *Young* opinion had laid out a litigation standard, not a process by which workers could easily or informally receive pregnancy accommodations. Such a standard may have been helpful for talented, well-resourced litigators, but it was useless for low-wage workers in need of immediate help to stay healthy and on the job.

Recognizing the fundamental flaws in the opinion and the underlying Pregnancy Discrimination Act, Bakst authored an Op-Ed, *Peggy Young’s Victory Was Not Enough*,<sup>105</sup> explaining that while *Young v. UPS* was “a win for *Young*,” in order to “to ensure fairness and equal opportunity for all pregnant workers,” Congress needed to pass the PWFA:

“Many pregnant workers who need temporary adjustments to their work duties are new to their jobs, lack bargaining power, are unfamiliar with company policies (if there are any) and simply do not have the luxury of time to sort out these questions . . . Pregnant women need an immediate remedy to stay employed—they simply cannot rely on a protracted,



*U.S. News & World Report* Op-Ed by Dina Bakst about *Young v. UPS*, 2015.

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Hillary Clinton shares Bakst’s Op-Ed on *Young v. UPS* on Twitter, calling for an end to pregnancy discrimination, 2015.

momentum towards passage of the federal law, introducing the bill every Congress with bipartisan support.

## THE LEGAL CASE FOR THE PWFA

We had long argued, as discussed above, that the PDA and ADA provided inadequate legal protections for pregnant workers. One of the most challenging questions we started to get from lawmakers and stakeholders was whether or not the *Young* case solved the problem we had identified. We knew from our free and confidential legal helpline that in practice it provided little relief to those needing immediate accommodations for their health, but we lacked the evidence to provide adequate proof. Then, in an extensive 2019 report, *Long Overdue*, we published research showing that in over two-thirds of post-*Young* cases, courts held that employers were permitted to deny pregnant workers accommodations under the PDA.<sup>108</sup> Often, we found, pregnant workers lost their cases simply due to the PDA’s burdensome “comparator” standard, which required them to prove that someone else “similar in their ability or inability to work” was accommodated—a hurdle not imposed on workers with disabilities who need accommodations.<sup>109</sup> Several years later, we conducted yet another

stressful and highly uncertain legal process to get the relief they need . . . Only a statutory requirement can keep pregnant women earning a paycheck when they need it most.<sup>106</sup>

Hillary Clinton tweeted Bakst’s Op-Ed the day it came out, calling the PWFA “as American as apple pie.”<sup>107</sup> Lawmakers agreed. Workers still needed the PWFA, even as litigators set to work developing the new Supreme Court precedent in district courts. And so, A Better Balance and our partners continued building

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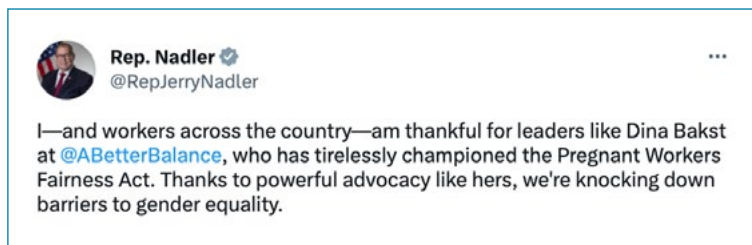
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A 2019 graphic making the legal case for the PWFA, explaining how the PDA provided inadequate legal protections for pregnant workers.

review of the case law and published a 2021 Update to our *Long Overdue* report.<sup>110</sup> Our analysis confirmed the same legal shortcomings persisted.<sup>111</sup>

When Bakst was invited to present this analysis and to make the broader legal and policy cases for the PWFA before Congress in a House hearing of the same name “Long Overdue” in 2019<sup>112</sup> and again at a second House hearing in 2021,<sup>113</sup> her written and oral testimony drew upon our years of legal research, firsthand accounts, and the data from our reports to explain exactly why current federal law was failing pregnant workers and their families.



Our legal analysis was also influenced by the important thinking and research of legal academics such as Reva Siegel,<sup>114</sup> Joanna Grossman,<sup>115</sup> Chai Feldblum,<sup>116</sup> Deborah Widiss,<sup>117</sup> and Melissa Murray,<sup>118</sup> among others. We are indebted to them for their contributions.

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## THE ECONOMIC CASE FOR THE PWFA

To make the case for the PWFA from an economic justice perspective, we shared both quantitative data and anecdotal evidence of the lost income and job opportunities pregnant workers suffered when denied accommodations. We often pointed out, for instance, that two-thirds of first-time mothers worked during pregnancy,<sup>119</sup> and of that group, nearly ninety percent worked into their last trimester.<sup>120</sup> When these workers lost employment—merely because they needed modest workplace accommodations—they suffered significant consequences, including critical income and health insurance coverage, forcing them to delay or avoid pre- or post-natal care or struggle with crippling medical bills.<sup>121</sup> They also lost out on prospects of promotion, advancement, and retirement savings, given the difficulty of reentering the workforce after becoming a mother and experiencing a gap in work history.<sup>122</sup>

Starting in 2020, the COVID-19 pandemic disproportionately harmed women, especially women of color in low-wage occupations,<sup>123</sup> with many experts suggesting that it could take years to undo the damage to women’s economic equality, and that many women will experience long-term damage to their career trajectories, earnings, and retirement security.<sup>124</sup> The result was millions of women pushed out of the workforce, and we explained that pregnancy was one key factor driving women out of work. We were hearing from pregnant and lactating workers who left the workforce due to medical needs to avoid exposure to the virus, especially when they had complicated pregnancies. We reminded lawmakers that the PWFA represented one key way to give women the support they needed to stay attached to the workforce.

Later, in 2022, we—and our allies, especially A Better Balance Community Advocates—also made the point that women of color were disproportionately frontline workers who sacrificed everything to take care of our families. For



A still from an ABB video making the economic case for the PWFA.

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instance, Denizer Carter was pushed off her cashier job in Louisiana while pregnant during the early days of the pandemic and had to use up her savings to buy extra food and diapers in order to comply with stay-at-home orders. In 2022, she was pregnant again and—fearing history would repeat itself—she decided to join A Better Balance and push for the change that she and her family needed as she struggled to find a job while pregnant.

Many politicians made a big show of offering gratitude to frontline workers like Denizer, but thanks were not enough. **Frontline workers who form the backbone of our economy deserved not merely words of appreciation, but action and dedication from Congress to prioritize their needs by passing the Pregnant Workers Fairness Act.** Denizer powerfully told lawmakers in Washington, D.C., “My family’s wellbeing is relying on this bill to be passed today.”<sup>125</sup> In the final hours of 2022, when the window for passage was quickly closing, we urged lawmakers not to fail women like Denizer.



ABB Community Advocate Denizer Carter (left) and ABB Community Advocate and board member Takirah Woods attend a rally in support of the Pregnant Workers Fairness Act in Washington, D.C., December 2022.

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## THE HEALTH CASE FOR THE PWFA

We also emphasized the importance of the PWFA as a maternal health measure, and particularly as a tool to help address the Black maternal health crisis. We pointed out that accommodations, while often low- or no-cost to an employer,<sup>126</sup> are high impact in workers’ own lives, allowing them to continue working without risking their health.

One of the most compelling examples came early on from New York City. We heard from Dr. Lucy Willis after she treated a pregnant retail worker who had been rushed to the emergency room in need of intravenous fluids after she fainted and collapsed on the job because her boss would not let her drink water.<sup>127</sup> Dr. Willis’s story illuminated two realities: 1) workers were being denied even the simple accommodations such as the ability to drink water and facing frightening health consequences and 2) denying workplace accommodations puts a strain on our healthcare system. One ambulance trip and stay in the emergency department can be extremely costly for a worker, her health insurance provider, and/or the state if she is on Medicaid. We told this story<sup>128</sup> and elicited additional expert testimony from Dr. Wendy Chavkin, a Columbia University public health professor and practicing OB/GYN, who spelled out in simple terms the health consequences of failing to accommodate pregnant workers.<sup>129</sup>

Maternal health partners such as March of Dimes provided key healthcare data, such as its annual reporting on preterm birth and the emotional and financial toll it took on families, that buttressed the arguments on the need for the PWFA.<sup>130</sup> We also worked with public health officials, such as those at the Louisville, Kentucky Department of Health, to release health assessment data showing that accommodations are “critical for reducing poor health outcomes including miscarriage, low birth weight, preterm births, birth defects, dehydration, unnecessary pain . . . urinary tract infections and related risk of preeclampsia, and mastitis.”<sup>131</sup>

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Numerous organizations dedicated to eliminating racial disparities in maternal health outcomes became vocal supporters of the federal PWFA. As the Black Mamas Matter Alliance and other organizations committed to promoting Black maternal health wrote in a September 2020 letter to Congress in support of the Pregnant Workers Fairness Act, “putting a national pregnancy accommodation standard in place . . . has the potential to improve some of the most serious health consequences Black pregnant people experience.”<sup>132</sup> In March 2022, we released a report co-authored with the Black Mamas Matter Alliance drawing on lessons learned from a listening session our organizations hosted with Black birth workers and organizational leaders from nine states to discuss the needs of Black pregnant and postpartum people at work.<sup>133</sup> Attendees shared the ways in which pervasive racism, sexism, and reproductive oppression manifested in the workplace for Black pregnant and postpartum people. As Tiffany Burks from the Southern Birth Justice Network in Florida shared:

“ One of our doula clients was actually fired from her job at a gas station...Her feet were getting swollen because she was standing on her feet at the gas station. She asked for a stool and they were like you got to go. She was fired and basically lost out on resources to save up for her child before the child was born. . . .When she became income insecure . . . her iron levels dropped down really low, where she had to start going to the hospital and getting iron infusions just to get her to a safe level to have a birth center birth. . . . The same client. . . she [previously,] worked at [a retail store] and she didn’t get enough time and a break, so her breast started leaking. Her boss ended up making fun of her instead of realizing that this is a nursing mother. She felt so humiliated that she quit her job.<sup>134</sup>



A graphic sharing one finding from “Centering the Experiences of Black Mamas in the Workplace: How The Pregnant Workers Fairness Act Can Support Black Maternal Health,” co-authored by Black Mamas Matter Alliance and A Better Balance.

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The listening session elucidated that “[w]hile no single piece of legislation can end the systemic racism that contributes to the Black maternal health crisis, policies like the Pregnant Workers Fairness Act are an important step in addressing Black pregnant and postpartum people’s health, safety, dignity, and economic security.”<sup>135</sup>

The COVID-19 pandemic added a new layer of health concerns for pregnant workers and expedited the need for the Pregnant Workers Fairness Act. When the pandemic first began, it was not yet clear if contracting COVID-19 could put pregnant people at increased risk for serious illness or death. In late 2020, however, the CDC confirmed “pregnant women might be at increased risk for severe illness associated with coronavirus disease 2019 (COVID-19).”<sup>136</sup>

**Access to workplace accommodations—long understood to help prevent health complications—became even more critical as pregnant workers sought to prevent risk of exposure to COVID-19.**

Yet, as Dina Bakst pointed out in a *New York Times* Letter to the Editor in November 2020, “unlike workers with disabilities, pregnant workers in the United States still lack a clear federal right to reasonable workplace accommodations to remain safe at work” including accommodations such as “personal protective equipment, a temporary transfer or the ability to work from home.”<sup>137</sup>

The broader maternal and infant health benefits of workplace accommodations combined with the urgency of the pandemic and its negative health effects on pregnancy, along with a compelling legal and economic case, presented strong arguments to federal lawmakers on the necessity of passing the Pregnant Workers Fairness Act without delay.

**Enforcing Pregnant Worker Rights While Advocating for Stronger Laws**

While we argued vigorously for passage of the Pregnant Workers Fairness Act and began to see the impact of local and state level PWFAs, we continued to hear from workers across the country on our helpline

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who were denied pregnancy accommodations, some of whom had experienced very clear legal violations under existing federal laws. For instance, we heard from workers who were able to identify a comparator under the PDA, and from others who had been diagnosed with a qualifying pregnancy-related disability under the ADA.

We represented these workers in litigation and were often successful in creating landmark precedents.<sup>138</sup> Many of our clients told us, though, that they would have preferred not to have litigated at all—and simply to have been given the accommodation they needed in the first place. If the PWFA had been on the books, they told us, they would not have had to risk their health, spend years of their lives in legal battles, or endure traumatic, stressful workplace experiences.

Many of our former clients chose to become A Better Balance Community Advocates to try to use their lived expertise to ensure that what happened to them would not happen to others in the future. They explained to lawmakers that, while they were lucky to obtain free representation from A Better Balance, most low- and middle-income workers do not have access to free legal help.<sup>139</sup>

**In one example, Lyndi Trischler, a police officer in Kentucky, was pushed off the job when she requested light duty, robbing her of critical income when she needed it most.<sup>140</sup> Because of the heavy equipment and physical demands of**



**ABB Community Advocate Lyndi Trischler and daughter.**

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patrolling, when Officer Trischler became pregnant she consulted her healthcare provider who recommended she seek light duty.<sup>141</sup> The City of Florence, Kentucky—her employer—told her that its policy only provided accommodations to employees injured on the job and forced her on to a leave of absence, while threatening to cut off her health insurance during a complicated pregnancy wherein her son had a rare and fatal genetic condition.<sup>142</sup> At five and a half months pregnant, being forced out of work took a deep emotional and economic toll on Officer Trischler and her family. Her coworker, Officer Samantha Riley, was also pushed off the job while pregnant because of the same discriminatory policy.<sup>143</sup> Because of the clear violation of the PDA—treating pregnant workers worse than those with on-the-job injuries—A Better Balance took up the case.<sup>144</sup> Years later, the United States Department of Justice and the City of Florence announced a landmark agreement to update the City’s policy.<sup>145</sup>

Officer Trischler later became an advocate for the Kentucky Pregnant Workers Fairness Act, which passed in 2019, and the federal PWFA. “I returned to work a mere eight weeks after giving birth and after my son passed away. As heartbreaking as this experience was it was made all the worse by having to face workplace discrimination too. If there had been a clear law on the books, then this likely never would have happened.”<sup>146</sup>

The purpose of this document is two-fold: to recount the history of the PWFA and to provide a useful roadmap for fellow advocates, grassroots organizers, lawmakers, and staff seeking to advance progressive workplace rights. The next section addresses this second goal, outlining the tactics and strategies that will provide valuable information for others seeking to enact social justice reform at the federal, state, or local level.

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## Chapter 5

# Tactics & Strategies: How We Passed the PWFA

Passing the Pregnant Workers Fairness Act took over a decade of savvy advocacy, sustained pressure, and daily, often unglamorous, behind-the-scenes work to raise the profile of the issue and navigate the thorny politics of Washington, D.C.

This prolonged work afforded us a larger perspective on the strategies that proved to be most impactful and effective in getting the bill passed into law. Below are eight tactics we believe were most fruitful to the PWFA campaign that may be able to serve as a roadmap for future advocacy campaigns:

1. [Center Workers. They Are Experts and Leaders.](#)
2. [Make Progress in States.](#)
3. [Build a Broad Coalition & Engage Diverse Stakeholders.](#)
4. [Gain Business Support.](#)
5. [Achieve Robust Bipartisanship & Overcome Opposition.](#)
6. [Build Relationships with Lawmakers & Regularly Create New Educational Materials to Maintain the Urgency of the Issue.](#)
7. [Channel the Power of Communications & Use Consistent, Values-Based Messaging.](#)
8. [Push Until the Bitter End, Even When Success Seems Nearly Impossible.](#)

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## 1. CENTER WORKERS. THEY ARE EXPERTS AND LEADERS.

No one made the case for the Pregnant Workers Fairness Act better than the expecting and new moms who personally faced the adversity of working for employers that refused to provide them modest accommodations and forced them into devastating binds.<sup>147</sup> Our goal was to provide workers who wished to speak out a platform to share their lived expertise with those in power, in their own words, be that through reports, testimony, meetings with lawmakers, Op-Eds, or social media. These workers spoke more powerfully to the need for a new law than we ever could. The PWFA exists today because they sacrificed time and anonymity to show up in our nation’s halls of power and in the pages of leading newspapers to demand that no other worker should have to choose between having a family and putting food on the table.

Our Congressional champions carried these women’s stories throughout the halls of Congress, moved by their lived expertise and determined to fight for them.<sup>148</sup> **As Congressman Nadler said when sharing A Better Balance Community Advocate Armanda Legros’s experience of being pushed off her job at a New York armored truck company and forced into financial peril: “What happened to Armanda is unacceptable, but gaps in the law meant she wasn’t protected when she needed it most.”<sup>149</sup>** Senator Bill Cassidy,

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lifting up A Better Balance Community Advocate and former client Lyndi Trischler’s story of being pushed out of her job as a police officer in Kentucky when her department refused to provide her light duty even though they had a position available, said: “If the job’s available and you can make a reasonable accommodation, do that. We don’t want to lose the police officer. . . and we don’t want that mom to lose her job.”<sup>150</sup>

Most powerfully, workers shared their personal experiences in their own words. In 2014, Armanda Legros testified before the Senate Health, Education, Labor, and Pensions Committee. She told Senators:

“ I worked for an armored truck company on Long Island for two years before I was pushed out of my job. I was 6 and 1/2 months pregnant when I pulled a muscle in my stomach doing some heavy lifting at work and had to miss the rest of the week recovering. My doctor told me to avoid heavy lifting so I wouldn’t hurt myself again, and gave me a note to bring into work. My manager took one look at the note and sent me home without pay, indefinitely. . . .The result was devastating. . . .[T]he experience of having my son without a paycheck was one of the hardest for my family. . . . When I was eight and a half months pregnant, my health insurance was cut off. I couldn’t afford the COBRA payments and had to apply for Medicaid for my prenatal care.



Armanda Legros testifying before the Senate Health, Education, Labor, and Pensions Committee in 2014.

Once my baby arrived, just putting food on the table for him and my four-year-old was a challenge. I was forced to use water in his cereal at times because I could not afford milk. I was scared every time I looked in my empty fridge. . . .I used to have some security in my job. I used to be able to support my family and myself. Now I worry what happens if I get sick or my kids get sick.<sup>151</sup>

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Armanda closed her testimony imploring the Senate “to stand up for women like me so we have an equal shot in the workplace.”<sup>152</sup> Armanda’s testimony marked just the beginning of her advocacy and leadership in the PWFA campaign.



Armanda Legros appears on the Melissa Harris-Perry Show on MSNBC, 2014.

“Protect pregnant workers, finally,” Armanda pleaded with Congress to bring the bill to a vote, reminding lawmakers that “over the last nine years, alongside advocates at A Better Balance, I’ve used my voice to seek justice for pregnant workers at rallies from New York City to Albany.”<sup>154</sup> Months later, in December 2022, she spoke again at a PWFA rally in Washington, D.C. where she stood in front of the Capitol and said:

“ I flew here to deliver one message: if the Senate does not pass the Pregnant Workers Fairness Act this year, the terrible mistreatment, disrespect and economic difficulty I faced will happen to countless others across the country for years to come. I will not stand by and let that happen.”<sup>155</sup>

Three other ABB Community Advocates—Denizer Carter, Natasha Jackson, and Takirah Woods—who traveled from Louisiana, South Carolina, and New Jersey, respectively, joined Armanda to also share their stories.<sup>156</sup>



ABB Community Advocate Denizer Carter speaks at a rally in Washington D.C., 2022.

In October 2014, she spoke with Melissa Harris-Perry at MSNBC to once again share her story and contextualize her experience as part of a systemic pregnancy penalty workers face.<sup>153</sup> In a 2022 *New York Daily News* Op-Ed entitled

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After Armanda’s 2014 testimony, it took another five years before Congress would hold its first standalone hearing on the PWFA. In 2019, before the House Education and Labor Committee, American Civil Liberties Union (“ACLU”) client Michelle Durham testified and shared her story of being forced to take unpaid leave from her job as an EMT after requesting light duty to avoid lifting over fifty pounds as her health care provider had recommended. Recounting her experience, Michelle told Congress:

“ After [my employer] Rural/Metro forced me to take leave in September 2015, I was unemployed for about seven months, despite diligently looking for a job. Without an income, I couldn’t pay my rent, and had to move in with my grandmother. As excited as I was about meeting my baby, his approaching birth terrified me. I worried all the time how I would provide for him. I am incredibly lucky that I had a place to live, and family and friends who helped with hand-me-down supplies and clothes. But I couldn’t depend on them for everything, and racked up credit card debt covering necessities for my son and me, and repaying the loans I’d taken out to finance my EMT training. Because I’d lost health coverage when I lost my job, I still have a hospital bill from when I gave birth in March 2016 to my son, Aedan. My career as an EMT ended the day Rural/Metro put me on leave.<sup>157</sup>

Michelle Durham’s story, like Armanda’s, illustrated the cascading and long-lasting consequences that can result when pregnant workers are denied modest accommodations. More than three years after giving birth, Michelle still had bills to pay because she had lost her health coverage as a result



Natasha Jackson (right) and ABB National Policy Director Sarah Brafman at the South Carolina Capitol, 2017.

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of being pushed out of her job. Just weeks before the hearing, in September 2019, Michelle had traveled to Washington, D.C. for a Congressional briefing alongside Members of Congress, advocates, and A Better Balance Community Advocate Natasha Jackson. Natasha—who traveled to D.C. for the first time for the briefing—shared her story with lawmakers of being pushed off the job at the Rent-a-Center where she worked in Charleston, South Carolina after she asked to avoid heavy lifting.<sup>158</sup> **Natasha explained that as a result of being pushed out, she went from financially thriving to housing insecure and unable to support her family in just a few months.** Soon after, she also went through a divorce, and reflected that “the downward spiral of [her] finances from that troubling period played a role in [her] marital difficulties.”<sup>159</sup>

In February 2020, workers from around the country—including from Kentucky, Indiana, North Carolina, West Virginia, Nebraska, New Jersey, Missouri, Wisconsin, Illinois, and Ohio— traveled to Washington, D.C. for an advocacy day spearheaded by the ACLU to share their stories directly with their Members of Congress alongside advocates and experts.<sup>160</sup> Their experiences often made the most powerful impression on lawmakers. **For instance, when A Better Balance Community Advocate Takirah Woods met with her Member of Congress**



**ABB Community Advocate and Board Member Takirah Woods (center) attends PWFA Advocacy Day with family and ABB staff, February 2020.**

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from New Jersey and shared her story of being pushed out of her job onto unpaid leave after requesting light duty, the Congressman decided to co-sponsor the PWFA on the spot.

Every office also received a “Pass the Pregnant Workers Fairness Act” water bottle—highlighting the fact that many workers are denied accommodations as simple as a water bottle—and a PWFA storybook with a compilation of personal stories from the PWFA coalition highlighting the experiences of individual workers across nineteen states unable to get pregnancy accommodations. Sharing the storybook meant that even those workers who couldn’t attend in person still had a way for their stories and experiences to reach lawmakers in D.C.<sup>161</sup>

Workers also frequently spoke out in the media, publishing Op-Eds and speaking with broadcast and print reporters. Sharing their experiences in the media both educated the wider public about the need for the law and ensured the PWFA remained top of mind for lawmakers, maintaining the bill’s momentum and urgency.



Advocates attend PWFA Advocacy Day alongside Rep. Nadler.

**A Better Balance Community Advocate [Natasha Jackson](#)**  
 “New law will help pregnant women on the job,” Op-Ed,  
*The Post and Courier*, June 3, 2018

I loved my job. But when the regional manager found out about my pregnancy, he said I would have to go home on a leave of absence.



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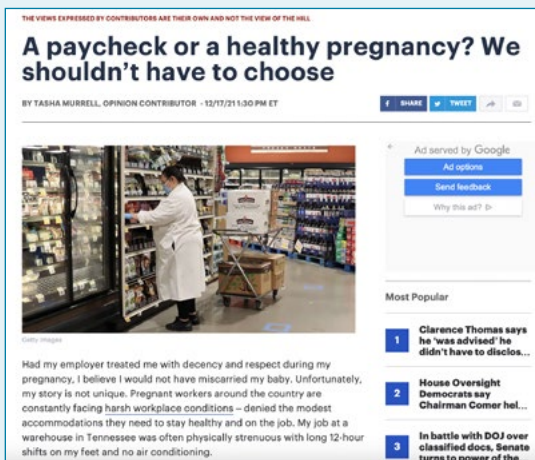
The company then required that I submit a doctor’s note clearing me to work. The doctor confirmed I was able to work but said I should avoid any heavy lifting. Though I only rarely did heavy lifting on the job and the company allowed other workers with injuries to continue working and refrain from lifting, they would not let me return to work. I wanted to keep working and needed the income, so this was devastating. I was ultimately terminated soon after giving birth.

To make matters worse, my husband and I had just made a down payment on a house and were about to close the deal. Without my income, we were forced to back out of the contract. I earned more than he did since he worked temporary jobs. So I was out of a job and no longer able to support my family. We became homeless and were placed in emergency public housing. I could no longer afford child care and had to pull my kids out of day care.

Ensuring that pregnant workers with medical needs are afforded the same treatment as workers with disabilities would provide better guidelines for employers and help avoid costly and time-consuming litigation.<sup>162</sup>

**A Better Balance Community Advocate Tasha Murrell**  
**“A paycheck or a healthy pregnancy? We shouldn’t have to choose,” Op-Ed, *The Hill*, December 17, 2021**

Three years into my job, at 13 weeks pregnant, I was 12 hours into my shift lifting heavy boxes, when I started experiencing extreme stomach pain. I told my supervisor and requested to leave early. . . . Despite having worked more than 13 hours straight, my supervisor still reprimanded me for leaving before my shift was



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complete. . . . The next morning, I woke up to find my bed drenched in blood. I went to the hospital and my doctor told me there was nothing they could do – I was having a miscarriage. . . . We need to take a hard look at how our country supports pregnant and postpartum workers, because right now we’re failing.<sup>163</sup>

**A Better Balance Community Advocate **Denizer Carter** “The Senate Must Prioritize Pregnant Workers and Moms Like Me During the Lame Duck Session,” Op-Ed, *Ms. Magazine*, November 12, 2022**

When I was about four months pregnant, I almost had a miscarriage. My doctor recommended that I take occasional breaks at work to rest and to stop doing any heavy lifting. I thought that my employer would easily be able to accommodate me. There were other positions that did not require moving heavy objects, like working at self check-out.

However, when the store’s management found out about my restrictions, they pushed me out of my job. It was devastating to lose my paycheck with a baby on the way. I also had another child at home to support and the pandemic had just begun. I used up all of my savings and I eventually had to move in with my mother because we could not afford rent. I was diagnosed with anxiety and suffered multiple panic attacks. I applied for other jobs but no one wanted to hire me while I was visibly pregnant. . . . As a frontline worker during the COVID-19 pandemic, I appreciate the thanks from politicians for my work, but actions speak louder than words.<sup>164</sup>



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**A Better Balance Community Advocate Officer **Lyndi Trischer****  
**“Put a stop to pregnancy discrimination in nontraditional jobs,”**  
**Op-Ed, *The Cincinnati Enquirer*, November 23, 2021**

I am a patrol officer in Florence, Kentucky. . . . At five months pregnant, I was advised by my health care provider to go on light duty. . . . The city of Florence, Kentucky, my employer, pointed to a discriminatory city-wide policy and refused to accommodate me and provide light duty as they had for others. . . . I was stunned when they told me I would lose my health insurance right when I needed it most. I had to wonder, how was it that our society had not yet figured out how to have pregnant employees in these important jobs?

I didn't really want to be a trailblazer, I just wanted to do my job.<sup>165</sup>



**Lyndi Trischer appears on a WKRC-TV television segment about pregnancy discrimination, 2018.**

**A Better Balance Community Advocate **Takirah Woods****  
**“Accommodating Pregnant Workers is a Matter of**  
**Reproductive, Economic and Racial Justice,” Op-Ed,**  
***Ms. Magazine*, October 5, 2020**

As a family services worker. . . my job is to ensure the health and safety of young children in state custody. But during my own difficult pregnancy



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a couple of years ago, my employer didn't look out for my health or the health of my pregnancy. . . . Instead of accommodating me with temporary light duty so I could follow my doctor's orders and continue working, human resources told me I needed to take unpaid leave. . . . I went to Capitol Hill to share my story so that what happened to me wouldn't happen to other pregnant women and to tell Congress that depriving women like me the right to maintain a healthy pregnancy is bad for women, families and our entire economy.<sup>166</sup>

**A Better Balance Community Advocate *Tesia Buckles* Quoted in "Pregnant workers have long fought for work accommodations. This year, they may finally get them," *PBS News Hour*, March 26, 2021**

I wanted to be able to provide the most for my child. For such a basic thing as water, but such an important part of pregnancy that you need, to be denied from you? I just felt like my child's health was deteriorating and I couldn't do anything about it. . . . The only control I had, I felt, was just quitting. . . . I really thought I wasn't going to be able to provide, for neither of us. I'm sure that's not everyone's dream when they have a child.<sup>167</sup>



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We also amplified workers’ stories through reports, videos, and narratives we shared out widely on social media and with partners and lawmakers.

**Jennifer, a frontline worker from Texas who reached out to our helpline during the pandemic, shared her story via video:**

“ I found out I was pregnant right before the pandemic started. As a frontline healthcare worker, I had some obvious safety concerns about pregnancy and COVID-19. At about seven months pregnant, I asked for some basic safety precautions. These were the same safety precautions that were given to a male doctor who had an autoimmune condition. My request was denied, and the company I worked for had a meeting with me and told me they had made the decision to replace me with a non-pregnant person who didn’t need any accommodations and that I was no good to them pregnant, and I should just go on unpaid FMLA for the remainder of my pregnancy. I know I speak for moms out there, when I say we are exhausted. A pregnant woman is valuable. We’re valuable to the country, we’re valuable to the workforce, and it’s time that we start getting treated that way.<sup>168</sup>

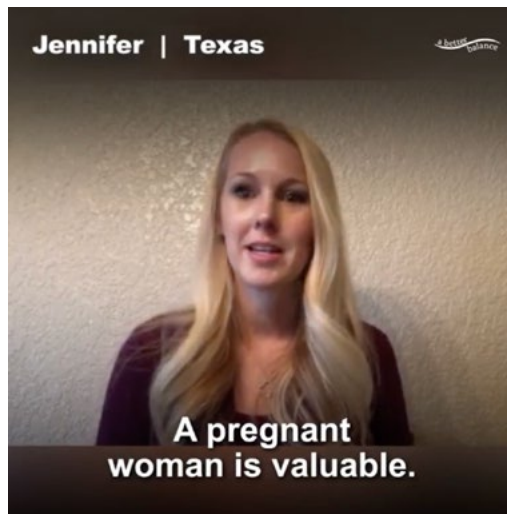


ABB Community Advocate Jennifer shares her story in a video, 2022.

**Jordan from Mississippi, another caller to our helpline, shared:**

“ While I was pregnant, I worked for a major retailer in Mississippi. Whenever I worked there, I was considered lead, and the accommodation that I requested was that I wouldn’t have to break down truck. I would still work truck, but I wouldn’t break it down. I also requested more water breaks because I was really dehydrated during my pregnancy. I also brought in a doctor’s note. Whenever I requested these things, I was still scheduled this same shift, same task.

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I feel like if this act would have been intact whenever I was pregnant, it would have gave me a leg to stand on and something to fight against. When I was working there, I felt like I couldn't say anything because I really didn't have a fighting chance. I was the only pregnant girl there and I just did it anyways, because that's what my job consists of. I didn't want to let anybody down, and I felt like that's what I was doing if I said anything. I'm asking for this act to be passed because I feel like the pregnant women of Mississippi and their babies deserve a voice.<sup>169</sup>

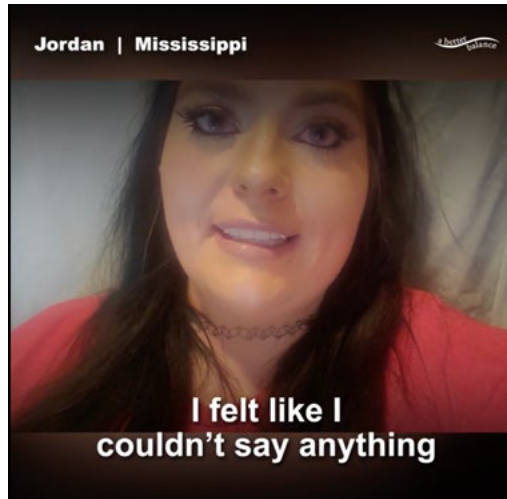
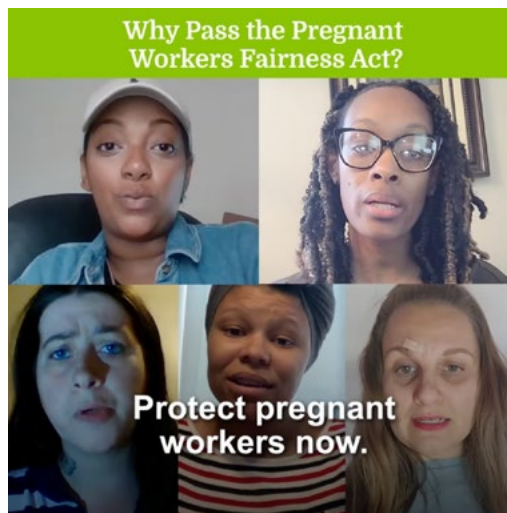


ABB Community Advocate Jordan shares her story in a video, 2022.

**Five workers who contacted us—Nakeisha from South Carolina, Shakeira from Tennessee, Lauren from Virginia, Nicole from North Carolina, and Regina from Illinois—all moms who experienced pregnancy discrimination for needing accommodations, shared out a video message to lawmakers for Mother's Day in 2022, urging them to pass the PWFA:**

“ America's working moms and moms-to-be are at a breaking point. No mom-to-be should be pushed off the job and struggle to put food on the table. No mom-to-be should be denied bathroom breaks at work and risk getting a urinary tract infection. No mom-to-be should be denied light duty and face giving birth prematurely. No mom-to-be should be forced to choose between their job and a healthy pregnancy. There is a solution: the Pregnant Workers Fairness Act. This Mother's Day, instead of flowers or



(Clockwise from top) ABB Community Advocates Lauren, Nakeisha, Regina, Shakeira, and Nicole share their stories in a video for Mother's Day, 2022.

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candy, please give us the safe workplaces, healthy pregnancies and economic security we deserve. Protect pregnant workers now.<sup>170</sup>

**Sandy Blake was one of six women who shared their stories, in their own words, in our 2015 report “Pregnant and Jobless.” She recounted:**

“After several months of an increased physically strenuous workload, I began to experience violent stabbing pains throughout my uterus. One day it became so bad that I had to seek immediate medical attention. I needed to miss my shift so that I could see my doctor, and my manager said that if I failed to show up for my shift, then he would inform our supervisors that I had quit. I informed him that this was an emergency situation and that I would be in as soon as the doctor had ensured my child’s health. . . . Even though I should not have had to choose between maintaining my employment and a healthy pregnancy, there was no other alternative to this situation. . . . I informed my manager that I would no longer be able to continue my position with [my employer] and was told that it didn’t matter because he was going to “f-ing fire [my] ass anyways.”

Because I was forced out of my job, my family became reliant on government assistance to make ends meet. Even though the help was greatly appreciated, my family was placed in a stressful position fraught with numerous bills and shut off notices. All of our income was dedicated to paying rent and keeping the power on. Only now, three years later, is my family finally recuperating from the losses experienced during this period—a situation that could have been avoided had I been able to keep my job with reasonable, short-term accommodations.<sup>171</sup>

**125+ moms from across the country who experienced pregnancy discrimination spoke out by sending a letter which was then featured in a full-page *New York Times* ad in October, 2022.**

In late October 2022, it became apparent that Senate Majority Leader Schumer would not be bringing the PWFA to the Senate floor for a vote that month. A Better Balance felt compelled to amplify worker voices in a new and bold way to make clear to Congress that with only weeks left to pass the legislation,

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they could not ignore the needs of pregnant and postpartum workers, especially since the bill had the votes to pass. Many of the women who signed the letter were frontline workers, whose contributions to the economy lawmakers had touted during the pandemic, but who needed meaningful action more than words of thanks. With that goal in mind, A Better Balance took out a full-page advertisement in *The New York Times*<sup>172</sup> featuring a letter signed by over 125 moms from across the country who experienced pregnancy discrimination firsthand calling on the Senate to pass the PWFA.<sup>173</sup> As the moms wrote:

“ We represent the millions of former and current pregnant and postpartum workers—including retail workers, police officers, health care providers, manufacturing workers, and civil servants—many of us who were forced off the job during pregnancy or immediately after childbirth because we needed temporary, reasonable accommodations to protect our health.

The 44th anniversary of the Pregnancy Discrimination Act is just days away and we are here to tell you pregnancy discrimination is still rampant in this country. The law is failing us.

We know because, as working mothers, we experienced discrimination while pregnant or after giving birth.



Open letter in *the New York Times* from more than 125 mothers calling on Senator Schumer to bring the Pregnant Workers Fairness Act to a vote, 2022.

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We often faced terrible economic or health consequences as a result.

**The Pregnant Workers Fairness Act is ready and waiting with the votes to pass and would end the inequality and injustice we faced.**

When the Pregnant Workers Fairness Act finally passed, we reached back out to the moms who signed the ad to let them know how much of an impact they had made by speaking out. Erica Tafoya, a nurse from Tennessee who signed the letter, responded: “Thank you so much for letting me tell my story. I am so glad my experience is helping other women that will have children in the future. This new bill makes me extremely hopeful for my 3 children.”<sup>174</sup>

Natasha Jackson told The Washington Post, **“When I got the news that the law passed, I cried and cried and cried. . . . I have two daughters and I have nieces. I am so grateful that they won’t have to choose between starting a family or keeping their jobs.”**<sup>175</sup>

The PWFA is law today because of these workers’ bravery and persistence.

**2. MAKE PROGRESS IN STATES.**

While we worked to pass the federal PWFA, we also turned our attention to working with partners to codify similar protections in states. We found remarkable success. From 2012 when Bakst published her Op-Ed in *The New York Times* to 2022 when the federal PWFA passed, twenty-six state pregnant workers fairness bills became law. We worked on nearly every one of them. This effort to pass state pregnant workers fairness laws served two critical purposes. First, pregnant workers needed a right to accommodations *now*. We knew that state bills could move more quickly than the federal legislation.

Second, state-level momentum played a critical role in advancing the federal legislation.<sup>176</sup> Lawmakers could see that the state-level protections worked and resulted in meaningful change in workers’ lives. Likewise, the state work proved that pregnant workers’ fairness bills could transcend political party, garner business support, and earn the backing of a wide range of advocacy organizations.

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**We did none of this work alone. Working in coalition, especially with on-the-ground partners, was critical to success in the states.<sup>177</sup> And, in turn, state partners—from both states where laws passed and states where campaigns stalled—activated to support the federal work.** Regardless of whether they succeeded<sup>178</sup> in winning protections for workers in their own state, they were deeply committed to passing a law that would protect pregnant people across the country.<sup>179</sup>

Over the course of a decade of state-level advocacy, we:

- » **Drafted legislation and amendments;**
- » **Testified in statehouses around the country on the bills, often multiple times over the course of a campaign;**
- » **Provided technical legal support to lawmakers and state advocates as the bills moved through the legislative process;**
- » **Provided talking points, fact sheets, and Frequently Asked Questions documents;**
- » **Supported our clients and other workers in testifying, authoring Op-Eds, meeting with lawmakers, and more; and**
- » **Negotiated with state-level business groups to gain business support, which was crucial in many states (both liberal and conservative) in getting the bill to pass, given the power of business lobbies in statehouses.<sup>180</sup>**

Most importantly, the laws brought immediate relief to pregnant workers. Thanks to the Virginia PWFA, for instance, Lauren, a production scheduler at a shipyard in Virginia who called our helpline, avoided being pushed out onto unpaid leave after she requested to work from home due to chronic back problems and morning sickness during her pregnancy. Her manager initially told her to take a leave of absence without pay even though she could do her job virtually. Lauren went to Human Resources and explained the law, and she was

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able to work from home and preserve her livelihood without issue.<sup>181</sup> The state PWFAs proved that clear, affirmative rights lead to clear and quick resolutions for workers.

In the section below, “States Paving the Way,” we spotlight our decade-long work on state PWFA momentum in greater detail.

### 3. BUILD A BROAD COALITION AND ENGAGE DIVERSE STAKEHOLDERS.

The coalition to pass the federal Pregnant Workers Fairness Act began in 2012 when A Better Balance joined with partners at the ACLU, National Women’s Law Center (“NWLC”), National Partnership for Women and Families (“NPWF”), The Legal Aid Society–Employment Law Center (now Legal Aid at Work), Equal Rights Advocates, California Women’s Law Center, and Legal Momentum to assist in drafting the PWFA alongside lawmakers. From there, our organizations worked together to build a broad advocacy campaign and engage diverse stakeholders to pass the bill. **By the time the PWFA passed in December 2022, hundreds of workers’ rights, civil rights, gender justice, racial justice, labor, health, disability, and faith organizations, as well as companies and business associations, actively supported the legislation and engaged in the effort to pass the PWFA.**<sup>182</sup> Each of these organizations—both national and state-based—



The PWFA Coalition attends Advocacy Day in D.C., 2020.

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ACLU's Vania Leveille at the December 2022 PWFA rally.

brought a unique perspective to the issue and, together, built a diverse and far-reaching case for why Congress needed to provide a right to accommodations for pregnant and postpartum workers.

**In the later years of the campaign, leading national organizations including A Better Balance, ACLU, NWLC, NPWF, March of Dimes, National WIC Association, MomsRising, and NETWORK Lobby for Catholic Social Justice**

worked together on a weekly basis to coordinate engagement opportunities such as grassroots mobilizations, sign-on letters, social media actions and toolkits, Congressional briefings, advocacy days on Capitol Hill, rallies, and more. In 2022 alone, the coalition organized five separate sign-on letters urging Congress to prioritize and pass the PWFA, each garnering over 100 organizational signatories,<sup>183</sup> weekly digital actions called “PWFA Tuesdays,”<sup>184</sup> a week-long social media campaign with engagement from dozens of organizations,<sup>185</sup> grassroots mobilization to drive calls and emails to Congress,<sup>186</sup> an advocacy day on Capitol Hill to deliver water bottles and an updated coalition storybook to Senate offices,<sup>187</sup> and a rally in Washington, D.C. with elected officials, impacted workers, and organizational leaders demanding that Congress not miss its opportunity to pass the PWFA.<sup>188</sup>

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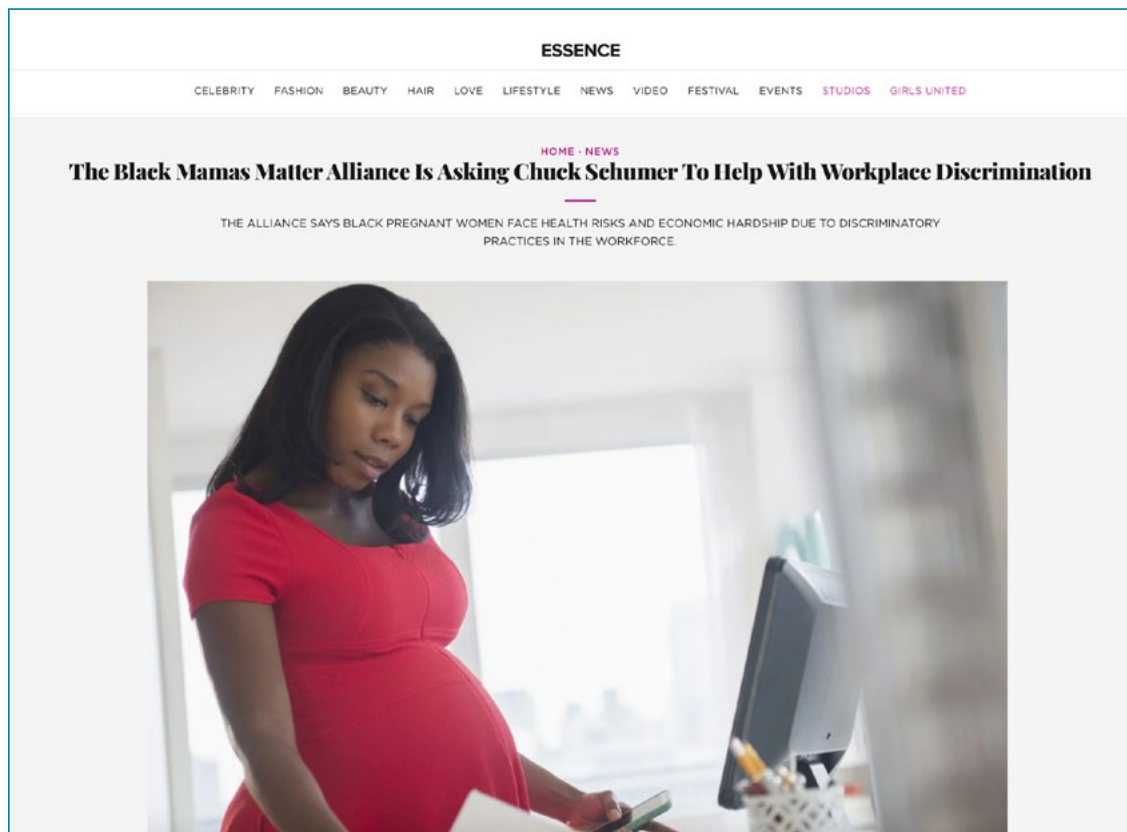
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**Different stakeholders and constituencies played critical roles—engaging in both grasstops and grassroots ways—in uplifting the myriad reasons Congress needed to prioritize passing PWFA.** Partners such as the Black Mamas Matter Alliance (“BMMA”) emphasized the need for the bill as a Black maternal health and reproductive justice issue, shining a spotlight on the connections between accommodations and inequitable maternal and infant health outcomes.<sup>189</sup> As Angela Aina, Co-Founder & Executive Director of the Black Mamas Matter Alliance, told ESSENCE, **“When Black pregnant [women] must continue working without accommodations they risk miscarriage, excessive bleeding, and other devastating health consequences.”**<sup>190</sup> A 2020 letter sent to Congress from BMMA and dozens of organizations dedicated to supporting Black maternal health and ending racial injustice made the powerful statement that **“the Pregnant Workers Fairness Act will help remove one of the many barriers Black pregnant people face at work by ensuring they are afforded immediate relief under the law and not thrown into financial dire straits for needing pregnancy accommodations. Congress has the opportunity to pass legislation to support rather than subjugate Black pregnant workers and workers of color.”**<sup>191</sup>



Essence Magazine article featuring partners at the Black Mamas Matter Alliance calling for the Pregnant Workers Fairness Act

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Mothering Justice, whose mission is to empower mothers of color to influence policy on behalf of themselves and their families, hosted a community conversation in April 2022 on the PWFA in partnership with leaders from several organizations to bring together “Black women, our membership, and mamas of color from our community and talk about issues that matter to us the most. Black mamas and mamas of color deserve better. And one thing we can do is talk about the Pregnant Workers Fairness Act.”<sup>192</sup> In August 2022, certified midwife and NYC Midwives Co-Chair Odessa Fynn penned an Op-Ed, “What Black pregnant women need from the Senate,” writing:

“ I have seen firsthand the racism and sexism that Black women and pregnant people face at work and the resulting fear they have of requesting accommodations, even ones as simple as a chair for their workstation. . . . The structural racism Black women face at work, in conjunction with the racism experienced in so many different arenas, from housing to education and health care access, is one of the root causes of inequitable maternal health outcomes.<sup>193</sup>

**The message of these and many more Black women-led reproductive justice organizations, including In Our Own Voice: National Black Women’s Reproductive Agenda, SisterReach, National Birth Equity Collaborative, and others, resonated powerfully for lawmakers.** As Representative Lauren Underwood, Co-Founder and Co-Chair of the Black Maternal Health Caucus, said at the December 2022 PWFA rally:

“ Black pregnant workers are particularly affected due to our country’s Black maternal health crisis. They are at greater risk for adverse maternal health outcomes and they face greater



**Representative Lauren Underwood, Co-Founder and Co-Chair of the Black Maternal Health Caucus, speaking at the December 2022 PWFA rally.**

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discrimination at work. So I am proud to be here calling for this legislation’s passage because ensuring that pregnant women can be safe and healthy at work is a key part of addressing our nation’s Black maternal health crisis.<sup>194</sup>

**Reproductive health and rights organizations** including Planned Parenthood, NARAL, the Center for Reproductive Rights, Physicians for Reproductive Health, and ACOG also long supported the PWFA effort making clear that workplace accommodations are critical to reproductive care. As Physicians for Reproductive Health wrote in an Op-Ed urging PWFA’s passage, “Our need for compassionate reproductive healthcare and our need for safe, just workplaces are intertwined. We can’t have a future where we achieve safe and healthy communities if we don’t address the ways that our pregnancy status and our status as workers must align.”<sup>195</sup> Other health-focused organizations such as the U.S. Breastfeeding Committee activated their broad membership bases to engage lawmakers and urge Congress to act.<sup>196</sup>

**Civil rights and racial justice organizations** including the Leadership Conference on Civil and Human Rights, National Urban League, and NAACP also amplified the need for the PWFA as a means of ending intersectional forms of discrimination that pregnant and postpartum workers of color too often face.<sup>197</sup> As the Leadership Conference emphasized: “[P]regnancy discrimination is an ongoing issue that disproportionately harms Black and Latina workers in low-paid, inflexible jobs, including frontline workers hailed as essential during the pandemic.”<sup>198</sup>

**Gender and women’s rights organizations** including the American Association of University Women, Equal



A letter from the Leadership Conference on Civil and Human Rights urging senators to co-sponsor the PWFA.

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Rights Advocates, the National Organization for Women, YWCA, and many others mobilized their grassroots networks to take action, resulting in critical constituent engagement from all over the country.<sup>199</sup> They also drew the important connection between pregnancy discrimination and the gender wage gap. As Laura Espriu, Founder of the Lean in Network–Latinas argued in a *Seattle Times* Op-Ed:

“Latina women continue to face an unacceptable wage gap, making, on average, just 57 cents for every dollar made by a white man. One of the causes of the gender wage gap is the discriminatory treatment women face while pregnant and following birth that often forces them off the job and down the economic ladder. While there are many solutions needed, Congress has one solution ready and waiting for action: The Pregnant Workers Fairness Act.<sup>200</sup>

**Major labor unions** including SEIU, UFCW, AFL-CIO, AFSCME, American Federation of Teachers, National Education Association, and UAW, along with economic justice organizations such as the National Employment Law Project and Legal Aid at Work, carried the message loud and clear that the PWFA was a fundamental workplace protection and key to keeping workers safe, healthy, and attached to the workforce.<sup>201</sup> As Lisa Brown, the Executive Vice President of SEIU 1199, representing thousands of health care sector workers, said at the December 2022 PWFA rally:

“I’m here to say on behalf of all our members that we need the Pregnant Workers Fairness Act to become a law now. We can’t wait any longer. We need protections that this bill provides both for our patients and our members. We see firsthand what happens when a pregnant person is not given the kind of safe working conditions they need to stay safe while pregnant and working. Without accommodations we see how conditions worsen, people get injured, and pregnancies put at risk.<sup>202</sup>

**New York unions** played a particularly pivotal role in urging Congress, especially Majority Leader Schumer, to act. In October 2021, for instance, 1199 SEIU United Health Care Workers East, SEIU 32BJ, Retail, Wholesale and Department Store Union (“RWDSU”), Communication Workers of America (“CWA”) District 1,

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and the NY State Nurses Association joined over two dozen New York-based workers’ rights and health groups to remind Senator Schumer of New York’s leadership on the issue and why he needed to ensure workers nationwide were afforded the same protections:

“Many of our organizations supported the New York City and New York State Pregnant Workers Fairness Acts, which passed in 2012 and 2016, respectively. The passage of the 2012 law set off a chain reaction, with cities and states around the country looking to New York as the model for passing greater protections for pregnant workers. . .[b]ut the right to receive reasonable accommodations absent undue hardship on an employer should not depend on luck or location.”<sup>203</sup>

**Faith-based organizations amplified the religious and moral case for the PWFA.** NETWORK Lobby for Catholic Social Justice (“NETWORK”) organized a letter to Congress signed by twenty leading faith organizations, in which they wrote: “The faith community values the dignity of work and the family. Pregnant workers and their families need the Senate’s action. . . . The Senate must deliver on the promise of a dignified life for working families.”<sup>204</sup> In another letter NETWORK organized with A Better Balance, over 100 New York faith leaders urged Senator Schumer to bring the Pregnant Workers Fairness Act to a vote because “[s]upporting pregnant and postpartum workers is a matter of religious, moral, and ethical concern. Our faith traditions affirm the dignity of pregnant individuals and the moral imperative of affording them the right to changes at work to preserve their health. . . . Failing to bring the PWFA to a vote would be a moral failing.”<sup>205</sup>

Rabbi Eliana Fischel of the Washington Hebrew Congregation, a member congregation of the Union for Reform Judaism, said at the December 2022 PWFA rally: “Our tradition demands that we take employee compensation and accommodation seriously because we know both are a matter of life and death.”<sup>206</sup> And as Sheila Katz, CEO of the National Council of Jewish Women, said at that same rally: “One of the foundational teachings in Jewish tradition is *shmirat ha-guf*, literally guarding the body. We’re taught that we are the best version of ourselves not only by tending to the soul but by tending to the needs of the whole person, the physical too. When we prioritize the needs of our health

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Left: Rabbi Eliana Fischel of the Washington Hebrew Congregation speaking at the December 2022 PWFA rally. Right: Sheila Katz, CEO of the National Council of Jewish Women, at the same rally.

we prioritize our basic dignity and when our health needs are denied that dignity is stripped away. But many American workers need to choose between their dignity and their paycheck. . . . What an awful choice. This must change. And for once the solution is rather simple. The Senate must pass the provisions of the Pregnant Workers Fairness Act.”<sup>207</sup>

Beginning in August 2021, the U.S. Conference of Catholic Bishops announced its support for the PWFA, making it a priority for the organization in the 117th Congress.<sup>208</sup> They became a steadfast and vocal supporter of the bill until its passage and their endorsement played a powerful role in gaining support from Republican lawmakers, as did the support of other Christian organizations including the Center for Public Justice.<sup>209</sup>

Other organizations such as the Bipartisan Policy Center (“BPC”) played a key role in galvanizing support on both sides of the aisle. BPC, for instance, hosted a bipartisan conversation on the PWFA in early 2022 with the lead Democrat and Republican Senate sponsors of the bill, Senator Bob Casey (D-PA) and Senator Bill Cassidy (R-LA), where both reinforced the urgency of passing the legislation. As Senator Cassidy said, “because it’s bipartisan, it’s much more likely to

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Senator Bob Casey (center) and Senator Bill Cassidy (right) reinforce the urgency of passing the Pregnant Workers Fairness Act in a conversation hosted by the Bipartisan Policy Center, early 2022.

pass.”<sup>210</sup> Days after that conversation, BPC released survey results showing one in five mothers saying they have experienced pregnancy discrimination in the workplace, data that would ensure lawmakers could be held to their word to act on the urgency of the PWFA.

**Parent organizing groups** made sure lawmakers understood the urgency, engaging grassroots volunteers to remind Congress that the needs of pregnant and postpartum workers had too often been ignored. In one action, 150 MomsRising volunteers dropped off PWFA materials and miniature storks to Senate district offices in nearly every state.<sup>211</sup> In another, Parents Together organized a PWFA petition that garnered over 28,000 signatures. They then teamed up with Park Slope Parents and mobilized moms and babies to deliver the petition to Senator Schumer in Brooklyn.<sup>212</sup>



Parents Together organizes petition drop-off in Washington, D.C., September 2022

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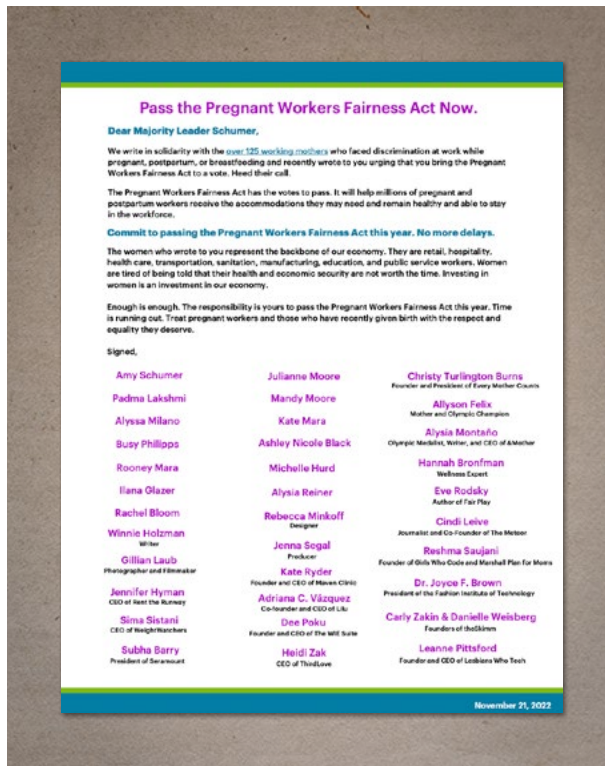
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**Prominent leaders across various industries** played an influential role in elevating the PWFA. In November 2022, A Better Balance and ACLU co-lead the organizing of a letter signed by major figures in entertainment, fashion, sports, and business to Senate Majority Leader Chuck Schumer. In it, they called for passage of the Pregnant Workers Fairness Act, expressing solidarity with the frontline working moms who had shared their experiences with pregnancy discrimination in *The New York Times* ad that A Better Balance placed. [See the Center Workers section for further discussion of the *New York Times* ad]. Among the signatories were Hollywood stars including Amy Schumer, Julianne Moore, Padma Lakshmi, Mandy Moore, Ashley Nicole Black, and Ilana Glazer; champion athletes Allyson Felix and Alysia Montaño; and prominent business and organizational leaders such as Christy Turlington Burns (Every Mother Counts), Sima Sistani (CEO of WeightWatchers), and Jennifer Hyman (CEO of Rent the Runway). They wrote:

“ Women are tired of being told that their health and economic security are not worth the time. Investing in women is an investment in our economy. . . . Enough is enough. The responsibility is yours to pass the Pregnant Workers Fairness Act this year. Time is running out. Treat pregnant workers and those who have recently given birth with the respect and equality they deserve.<sup>213</sup>

**Many powerful organizational leaders also engaged in critical behind-the-scenes work**, speaking directly with lawmakers and their staff to convey the importance of the PWFA. Several major political donors and influencers did



Letter signed by major figures in entertainment, fashion, sports, and business calling for passage of the PWFA, co-led by ABB and the ACLU, 2022.

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the same. This work, while not public or attention-grabbing, is often a key component of a robust and varied advocacy effort, and takes time, effort, and strategy that deserves acknowledgement.

**State-level organizations invested heavily in the PWFA**, carrying the constituent message to lawmakers and in so doing, winning their legislators’ support. They also pushed those lawmakers already in support to devote more attention to the PWFA and get it over the finish line. Partners particularly in Alabama, Alaska, California, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Nebraska, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Tennessee, South Carolina, Utah, and West Virginia organized meetings with their legislators, sign-on letters, mobilized grassroots calls and emails, took out ads, and engaged heavily on social media.<sup>214</sup> It is a testament to the tireless work of organizations in these states that of the forty-two Senators representing the twenty-one states mentioned above, thirty-one of their senators voted in favor of the PWFA, including nineteen Republican senators.<sup>215</sup>

**Below are just a few examples of the many ways state partners engaged throughout the campaign:**

The Women’s Law Project [“WLP”] in Pennsylvania, for instance, organized two separate sign-on letters from Pennsylvania groups spotlighting the

dangerous conditions pregnant workers in Pennsylvania face and urging Senator Casey to “do everything [he] can to bring the Pregnant Workers Fairness Act home now.”<sup>216</sup> WLP’s Director of Strategic Communications, Tara Murtha, wrote a commanding Op-



Senator Casey with a Mother’s Day card signed by advocates and elected officials calling for the PWFA, 2014.

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Ed in the *Penn Capital Star* pleading for passage of the federal PWFA because “leaders of the Pennsylvania General Assembly have made it clear they don’t care about pregnant people” and, while the organization had expanded their direct representation of pregnancy discrimination clients to try and meet the need, she continued, “[W]e’re chasing an impossible goal: We simply can’t help every person navigate problems that should be fixed by better policy.”<sup>217</sup>

In Louisiana, state partners including the Louisiana Budget Project, the Louisiana Partnership for Children and Families, and Frankie Robertson of The Amandla Group, LLC encouraged Senator Bill Cassidy to take up the mantle as the lead Republican sponsor of the bill, especially given his background as a physician. After many months of sustained effort to engage his office, Senator Cassidy agreed to sponsor the bill and proved to be an enthusiastic lead, prioritizing and investing heavily in the PWFA’s success.<sup>218</sup>

New York partners showed bold advocacy, especially in their willingness to push Majority Leader Schumer. In December 2021, for instance, A Better Balance coordinated with New York Attorney General Letitia James to send a letter from fifteen state Attorneys General urging Senator Schumer to bring the PWFA to a vote without delay, especially in light of the fact that, at the time, “millions of women across the country [were] either losing their jobs or making the difficult choice to step out of the economy in order to provide care for their families and communities.”<sup>219</sup>

At a rally A Better Balance organized in New York City in July 2022 leaders from NYCLU, National Organization of Women–NYC, National Council of Jewish Women New York, March of Dimes, NETWORK Lobby for Catholic Social Justice, NYC Midwives, and Columbia University Medical Center spoke truth to power.

**“U.S. Senators have a clear and immediate moral obligation to pass needed laws that protect pregnant workers against injustice and discrimination to respond to women’s needs, especially in the wake of attacks on reproductive rights. . . . We won’t take kindly to politicians who ask us to wait,”** said Sonia Ossorio, President of NOW-NYC.<sup>220</sup>

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A rally organized by A Better Balance in New York City in July 2022 included speakers from NYCLU, National Organization of Women–NYC, National Council of Jewish Women New York, March of Dimes, NETWORK Lobby for Catholic Social Justice, NYC Midwives, and Columbia University Medical Center.

Along the same lines, Donna Lieberman, Executive Director of the New York Civil Liberties Union, said: “The U.S. Senate must advance reproductive justice and economic security for millions of families by passing the bipartisan Pregnant Workers Fairness Act. As forced pregnancy rapidly becomes the law in half of this country, now is the time for Majority Leader Schumer to bring the PWFA to the floor for a vote.”<sup>221</sup> Dr. Wendy Chavkin, one of the first health experts to champion the pregnant workers fairness movement, dating back to 2012,<sup>222</sup> declared, “In our country that prizes apple pie and motherhood, it is past time that Congress pass a law to guarantee that those who work during pregnancy and post-partum can stay healthy on the job.”<sup>223</sup>

**“As chair of obstetrics at two institutions I have been responsible for the care of over a hundred thousand, mostly minority, pregnant women. That experience has taught me just how vital it is to pass the Pregnant Workers Fairness Act. Women willingly and frequently sacrifice their own wellbeing for that of their family and their pregnancy. Accordingly, when they have to choose between their job and their physician’s advice they are trapped between Scylla and Charybdis; they can’t afford to lose their jobs because of the harm it would cause their families, but they put their pregnancy at risk if they don’t follow their provider’s advice to, for example, rest when they are diagnosed with an impending obstetrical crisis**

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(e.g., pre-eclampsia), or come for extra prenatal visits when their diabetes is out of control. They are often left with only the slim hope that staying on the job, and taking their chances with their medical condition will all work out. In fact, as I have witnessed, far too often it does not. PWFA will help extricate pregnant women from this bind, and thereby gift the next generation with the health it deserves.”

—Dr. Howard L. Minkoff, MD, FACOG, Distinguished Service Professor SUNY

Downstate, Chair Emeritus Department of Obstetrics and Gynecology Maimonides Medical Center, Regional Chair Emeritus SUNY Downstate.

In Indiana, after a hard-fought effort led by the Indiana Institute for Working Families (now the Indiana Community Action Poverty Institute) and a diverse network of business groups, professional associations, and grassroots organizations, to advance a state-level bill, it fell prey to obstinate lawmakers who weakened the bill, many Indiana advocates turned their efforts towards the federal bill. Hoosier Action, a “homegrown, independent community organization based in rural and small-town Indiana,” published and disseminated a report entitled “Labor of Love: Stories of Hoosier Moms & the Need to Pass the Pregnant Workers Fairness Act” after “hearing from hundreds of moms across the state who were struggling to work and maintain a healthy pregnancy in Indiana.”<sup>224</sup>

In late August 2022, Healthy Mothers, Healthy Babies Georgia—leaders of the Georgia PWFA campaign—also organized a sign-on letter with twenty Georgia organizational signatories to thank their Senators Raphael Warnock and Jon Ossoff for their leadership on PWFA and call on them to push Senate leadership to bring the PWFA to a vote. **“Georgia consistently ranks among the highest maternal mortality and preterm birth rates across the nation,”** the letter said.<sup>225</sup> **“We urge you to reaffirm Georgia’s commitment to promoting healthy mothers and babies and strengthening economic growth.”**<sup>226</sup> Days later, the ACLU of Georgia organized an ad in *The Atlanta Journal Constitution* along with several state and national partners to further amplify that message.<sup>227</sup> Around that same time, the ACLU of New Hampshire sent an organizational sign-on letter to its state’s Senators and took out an ad in *The Union Leader*.<sup>228</sup>

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One of the greatest signs of a successful policy campaign is that the number of people and organizations involved become countless because the movement has spread so far and wide. To the extent possible, however, we want to acknowledge the contributions of as many organizations as we can identify. Various organizational sign-on letters reflecting the diverse range of PWFA supporters are included in [the Appendix](#).

#### 4. GAIN BUSINESS SUPPORT.

The Pregnant Workers Fairness Act is one of the most consequential changes to U.S. civil rights law in more than a decade. Changes to employment law are not ordinarily welcomed by employers and employer groups. Initially, the same was true of the Pregnant Workers Fairness Act: Many business groups opposed the bill, fearing it would prove burdensome and increase litigation.

Sustained work over many years, first at the state level and then at the federal level, turned the tide. We made a concerted effort to engage local and state business groups, and later national business groups, about why the PWFA stood to benefit them as well. In those conversations, which took place over the course of many months or years, we sat across from business leaders and explained how the PWFA would:

1. create clarity for businesses about their obligations;
2. help them retain valuable employees, boosting employee morale and ensuring smooth business operations; and
3. reduce their litigation exposure and health care costs.

These sustained conversations and negotiations led first to prominent state-level business groups such as the Associated Industries of Massachusetts supporting the Massachusetts Pregnant Workers Fairness Act<sup>229</sup> and Greater Louisville Inc. supporting the Kentucky Pregnant Workers Act.<sup>230</sup> One critical lesson we learned was that our business opponents often were not, in principle, opposed to the idea of providing reasonable accommodations to pregnant workers. Instead, their concerns stemmed from readings of the bill text that often were not our intention. For example, some businesses worried that the legislation could be interpreted to go beyond the intended scope of the bill to extend accommodation

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rights to spouses or partners of pregnant employees. In other instances, employers feared they would be liable for failing to provide accommodations to employees whom they had no reason to know were pregnant. In each instance, we were able to address their concerns without in any way compromising our values or protections for workers. Clear, direct communication about concerns led to stronger, clearer legislation—and new supporters.

**With each negotiation, we learned how to more persuasively make the business case and gained practice presenting to industry groups and fielding tough questions.** We learned, for instance, that in addition to the

bottom line benefits, many employers supported the idea of a federal pregnancy accommodation law because it would create a uniform, clear standard across jurisdictions—and one that borrowed from the already familiar and well-established ADA reasonable accommodation framework. From the very beginning, back in 2012, businesses had sought clarity in the law regarding pregnancy accommodations, explaining that their bottom line depended on understanding their legal obligations.<sup>231</sup>

Our work with state business groups, discussed in more detail below (in the section “States Paving the Way”), paved the way for the fruitful negotiations we led with the U.S. Chamber of Commerce (“U.S. Chamber”) in late 2019 and early 2020 based on our legal research and understanding of the business arguments. The negotiations, conducted along with the ACLU, NWLC, and NPWF, resulted in our winning the U.S. Chamber’s support for the federal Pregnant Workers Fairness Act.<sup>232</sup> We worked with lawmakers and the majority staff of the House Education and Labor Committee, who were also involved in the negotiations, to secure the U.S. Chamber’s support, finalize the language, and introduce it at the House markup of the bill in January 2020. By that point, from our work in the states, we knew every possible phrase, word, and concept that business groups would dissect, and we had the tools not to simply negotiate in the abstract but to come to the table in a meaningful way, with vast experience.

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## We knew how to speak the language of business groups and how to craft persuasive arguments to keep the U.S. Chamber invested and at the table.

Most importantly, the changes we made to the bill as a result of the negotiations in no way compromised the substance or protections for workers in the bill. Indeed, the modest changes provided helpful clarity to the bill and ultimately provided greater protections to workers. For instance, as a result of the negotiations, we included a new definition of “known limitations” that made clear that a pregnant worker does not have to have a disability in order to request and receive accommodations.

Ultimately, the U.S. Chamber became a critical partner working toward passage of the PWFA, garnering crucial support from Republicans and moderate Democrats and rallying other major business groups to support the bill, including the Society for Human Resources Management (“SHRM”), the National Retail Federation, the National Restaurant Association, and several other members of the business lobby that rarely support workers’ rights legislation.<sup>233</sup> NPWF also worked to gain individual business support, resulting in dozens of major corporations including Verizon, Microsoft, Johnson & Johnson, and Salesforce lending their support to the bill.<sup>234</sup> The U.S. Chamber held countless meetings with Capitol Hill offices to advocate for the law and, notably, placed the PWFA on its “scorecard” so legislators would be scored favorably if they voted for the PWFA.<sup>235</sup>

The benefits of a partnership with the U.S. Chamber did not end with the PWFA. **The good-faith relationship we cultivated with the U.S. Chamber while working towards passage of the PWFA paved the way for conversations about other critical workplace issues.** For instance, our later discussions about workplace lactation protections along with our partners at the ACLU, Center for WorkLife Law, United States Breastfeeding Committee, MomsRising, and National WIC Association ultimately led to the U.S. Chamber’s support of the PUMP for Nursing Mothers Act.<sup>236</sup>

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## 5. ACHIEVE ROBUST BIPARTISANSHIP.

We knew from the beginning that given the makeup of Congress over the last ten years we would need bipartisan support to pass the PWFA. We also knew that bipartisanship came with risks, and we committed to not watering down the bill or making compromises that would weaken protections for workers.

We built bipartisanship in three key ways:

1. First, we shared with lawmakers the experiences of pregnant workers and constituents from their own districts, helping them understand that real people in their communities were suffering without the PWFA, including suffering the devastating health and economic consequences outlined above.
2. Second, we garnered the business community’s support to show that workers’ and employers’ interests aligned in the PWFA, and we worked closely with business organizations, especially the U.S. Chamber as discussed above, to garner crucial Republican support.
3. Third, we explained that the PWFA would save taxpayer dollars by keeping pregnant workers healthy and attached to the workforce. For instance, we pointed to research showing that pregnant workers who receive accommodations experience fewer pregnancy complications, driving down health care costs and need for government benefits.<sup>237</sup>

We succeeded in gaining substantial bipartisan support for the PWFA, despite ever-growing political polarization and toxicity between the two parties. The PWFA proved that targeted messaging and effective communication of workers’ lived experiences could transcend political polarization.

The road to passage of the Pregnant Workers Fairness Act was bumpy, with some lawmakers objecting at nearly every turn. The lead sponsors, committee staff, and other legislative offices relied on our expertise for time-sensitive answers to combat opposition, often turning to us for assistance with talking points, research, and more.

One of the first setbacks in the campaign came in 2015 with the introduction of the Pregnancy Discrimination Amendment Act (“PDAA”).<sup>238</sup> The PDAA purported

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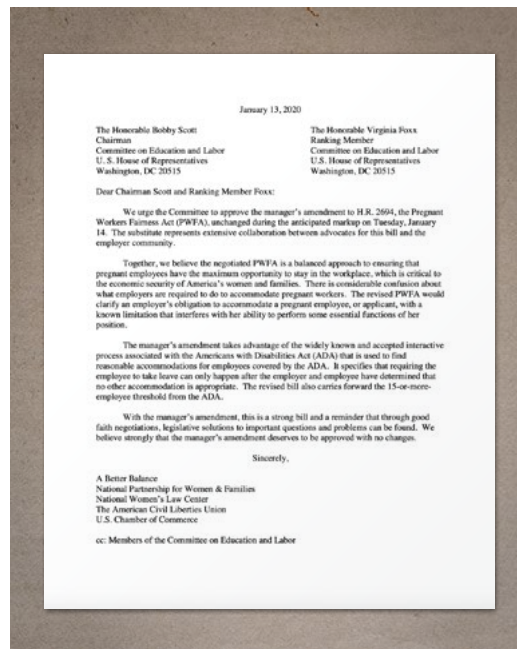
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to close loopholes left open in *Young v. UPS*, but in reality would have set back the clock for pregnant workers by maintaining the PDA’s onerous comparator standard while adding new, confusing limitations and borrowing a dangerous precedent from the Equal Pay Act.<sup>239</sup> Staffers and stakeholders introduced the PDAA as a conservative alternative to the PWFA, one meant to stymie our bill’s path. Once again, we sprung into action, conducting legal research, composing legal memos, and drafting a forceful document to explain why the legal standard set out in the PDAA was so dangerous.<sup>240</sup> Our efforts succeeded and, thankfully, the PDAA went nowhere. Still, the experience trained us to be constantly ready for oppositional backlash along the way.

## 6. BUILD RELATIONSHIPS WITH LAWMAKERS & REGULARLY CREATE NEW EDUCATIONAL MATERIALS TO MAINTAIN THE URGENCY OF THE ISSUE.

For ten years, we knew the law had a problem that needed fixing.

We spent a decade reinforcing the message time and again that gaps in federal law were forcing pregnant and postpartum workers into impossible situations at work when they needed accommodations. Sustained relationship-building was required to keep lawmakers informed, educated, and attuned to the urgency of the issue. Day in and day out, we worked most closely with our lead sponsors from both sides of the aisle, Representatives Jerry Nadler (D-NY) and John Katko (R-NY) in the House of Representatives and Senators Bob Casey (D-PA) and Bill Cassidy (R-LA) in the Senate, as well as with the staff of the Senate Health, Education, Labor, and Pensions (“HELP”) Committee and House Education and Labor Committee. Speaker of the House Nancy Pelosi and the House Democratic Women’s Caucus were also critical champions.



Letter from the U.S. Chamber of Commerce and women’s groups in support of the Pregnant Workers Fairness Act, 2020.

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Speaker Pelosi twice ushered the PWFA to overwhelming passage in the House and fought for the bill's success until the very end of the 117th Congress. **Building and sustaining relationships with lawmakers is critical to ensuring that the issue remains high on the priority list and that they have the support and resources they need to advance the legislation.**

For A Better Balance, this meant ensuring we also had boots on the ground in Washington, D.C. The organization took the step of opening a Washington, D.C. office in February 2020 headed up by now National Policy Director Sarah Brafman.

A typical day of PWFA advocacy involved work as varied as conducting rapid-fire legal research and drafting legal memoranda; preparing talking points for a lead sponsor to respond to an opposing viewpoint; meeting with a lawmaker who had not yet committed to support the bill to educate them about the importance of the bill; helping one of our Community Advocates prepare to speak with a lawmaker or press or draft an Op-Ed; organizing an in-person or social media action with partner organizations; and providing technical assistance to state partners drafting a letter to their representative or senator.

We created reports, fact sheets, bill explainers, legal backgrounders, white papers, research memos, and other materials to address every possible concern and advocate from all angles to make the legal, health, and economic cases for legislators.<sup>241</sup> When a lawmaker or business group raised a new objection or a supportive lawmaker needed to make the case, we met those requests with



**Washington Post Op-Ed by Dina Bakst calling for the Pregnant Workers Fairness Act, 2022.**

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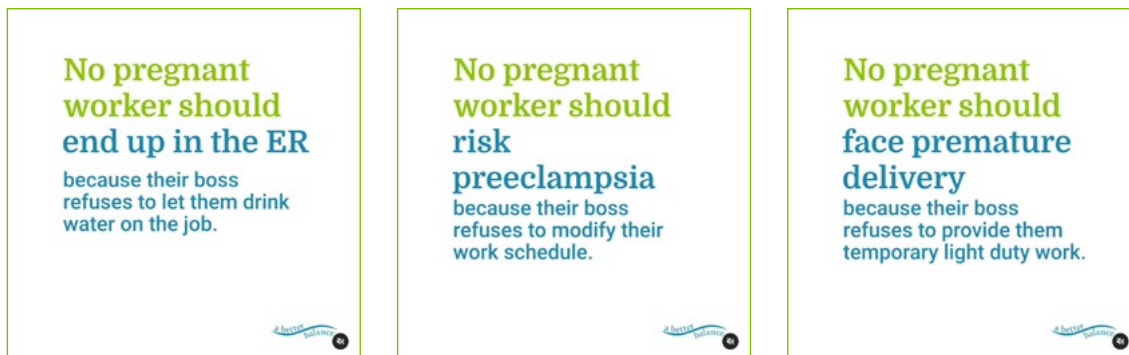
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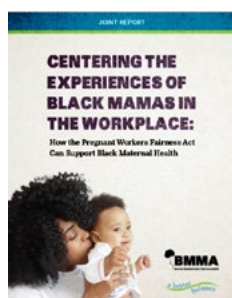
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Frames from a video created for social media by ABB explaining the maternal health case for passing the PWFA, 2022.

concrete answers. We also organized and participated in Congressional briefings alongside partners and lawmakers, often both speaking and supporting A Better Balance Community Advocates like Candis Riggins<sup>242</sup> and Natasha Jackson<sup>243</sup> and business leaders like Ruby Kirby, a Tennessee rural hospital administrator,<sup>244</sup> as they attended and shared stories. The briefings presented a targeted opportunity to educate a wide array of legislative staff and develop ongoing relationships with them. And we released materials that explained the legislation and its necessity to lay audiences, publishing Op-Eds and letters to the editor everywhere from *The New York Times* to *The Washington Post* to *The Hill*, with the goal of elevating PWFA in broader public discourse.<sup>245</sup> Over the years, we also developed dozens of videos, graphics, photos, and compelling visuals to share across social media and build momentum.

Over the decade-long campaign we also released eight longform reports highlighting the need for the PWFA from various vantage points:



**2022: *Centering the Experiences of Black Mamas in the Workplace: How the Pregnant Workers Fairness Act Can Support Black Maternal Health (Joint Report with Black Mamas Matter Alliance)***<sup>246</sup>

*Centering the Experiences of Black Mamas in the Workplace* drew from lessons learned during a listening session with Black birth workers and Black organizational leaders from nine states and made clear that this country needs far better structural supports for pregnant, nursing, and parenting workers, including the Pregnant Workers Fairness Act.

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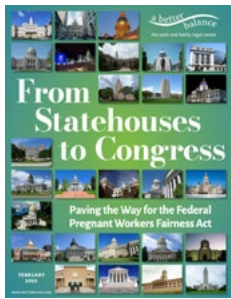
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**2022: From Statehouses to Congress: Paving the Way for the Federal Pregnant Workers Fairness Act<sup>247</sup>**

From Statehouses to Congress provided a detailed overview of the PWFA’s progress in the states to date, highlighting the highly bipartisan nature of the legislation and the many state-level legislators and stakeholders that supported these laws.



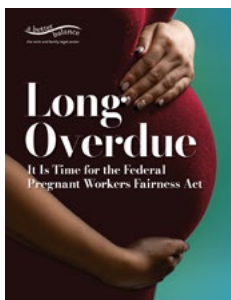
**2021: The Pandemic & The Pregnant Workers Fairness Act<sup>248</sup>**

The Pandemic & the Pregnant Workers Fairness Act made the case as to how the PWFA would promote women’s economic security and only grew more urgent during a global pandemic that forced millions of women out of the workforce.



**2021: Long Overdue (2021): The Pregnant Workers Fairness Act is a Critical Measure to Remove Barriers to Women’s Workplace Participation and Promote Healthy Pregnancies<sup>249</sup>**

An update to our 2019 report, *Long Overdue (2021)* analyzed more recent case law showing gaps in the Pregnancy Discrimination Act and the Americans with Disabilities Act remained and were still leaving women without the accommodations they needed to stay healthy and working, with nearly two-thirds of workers still losing their PDA accommodations cases under the pre-PWFA framework in place.



**2019: Long Overdue (2019): It is Time for the Pregnant Workers Fairness Act<sup>250</sup>**

Analyzing post-*Young v. UPS* case law, this report found over two-thirds of workers were still losing their pregnancy accommodation cases even after the Supreme Court ruling, which many hoped would provide clarity but unfortunately did not. The majority of these losses could be traced to courts’ rejection of women’s comparators or inability to find a comparator.

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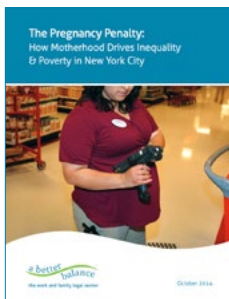
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**2015: *Pregnant and Jobless: Thirty-Seven Years After Pregnancy Discrimination Act, Pregnant Women Still Choose Between A Paycheck and A Healthy Pregnancy***<sup>251</sup>

*Pregnant and Jobless* centered the stories of our callers and clients who were continuing to suffer devastating consequences because they lived in states without clear accommodation protections and painted a stark contrast between their experiences and those of women in New York City who were benefitting from the City’s PWFA protections.



**2014: *The Pregnancy Penalty: How Motherhood Drives Inequality & Poverty in New York City***<sup>252</sup>

*The Pregnancy Penalty* elucidated how pregnancy discrimination is a key driver of the gender wage gap, highlighting how bias and inflexibility towards women in the workplace that starts when they become pregnant snowballs into long-lasting economic harm.



**2013: *It Shouldn't Be A Heavy Lift: Fair Treatment for Pregnant Workers (Joint Report with NWLC)***<sup>253</sup>

*It Shouldn't Be a Heavy Lift* marked one of the first detailed accountings of what was happening to pregnant workers across the country when they would ask for temporary modifications of their job duties because of pregnancy, such as avoiding heavy lifting, staying off high ladders, or being permitted to sit down during a long shift and how the law was falling short.

Our fellow coalition leaders also developed key resources. The ACLU, for example, conducted polling in 2020 that showed eighty-nine percent of voters approved of the PWFA, data that proved to lawmakers this issue transcended party and politics.<sup>254</sup> NWLC followed up with a poll in 2022 finding ninety-three percent of voters agreed it was important for employers to provide accommodations to pregnant and postpartum workers.<sup>255</sup> NWLC and NPWF also provided important data analysis on the number and types of workers who would be most impacted by the legislation. Calculating American Community Survey data, NPWF found there are nearly three million pregnant women in the U.S. each year, all of whom would benefit from having the PWFA’s protections even if they

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didn't require accommodations.<sup>256</sup> NWLC also crunched the data and found that “[o]ver one in five pregnant workers are employed in low-wage jobs, which are particularly likely to be physically demanding. Moreover, pregnant Black women and Latinas are disproportionately represented in low-wage jobs.”<sup>257</sup>

## 7. CHANNEL THE POWER OF COMMUNICATIONS AND USE CONSISTENT, VALUES-BASED MESSAGING.

Consistent messaging and a robust communications strategy were key pieces of the successful PWFA campaign. Early on, we recognized that we would need powerful messages and storytelling that would resonate with a variety of audiences: conservative, progressive, apolitical, grassroots, and across geographic lines. Communications tactics included earned and paid media, including opinion pieces, as well as plentiful social media activities and videos.



Social media graphic sharing the story of ABB Community Advocate and Board Member Takirah Woods, 2018.

Although the nuances shifted over time or varied depending on the audience, our core messages stayed remarkably consistent over the past decade. Lawmakers, stakeholders, and constituents were persuaded by the arguments that the PWFA:

- » would ensure fairness and equality by supporting women and families' health and economic security;
- » was necessary to close gaps in current law; and
- » was a commonsense measure with broad appeal.

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The values-based message we repeated most often: no one should have to choose between a healthy pregnancy and paycheck.<sup>258</sup>

Many lawmakers expressed disbelief that an employer would refuse to grant simple accommodations or sometimes struggled to understand the legal complexities. That is where the power of workers’ sharing their own experiences proved to be critical. **Many of the women who spoke out most publicly were women of color, often working in physically demanding jobs.<sup>259</sup> More than most anyone else, they could best explain what the gaps in current law meant for them, including the devastating health and economic consequences that too often resulted from a lack of protection.** Lawmakers could not ignore the issue when confronted with one woman’s truth and the fallout for her and her family.

One message we could have never anticipated when the movement began in 2012 was the importance of the PWFA in the wake of the COVID-19 pandemic. The health implications of COVID-19 made the PWFA gravely urgent for many women and families across the country, especially as it became clear that pregnant people suffer more serious illness if they contract COVID-19.<sup>260</sup> COVID-19 also resulted in millions of women leaving the workforce, oftentimes in order to provide care for their families or because they were pushed off the job, including while pregnant.<sup>261</sup> Although we had always emphasized how the PWFA would improve the economic security for women and families, it became clear

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Flyer from “The Big Push for the PWFA,” a social media action spearheaded by A Better Balance and partners, 2022.

we needed to tailor the message from 2020–2022 to explain that the PWFA was a way to value women’s labor after the pandemic when so many women had worked frontline jobs or taken care of families and vulnerable people.<sup>262</sup> Frontline workers showed up for all of us—now we needed to show up for them. For many the message carried a powerful resonance, though we had to be careful articulating this message to some lawmakers for whom the pandemic had become a politically divisive topic.

Our communications campaigns delivered each of these key messages far and wide. The Communications Subcommittee of the PWFA coalition met frequently to discuss the most strategic ways to garner media attention for the bill. Earned media was one key strategy. In addition to Rachel Swarns,<sup>263</sup> Bryce Covert wrote multiple in-depth pieces about the PWFA, ensuring the issue broke through in a crowded media environment.<sup>264</sup> In 2018, *The New York Times* ran two major stories about pregnancy discrimination, including, “Miscarrying at Work: The Physical Toll of Pregnancy Discrimination.”<sup>265</sup> Eleanor Mueller of *Politico* closely followed the PWFA’s progress, especially in 2022, authoring several updates about prominent actions, which kept an important spotlight on the bill and kept lawmakers on notice that the press was paying attention.<sup>266</sup> We are indebted to the journalists who took the time and resources to investigate pregnancy discrimination and especially to those willing to focus on low-wage workers experiencing hardship as a result of gaps in current law.<sup>267</sup> We often played an active supporting role in these pieces—answering factual and legal questions, serving as spokespeople, facilitating interviews with A Better Balance Community Advocates, and amplifying powerful pieces after publication.<sup>268</sup>



Above: Dina Bakst speaking to a reporter at the 2012 PWFA introduction. Below: The headline of a 2018 *New York Times* article featuring A Better Balance Community Advocate Tasha Murrell.



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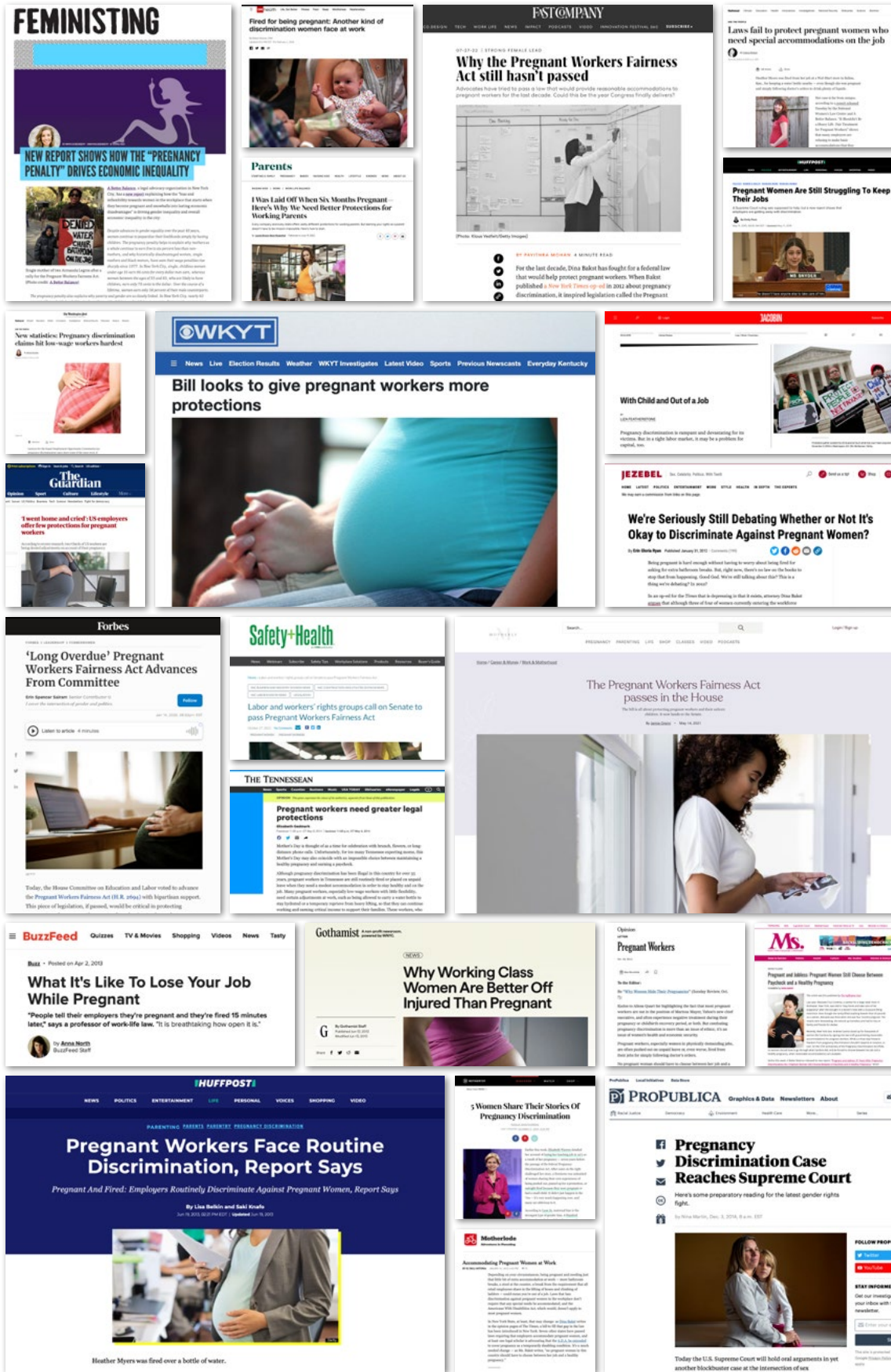
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A selection of just a few of the hundreds of earned media headlines highlighting the need for the PWFA, 2012-2022.



In addition to some of the more in-depth pieces, reporters published many shorter stories about the PWFA.<sup>269</sup> There were many times where we shaped the pieces to ensure accurate reporting and connect the dots for reporters. We frequently pitched reporters to make a connection between a current event and the PWFA. **Often, a reporter might inquire about high-income professional women and pregnancy discrimination, and we would educate them about the needs of low-wage working women as well and the need for the PWFA.**

Earned media also included authoring or helping others author countless Op-Eds and letters to the editor.<sup>270</sup> Our work began with the 2012 *New York Times* Op-Ed mentioned above, and opinion pieces played an important role throughout—as evidenced by the number of Op-Eds placed by women who inspired the movement, as discussed in Chapter 5, and other strategically timed Op-Eds highlighted in the timeline.<sup>271</sup>

Paid media also emerged as an important advocacy tool, especially in 2022, as the coalition’s focus turned towards passage in the Senate, where despite having enough votes to pass, progress stalled. A Better Balance and various partners placed strategically timed advertisements in *The Washington Post*, *Newsday* (an influential newspaper on Long Island), and *Politico*.<sup>272</sup> A Better Balance took out a full-page ad in *The New York Times* with a powerful letter from over 125 moms who experienced firsthand pregnancy discrimination in the workplace, calling on Leader Schumer to prioritize the PWFA and bring it to a floor vote before the end of 2022.<sup>273</sup> Dozens of influential spokespeople, such as Julianne Moore, Padma Lakshmi, and Christy Turlington Burns, then released an open letter to Leader Schumer in response, urging him to heed the call of the women who signed *The New York Times* ad.<sup>274</sup> These high-profile tactics undoubtedly elevated the importance of the PWFA and put tactical pressure on lawmakers. Congressional leadership knew they could not let the bill silently fade into oblivion.

The coalition also recognized the power of social media. Hosting digital Week of Action campaigns offered an opportunity for hundreds of partners to engage in

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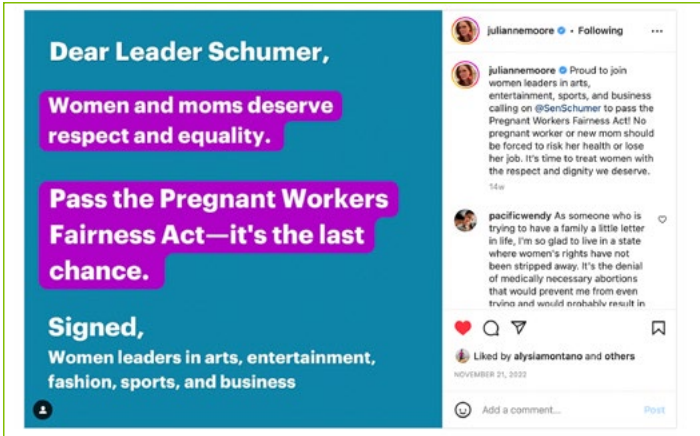
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Above: Social media posts from influential spokespeople such as Julianne Moore (top) and Alyssa Milano (middle) contributed to elevating the importance of the PWFA and putting pressure on lawmakers. Below: Digital Week of Action campaigns offered an opportunity for hundreds of partners to engage in advocacy.



presented a series of challenges for advocates. On multiple occasions, we believed we were poised for a PWFA vote, only to face setbacks and have no choice but to pursue a different strategy to get the bill passed in the Senate. In Winter 2021, for example, we advocated that lawmakers pass the PWFA in the National Defense Authorization Act (“NDAA”) to no avail.<sup>279</sup>

advocacy.<sup>275</sup> Many also participated in PWFA Tuesdays, a weekly social media campaign the coalition began in the latter half of 2022 to keep the PWFA top of mind for the advocacy community.<sup>276</sup> Many coalition members, including A Better Balance, also ran advertisements on social media to raise awareness of the bill.<sup>277</sup>

## 8. PUSH UNTIL THE BITTER END, EVEN WHEN SUCCESS SEEMS NEARLY IMPOSSIBLE.

In May 2021, the PWFA passed the House of Representatives for a second time. In August 2021, the PWFA passed with overwhelming support out of the Senate HELP Committee.<sup>278</sup> After that, momentum seemed to stall and Fall 2021 through December 2022

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By early 2022, the bill had the sixty votes it needed to overcome a filibuster and Senate Majority Leader Schumer had the power to bring the PWFA to the Senate floor for a vote.<sup>280</sup> Both publicly and privately, we urged him to do that, not wanting the PWFA to get lost among a sea of priorities.<sup>281</sup> Yet time and again, we were told there was not enough time to take the bill through a full floor vote process, which can take upwards of two weeks because of archaic Senate procedural requirements. Many told us our best bet was to tack PWFA onto a larger package deal or as a rider to another major legislative priority. We steadfastly pursued these opportunities while publicly continuing to pressure the Senate to bring the bill to the floor for a vote.<sup>282</sup> We did this for two reasons: 1) we believed women and families were worth the time a floor vote would take; and 2) inclusion in a package came with risks and required buy-in from even more senators than a standalone vote might.



**Tweet from Rep. Jackie Speier calling for a vote on the PWFA, December 2022.**

With hopes of a floor vote rapidly dwindling, pressure continued to mount, including from a large cohort of Democratic lawmakers in the House. In a letter spearheaded by the leaders of the Democratic Women’s Caucus, Representatives Jackie Speier (D-CA), Lauren Underwood (D-IL), Lois Frankel (D-FL), Brenda Lawrence (D-MI), and Veronica Escobar (D-TX), and signed by 130 Members of Congress, they called on Senate Majority Leader Chuck Schumer and Minority Leader Mitch McConnell to pass the PWFA, calling the bill an answer to the “clarion call of women desperate to not have to choose between a healthy pregnancy and a job.”<sup>283</sup>

Amidst this pressure campaign, we tried yet again to push the Senate to include PWFA in the NDAA.<sup>284</sup> A small number of Republican lawmakers including Senators Rand Paul (R-KY), James Lankford (R-OK), and Steve Daines (R-MT) blocked that effort after raising objections that the PWFA would require

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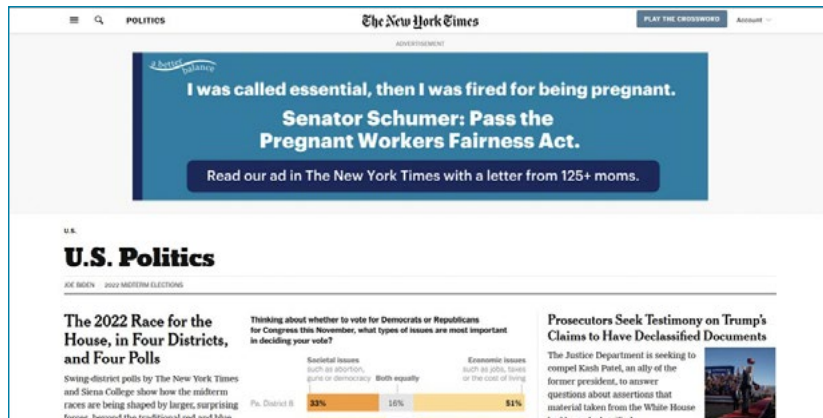
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employers to pay for employees to receive abortions. With inclusion in the NDAA no longer an option, Senators Casey and Cassidy attempted to pass the bill via unanimous consent, live on the Senate floor.<sup>285</sup> This would require senators to air their grievances publicly. Senator Thom Tillis (R-NC) objected on behalf of himself and Senators Daines (R-MT) and Lankford (R-OK).<sup>286</sup> Unanimous consent would be impossible.



*New York Times digital ads, 2022.*

and Daines presented problems for Leader McConnell as they continued their mission to block the bill, offering unacceptable poison pill language.<sup>287</sup> However, thanks to the tireless and shrewd work of our lead sponsors,<sup>288</sup> and after working in coalition with our partners, as well as many reproductive rights experts and scholars,<sup>289</sup> the final agreed-upon rule of construction language resulted in a narrow restatement of current law.<sup>290</sup> It appeared as though the PWFA would finally get the green light for inclusion in the text of the omnibus.

With two weeks left of the 117th Congress, the only option that remained was to try and include the PWFA in the year-end omnibus fiscal spending bill [“the omnibus”]. In order to do that, we needed sign-off from both Majority Leader Schumer and Minority Leader McConnell. Leader Schumer readily agreed but Senators Lankford

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On Monday, December 19, 2022 advocates and lawmakers went to sleep hopeful that the omnibus package included the PWFA text. On Tuesday morning, we awakened to the news that PWFA was not included in the text.<sup>291</sup> A Better Balance quickly assessed the viable paths and pivoted immediately to an amendment strategy. A Better Balance publicly pushed to include the PWFA as a tacked-on amendment to the omnibus package, a precarious path because the Senate often strives to keep amendments to a minimum but one that we felt was absolutely necessary to ensure the bill passed.<sup>292</sup> Senators Cassidy and Casey agreed, and insisted that the bill receive an amendment vote. Senate leadership agreed and while this required including two additional amendment votes to mollify Senator Lankford (along with Senator Braun, who raised an objection over coverage of state employees), we felt confident we could overcome the hostile amendments. Ultimately the Senate voted down both hostile amendments and passed Senator Casey’s and Cassidy’s version of the bill.<sup>293</sup> **Our Senate champions, Senators Cassidy and Casey, proved heroic in their unwavering commitment to get the PWFA passed, and Senator Schumer’s strong support for this strategy was essential. The last-ditch effort—following days of nail biting and uncertainty—worked.**<sup>294</sup> On December 22, 2022, the PWFA passed in the Senate, as an amendment to the omnibus. The next day, thanks to Speaker Pelosi and Congressman Nadler’s leadership, the PWFA passed the House of Representatives as part of the omnibus.

The following week, on December 29, 2022, President Biden signed the PWFA into law when he signed the omnibus spending package into law.<sup>295</sup> Because it was added as an omnibus amendment, there was no specific Presidential signing ceremony to commemorate the PWFA’s enactment. However, in February 2023, President Biden hosted a celebratory event to mark the thirtieth anniversary of the passage of the Family and Medical Leave Act (“FMLA”) as well as the passage of the Pregnant Workers Fairness Act and the PUMP for Nursing Mothers Act.<sup>296</sup> A Better Balance was honored to attend alongside A Better Balance Community Advocates Natasha Jackson, Armanda Legros, and Lyndi Trischler.<sup>297</sup> In a powerful recognition of the importance of personal storytelling and lifting up the voices of those with lived expertise, the White

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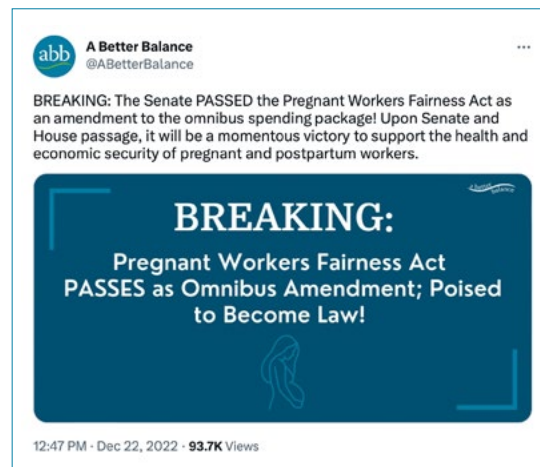
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House asked Natasha Jackson to share her own story as she introduced President Biden.<sup>298</sup> She shared the stage with Vice President Kamala Harris and President Bill Clinton, in attendance because he was President when the FMLA became law.<sup>299</sup> It was a remarkable moment.



Above: ABB Community Advocate Natasha Jackson shares the stage with Vice President Kamala Harris, President Bill Clinton, and President Joe Biden at the White House, February 2023. Left: The ABB team along with Community Advocates Armanda Legros (far left), Lyndi Trischler (center left) and Natasha Jackson (second from right) outside the White House. Below: ABB’s tweet announcing the passage of the PWFA, December 2022.



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## Chapter 6

# How States Paved the Way for the Federal PWFA

### STATE & LOCAL PREGNANT WORKERS FAIRNESS LAW SUCCESSES OVER THE YEARS

- 2013:** New York City (NY)
- 2014:** Philadelphia (PA), New Jersey, Minnesota, West Virginia, Delaware, Providence (RI), and Central Falls (RI)
- 2015:** Illinois, Washington, D.C., Nebraska, North Dakota, Rhode Island
- 2016:** New York, Utah, Colorado
- 2017:** Nevada, Washington, Connecticut
- 2018:** Vermont, Massachusetts, South Carolina, North Carolina
- 2019:** Kentucky, Maine
- 2020:** Oregon, New Mexico, Virginia, Tennessee
- 2021:** Louisiana

Momentum for the federal PWFA did not build overnight. Without a doubt, the PWFA is now a federal law thanks to the parallel movement over the past decade to pass similar legislation at the state and local level. In the states, we worked in coalitions and learned to hone key arguments and garner support from a diverse set of lawmakers and stakeholders—messaging and allies that proved crucial in the federal effort.

The groundswell of state momentum can be traced directly to that definitive moment in 2012 when A Better Balance Co-Founder Dina Bakst exposed the problems facing pregnant workers in *The New York Times*. Side by side with the workers who inspired the movement and our state partners, we launched pregnant workers fairness campaigns in states around the country, working on almost all the state and local bills introduced.<sup>300</sup> Over the last decade, we worked with many legislators on both sides of the aisle, business groups, and other stakeholders to make a range of arguments for accommodation of

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pregnant workers. As we described in our report, *From Statehouses to Congress: Paving the Way for the Federal Pregnant Workers Fairness Act*, legislators and advocates “made many compelling arguments in favor of reasonable accommodations for pregnant workers including a desire to:

- Update and strengthen the law;
- Combat pregnancy discrimination in the workplace;
- Support healthy pregnancies;
- Promote women’s economic security;
- Keep women in the workforce;
- Reduce costly litigation for businesses;
- Reduce the number of workers receiving public assistance;
- Improve employee retention, morale, and productivity; and
- Act urgently to protect maternal health and family economic security during the pandemic.”<sup>301</sup>

## FROM NEW YORK CITY TO LOUISIANA: THE DECADE-LONG JOURNEY OF STATE PWFA PROGRESS

The concerted state and local PWFA movement—where twenty-six states<sup>302</sup> passed laws in less than ten years—began in 2013, when New York City



Mayor Michael Bloomberg (seated) signs the New York City PWFA into law, 2013.

became the first jurisdiction to enact a comprehensive and robust local PWFA as part of the new wave of laws since California’s law passed in 1999.<sup>303</sup> As discussed in the “How the PWFA Movement Was Born” section of this report, A Better Balance spearheaded advocacy efforts

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in New York City, working with Councilmember Jimmy Vacca to draft the law and with partners like the National Organization for Women-NYC to advocate for its passage. The victory marked a decisive moment beyond New York City: passing a law in the biggest city in the country not only won protections for millions of New Yorkers, but also showcased the power of an explicit right to pregnancy accommodations and demonstrated its political palatability across the ideological spectrum (New York City mayor Michael Bloomberg, who in his first term as mayor was a Republican and by 2013 was an Independent, signed the bill into law).



An example of media Coverage of the NYC PWFA, 2013.

Soon thereafter, A Better Balance worked with the ACLU Women’s Rights Project and Legal Aid Society–Employment Law Center (now Legal Aid at Work) to develop model legislation.<sup>304</sup> Even with our model legislation, we emphasized the need for robust state-specific legal research to ensure that bill text was tailored to the existing state code, with special care to mirror state disability accommodation statutory language, for example. Many later bills, such as Oregon’s,<sup>305</sup> pulled directly from this model legislation.

As our *Statehouses to Congress* report lays out in detail, the state work carved the path for the federal law.<sup>306</sup> *Statehouses to Congress* includes a comprehensive review of state legislative testimony from all the states that have passed these laws since 2013—including Tennessee, Louisiana, South Carolina, Kentucky, Nebraska, and West Virginia—making clear that every corner of the country needed the federal Pregnant Workers Fairness Act.<sup>307</sup>

This state-by-state work often took years of deep coalition work, state-specific legal research, tailored legal bill and amendment drafting, strategizing, and

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overcoming opposition—similar to the strategies and tactics needed in the federal PWFA campaign. It was a pleasure to work in coalition with gender justice, racial justice, economic justice, and other organizations and leaders in the vast majority of these states. Below is a snapshot of one such state where A Better Balance played an important role in the campaign, and it is representative of our work in many other states.

**Massachusetts Pregnant Workers Fairness Act Campaign: 2014-2017**

**Summer 2014:** A Better Balance works with MotherWoman, a Massachusetts non-profit organization, and lawmakers to launch a Massachusetts Pregnant Workers Fairness Act<sup>308</sup> campaign, including providing legal research and drafting the bill.<sup>309</sup>

**Summer 2015:** The coalition facilitates a robust line-up of speakers for a summer Committee hearing, with guidance from A Better Balance on talking points, messaging, and draft testimony. A Better Balance submits testimony for the record. Speakers include a small business owner, multiple women who experienced discrimination firsthand, a maternal and child health expert, and a faith leader. A Better Balance joins meeting with the Chairman of the Ways and Means Committee to answer technical questions about the bill.

**Fall 2016:** A Better Balance begins negotiations with the Associated Industries of Massachusetts (“AIM”), the state’s largest business association (representing more than 650,000 employees) and a powerful player in the legislature that had opposed the bill in prior legislative sessions. We field tough questions and draft compromise language that mitigates AIM’s concerns while maintaining the integrity of the legislation. Our efforts bring AIM to vocally support the legislation.<sup>310</sup> AIM’s support paves the way for passage the following year.

**Spring 2017:** A Better Balance testifies before the Massachusetts Joint Committee on Labor and Workforce Development in support of the bill.<sup>311</sup>

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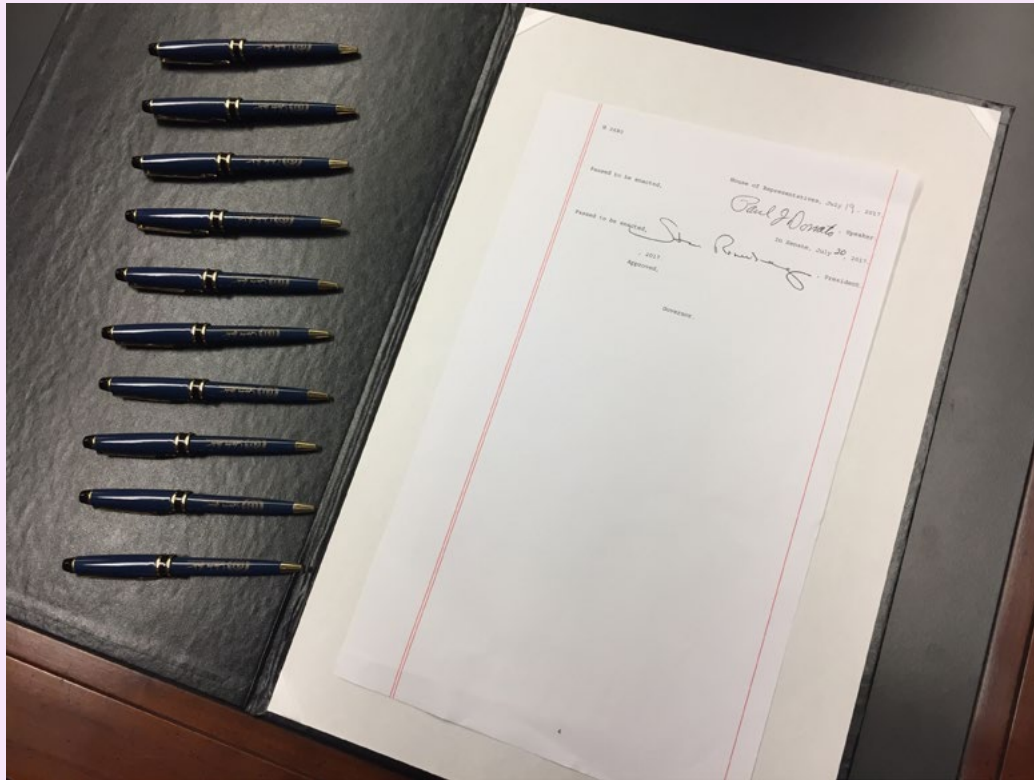
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**Summer 2017:** The Massachusetts legislature passes the Pregnant Workers Fairness Act with bipartisan support, and Governor Baker signs it into law.<sup>312</sup>

Later, MotherWoman, the organization that led the PWFA effort in Massachusetts, beautifully summed up the success of the coalition we worked to build:

“ Through a great collaborative effort among legislative sponsors, Rep. Dave Rogers, Rep. Ellen Story and Sen. Joan Lovely, our dedicated legal advocates at A Better Balance, and the team at AIM—who were so generous with their time and their attention to detail—we have a better proposal . . . It’s an important support for moms, children and families, and it makes good sense for both employers and employees.<sup>313</sup>

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## SOUTHERN PWFA WORK PROVES CRITICAL FOR FAMILIES & MOVEMENT OF THE FEDERAL PWFA

Our Southern Office, headed by A Better Balance Vice President Elizabeth Gedmark, fostered deep partnerships across the southeastern United States, building diverse and robust PWFA coalitions including economic, reproductive, and racial justice partners across states such as Tennessee, Kentucky, South Carolina, and Louisiana. Thanks to those efforts in partnership with state coalitions and legislative champions, all four states passed state-level pregnant workers fairness laws.<sup>314</sup>

On Mother’s Day 2014,<sup>315</sup> A Better Balance announced the opening of our new Southern Office based in Nashville, Tennessee, with a letter we organized and sent to Senator Lamar Alexander—a longtime Chairman of the Senate committee with jurisdiction over the PWFA—signed by thirty Tennessee organizations and urging his support of the federal PWFA.<sup>316</sup> Most of the same signatories became part of the TN PWFA coalition, which passed six years later, demonstrating the power of federal organizing at the state level.

Often, the PWFA campaigns in the South spanned multiple years, during which we built relationships with lawmakers on both sides of the aisle, developed partnerships with business groups, supported fellow advocates, and amplified the voices of Community Advocates like Lyndi Trischler (Kentucky),<sup>317</sup> Tasha Murrell (Tennessee),<sup>318</sup> and Natasha Jackson (South Carolina).<sup>319</sup> **Our remarkable success proved that, with an on-the-ground presence and a steadfast commitment to the needs of Southern workers, passing worker-friendly legislation in conservative states was possible.** The Southern Office worked closely with others on the A Better Balance team; many staff contributed to our successes in the region.

Because business support for the state-level PWFAs proved to be the key factor in whether a bill would succeed or fail in more conservative Southern states, A Better Balance often engaged and negotiated with local business groups. For instance, we established a close relationship with Greater Louisville Inc. [“GLI”], the largest chamber of commerce in Kentucky, during the campaign to

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From left: Michelle Durham, Iris Wilbur, Ellen McLaughlin, and Dina Bakst testifying before Congress at the “Long Overdue” hearing, 2019.

pass the Kentucky Pregnant Workers Act. **A Better Balance later facilitated GLI Vice President Iris Wilbur’s testimony before Congress at the “Long Overdue” hearing of 2019<sup>320</sup> alongside Dina Bakst and Michelle Durham—a pivotal moment for the bill.**

At the time, it was nearly unheard of for a red-state business voice to testify before Congress in favor of workers’ rights legislation. Her testimony made a big impression: The ranking member of the House Education & Labor subcommittee, Representative James Comer, began his statement that day “welcoming my friend and fellow Kentuckian, Iris Wilbur” and later voted in favor of the legislation,<sup>321</sup> demonstrating the power of bringing aboard unusual allies, especially from the South. We also learned a great deal from our negotiations with business groups in red Southern states. In Tennessee, we negotiated with business groups for six years and became familiar with their primary concerns and how to overcome them. In 2020, the four largest local chambers of commerce in Tennessee (Nashville, Memphis, Chattanooga, and Knoxville)—known as the “Big Four Chambers” because together they represent nearly eighty percent of the state’s gross domestic product—placed the bill on their state legislative agenda, becoming powerful partners in advocating for passage,<sup>322</sup> and we were able to gain the Tennessee Chamber of Commerce and the National Federation of Independent Business’s (“NFIB”) neutrality.<sup>323</sup> Thanks

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**ABB Vice President Elizabeth Gedmark speaks on a panel at “The Power of Public Policy for Moms and Their Families,” an event co-hosted by Mississippi Black Women’s Roundtable, Planned Parenthood Southeast, and A Better Balance, February 2020.**

to the powerful advocacy of the business community and other members of our coalition, including March of Dimes Tennessee, Healthy and Free Tennessee, and SisterReach, as well as the championship of the bill’s lead sponsor Sen. Becky Massey, the Tennessee bill passed in 2020 with unanimous support.<sup>324</sup> With this knowledge from Tennessee (as well as other states, including non-Southern states like New Jersey, Colorado, and Massachusetts), we were well prepared to lead negotiations with the U.S. Chamber of Commerce discussed in more detail in Chapter 5.<sup>325</sup>

Through this work, we recognized just how critical it is to uplift the voices and needs of Southern constituents to their federal lawmakers and to explain the importance of providing pregnancy accommodations to stakeholders in the South. This was also true even with campaigns that ultimately were not successful at the state level. For example, in Mississippi, our partners at the Mississippi Black Women’s Roundtable for years led a coalition fighting for a Mississippi Pregnant Workers Fairness Act, amplifying the issue in the state from an economic justice and maternal health perspective. In one February 2020 event called “The Power of Public Policy for Moms and Their Families,” co-hosted by Mississippi Black Women’s Roundtable, Planned Parenthood Southeast, and A Better Balance, a large audience viewed a screening of the powerful maternal health documentary film “Laboring With Hope,” and then

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viewed a panel discussion prominently featuring the importance of pregnancy accommodations to address racial disparities in maternal and infant health outcomes, among other solutions liked extending postpartum Medicaid coverage. Collaborations like these raised the profile nationally about the necessity of pregnancy accommodations for workers, and we are grateful to our Southern partners for keeping a loud and steady drumbeat on the issue, even in the face of insurmountable challenges to accomplish policy change statewide.

### KENTUCKY: 2014 – 2019

It took six years of advocacy to pass the Kentucky Pregnant Workers Act.<sup>326</sup> Over the course of those years, we engaged in extensive coalition-building to form a broad and diverse coalition of advocates, drafted the legislation with lawmakers, and worked with lawmakers on amendments. While engaging extensively with legislator and public education, A Better Balance served as legal experts for the campaign, negotiated with stakeholders, developed countless resources, testified and assisted our former clients in testifying, made numerous media appearances, conducted advocacy trainings, and developed an outreach and education campaign following passage of the bill.

**Summer 2014:** A Better Balance files charge of discrimination on behalf of Officer Lyndi Trischler, garnering considerable media attention and inspiring the introduction of the Kentucky Pregnant Workers Act that A Better Balance helped draft.<sup>327</sup> A Better Balance later represents Officer Trischler’s co-worker, Officer Samantha Riley, who suffered similar discrimination.<sup>328</sup>

**February 2015:** Kentucky State Representative Joni Jenkins introduces the bill for the first time. A Better Balance Vice President Elizabeth Gedmark, who was born and raised in Kentucky, testifies at the committee hearing and reads a statement on behalf of Officer Trischler.<sup>329</sup>

**Spring 2015:** The Kentucky House unanimously passes the bill, but the Senate fails to act.<sup>330</sup>

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**2016 Legislative Session:** Representative Jenkins again introduces the bill. Behind the scenes, A Better Balance assists Rep. Jenkins in navigating hostile amendments.

**Fall 2016:** The Department of Justice issues a consent decree in Officer Trischler’s and Officer Riley’s case, requiring that Florence, Kentucky update its accommodation policy and establish a process for responding to accommodation requests.<sup>331</sup> The officers remain committed to fighting for a state law to ensure all workers in Kentucky have a right to pregnancy accommodations.<sup>332</sup>

**2017 Legislative Session:** The Kentucky Pregnant Workers Act is again introduced in the House and Senate, but a committee hearing is delayed at the last minute.



Elizabeth Gedmark with ABB Community Advocate Officer Samantha Riley at the Kentucky Capitol, 2017

**Fall 2017:** A Better Balance brings Officer Samantha Riley to meet with Kentucky State Senator Alice Forgy Kerr, inspiring the Senator to prioritize and champion the bill as the new lead sponsor.<sup>333</sup>

**2018 Legislative Session:** Officer Trischler publishes an Op-Ed in the *Cincinnati Enquirer* sharing her personal story and the continued need for the Pregnant Workers Act.<sup>334</sup> Senator Cassidy of Louisiana later mentions this Op-Ed on the Senate floor in making

the case for the federal Pregnant Workers Fairness Act in 2022.<sup>335</sup> A Better Balance and Officer Trischler testify in the Senate Judiciary Committee, with considerable local press coverage.<sup>336</sup>

**Fall 2018:** A Better Balance and Officer Trischler testify for a third time at Senate interim committee hearing and speak at a press conference

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about the bill. A Better Balance and partners negotiate with Greater Louisville Inc., Kentucky’s largest Chamber of Commerce, to move from opposing the bill to supporting.<sup>337</sup>



**ABB Vice President Elizabeth Gedmark and Officer Lyndi Trischler speak to the Kentucky press, 2018.**

**2019 Legislative Session:** A Better Balance testifies for a fourth time on the need for the bill and works in coalition, including with the ACLU of Kentucky, Greater Louisville Inc., the Catholic Conference of Kentucky, the UFCW Local 227, and March of Dimes Kentucky, among others, to push lawmakers to prioritize and pass the bill. The Louisville Department of Public Health and Wellness publishes a Pregnant Workers Health Impact Assessment documenting how workplace accommodations can improve the health of pregnant workers<sup>338</sup>—a report to which A Better Balance provides detailed feedback in the drafting stages.<sup>339</sup> Ultimately, the Kentucky Pregnant Workers Act passes with bipartisan support and the Governor signs it into law.<sup>340</sup>

**2020—present:** A Better Balance works with the Kentucky agency enforcing the bill to fulfill their requirement to create a know-your-rights poster.<sup>341</sup> We also develop our own outreach materials and train workers about their new rights.<sup>342</sup>

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## Chapter 7

# Next Steps: The Need Going Forward

As proud as A Better Balance is of leading the effort to pass the federal PWFA, our work and partnerships are only just beginning. Laws are only meaningful if workers know their rights and can enforce them. This is particularly true for low-wage workers who so often have little access to legal information and cannot afford legal representation. Our next challenge is to work with a vast array of agency partners, organizations, and individuals to ensure that the PWFA actually transforms the lives of millions of workers and families across the country.

We will work with partners to realize the promise of the law in three key ways:

- 1. Implementation.** We will work with the EEOC, other relevant federal agencies, state agencies, and our state and local partners to ensure government enforcing agencies implement robust and worker-friendly regulations and guidance and conduct widespread outreach and education on the law.
- 2. Public Education & Outreach.** Building on our outreach work on the state-level PWFAs with our on-the-ground partners, we will create a robust, comprehensive, and accessible outreach and education campaign to reach workers across the country, particularly those in low-wage, physically demanding industries most in need of accommodations. For example, we will work with our provider partners, unions, workers’ centers, and many others to get the word out about the law.
- 3. Direct Services.** We will provide tailored individual support to workers through our free and confidential helpline to help them stay healthy and attached to the workforce, with a focus on helping workers prevent health and financial problems before they become irreparable. We will ensure our worker-facing partners know about this important resource.

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**4. Impact Litigation.** In addition, we will bring creative impact litigation to enforce and expand the law. Because we drafted and advocated for the federal PWFA, we are intimately familiar with areas of the statute that strategic litigation could helpfully clarify, as well as the statutory text, legislative intent, and legislative history to which courts will no doubt look in interpreting the new law. We will collaborate with a variety of legal partners in this important work.

Together, with many others, we will be able to ensure that workers across the country know about the PWFA and that the law is robustly implemented and enforced nationwide.

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## Chapter 8

# Conclusion

In answering the question of how a major piece of civil rights legislation managed to pass a heavily partisan and divided Congress, the answer is truly multifaceted and complex. Our hope is that this report not only provides necessary historical context, but also serves as a helpful blueprint for advocates working on other campaigns—from work/family justice reform like pushing for paid family and medical leave to other necessary change and movement work.

As Dr. Martin Luther King Jr. said, “The arc of the moral universe is long, but it bends toward justice.” Much work remains to enforce and implement the PWFA and ensure it is a meaningful right for pregnant and postpartum workers. We also need an array of additional policies and protections to secure the health and economic security of all women and families across the country. Policy work often entails facing setbacks and making hard decisions. The passage of the PWFA proves that policy victories *are* possible with the hard work of dedicated legislative champions and hundreds of passionate organizations and individuals.

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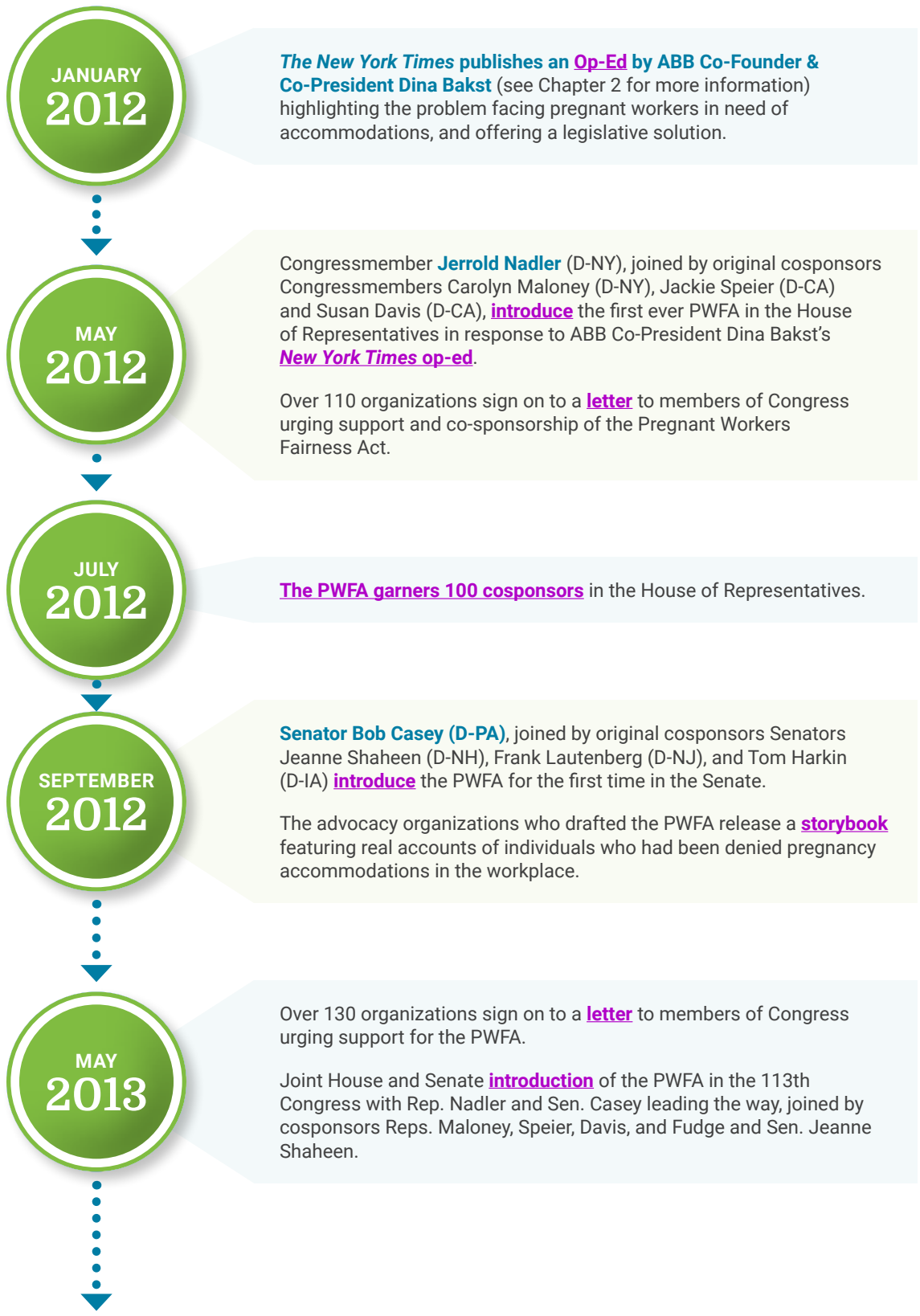
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# PWFA 10-Year Timeline



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DECEMBER  
2014

Advocates hold **large rally on Supreme Court steps** during *Young v. UPS* oral arguments. Sen. Casey and Rep. Nadler attend the rally and speakers include labor and health leaders as well as workers sharing their personal stories.

MARCH  
2015

**SCOTUS' *Young v. UPS* decision:** Peggy Young, a former UPS driver, sued the company after she was pushed onto unpaid leave while pregnant because she needed a modest lifting restriction. The case goes to the U.S. Supreme Court. The Supreme Court maintains that workers still need to find comparators in order to receive accommodations under the PDA.

Bakst pens an Op-Ed in *U.S. News & World Report* on March 26, 2015 arguing "**Peggy Young's Victory Is Not Enough**" and that Congress must continue to push for a legislative fix because "[p]regnant women need an immediate remedy to stay employed - they simply cannot rely on a protracted, stressful and highly uncertain legal process to get the relief they need."

**Rep. Nadler, Sen. Casey, and Sen. Shaheen speak out** that the PWFA is still necessary after *Young v. UPS*.

MAY/JUNE  
2015

Advocates hold large Mother's Day event with elected leaders featuring giant Mother's Day Card with pregnant workers and young children.

Joint House/Senate **introduction** of PWFA. For the first time, PWFA garners bipartisan support when Senator Dean Heller (R-NV) cosponsors the bill.

Rep. Tim Walberg (R-MI) and Sen. Lisa Murkowski (R-AK) introduce the Pregnancy Discrimination Amendment Act. Original co-sponsors of the bill included Senators Lamar Alexander (R-TN) and Deb Fischer (R-NE) and Reps. Lynn Jenkins (R-KS), Kristi Noem (R-SD), and Chris Smith (R-NJ); PWFA **legislative champions** and advocates swiftly respond, explaining the PDAA is an inadequate and potentially dangerous solution, pushing instead for PWFA passage.

OCTOBER  
2015

**Continuing to uplift workers' stories:** A Better Balance releases "**Pregnant and Jobless**" report highlighting stories of women still forced to choose between a paycheck and a healthy pregnancy, even after the *Young* decision and thirty-seven years after the Pregnancy Discrimination Act is passed. The need for the Pregnant Workers Fairness Act could not be clearer.

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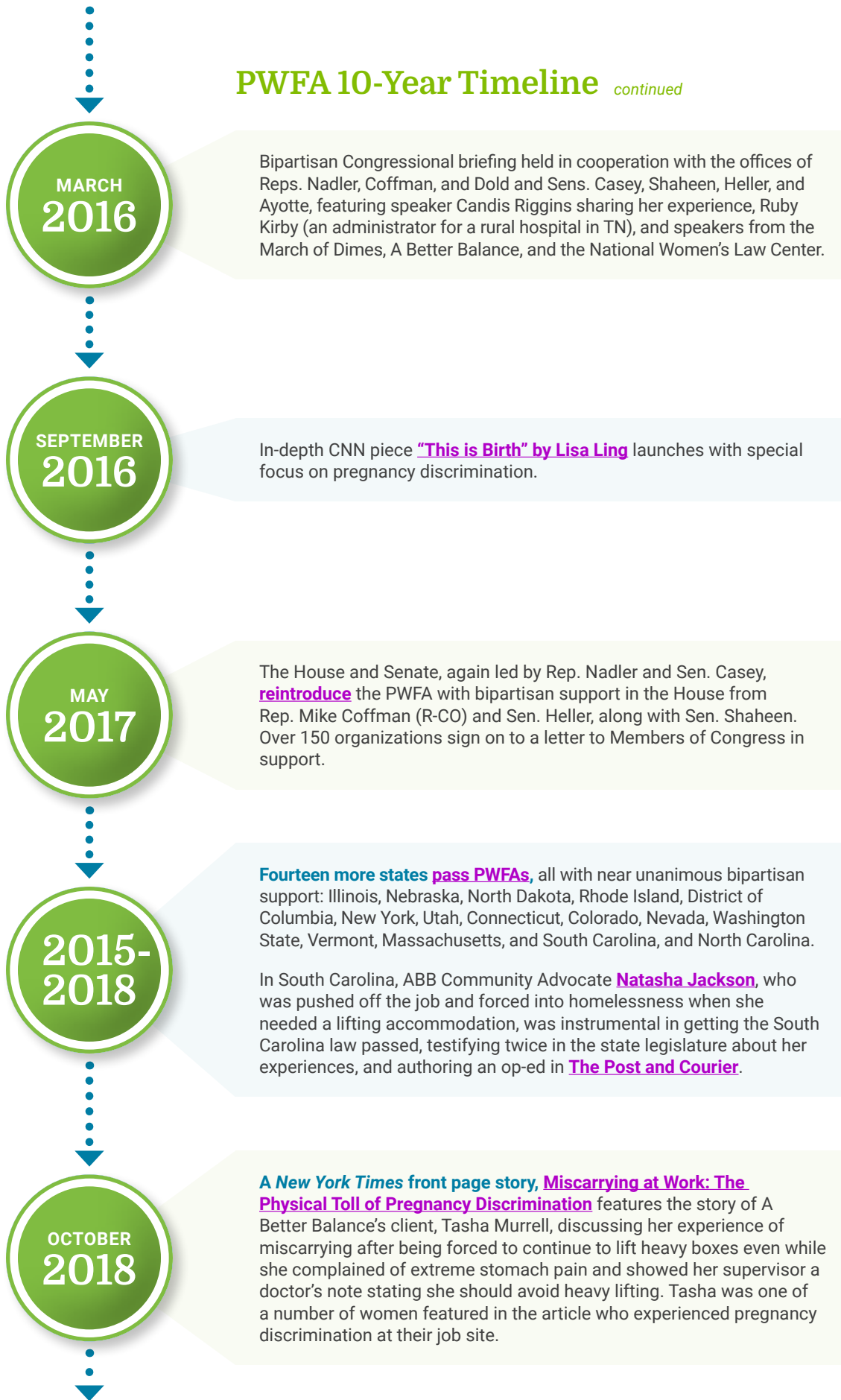
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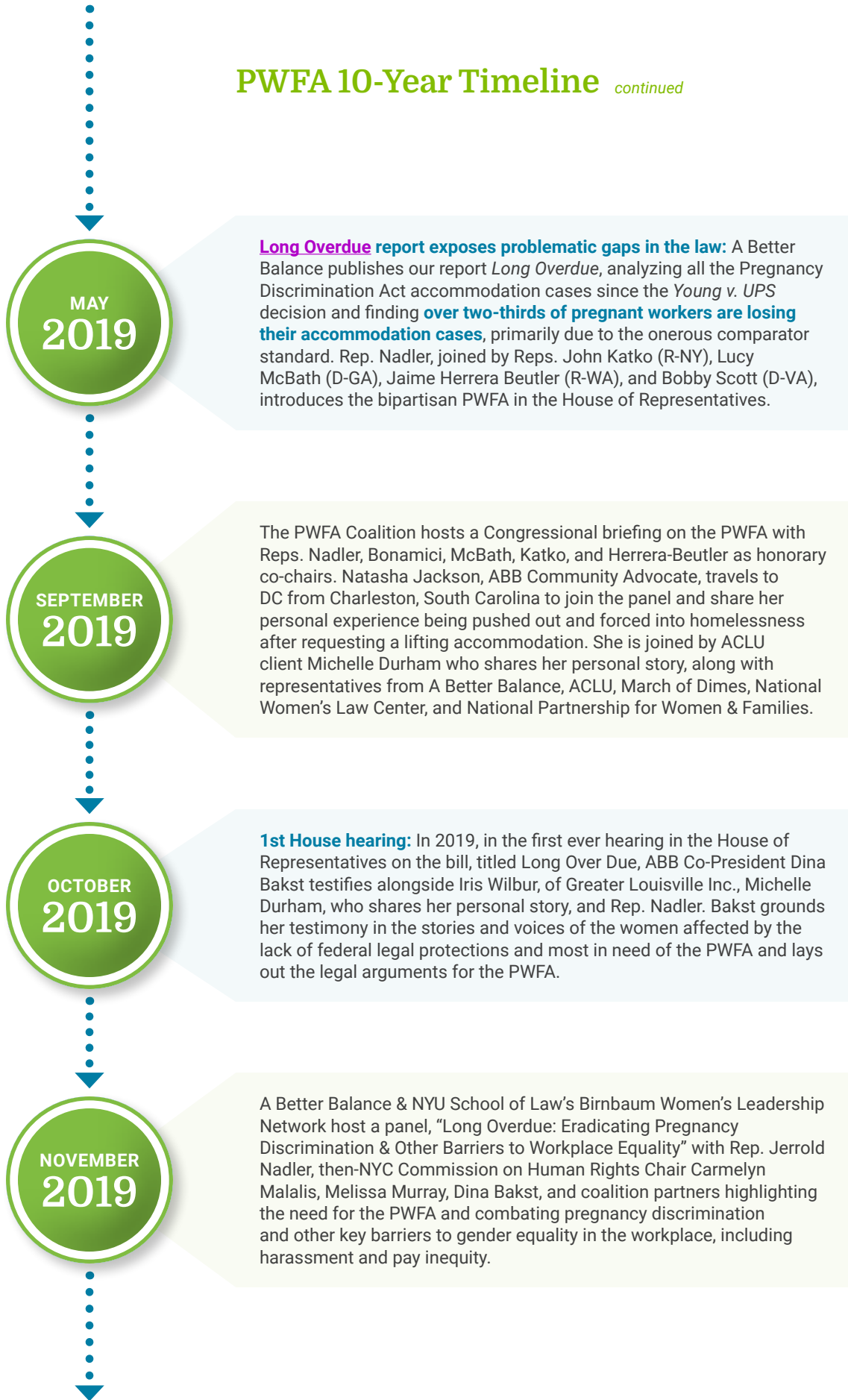
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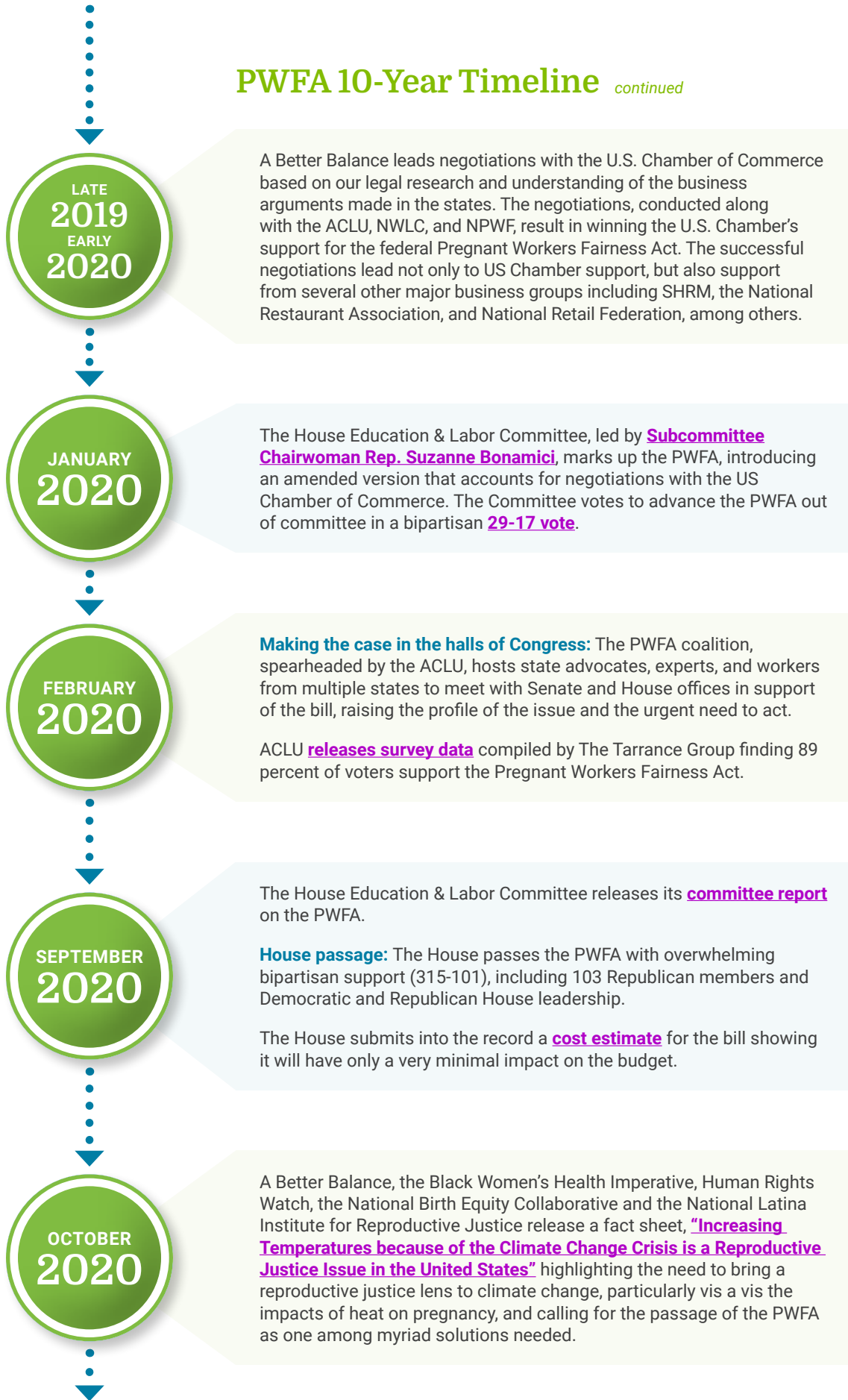
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## PWFA 10-Year Timeline *continued*



**Second House Passage:** The House passes the PWFA again with overwhelming bipartisan support. Rep. Nadler enters into the record a memo ABB authored on the law’s application to state employers. President Biden **applauds** House passage of the bill. ABB & the PWFA Coalition lead a week of action prior to the vote, including a **Facebook Live** hosted by ABB featuring Rep. Nadler, Senator Casey, Dina Bakst, Black Mamas Matter Alliance Executive Director Angela Aina, and ABB Community Advocate Armanda Legros. The House Education and Labor Committee publishes their **committee report** on the PWFA.

Alongside Senator Ed Markey (D-MA), Representative Lauren Underwood (D-IL), healthcare experts, and leading reproductive justice organizations, A Better Balance co-hosts a congressional briefing about Black maternal health and the climate crisis, discussing the harmful effect of heat exposure on the job for pregnant workers in particular and how the PWFA can help prevent negative maternal health outcomes by allowing pregnant workers to receive accommodations for heat-related needs.

**Long Overdue Report Update:** A Better Balance publishes an **update** to our 2019 Long Overdue report highlighting the continued struggles facing pregnant workers, including those calling ABB’s helpline, and urgent need for PWFA.

The Senate HELP committee passes the PWFA in a 19-2 vote. The US Conference of Catholic Bishops announce their public support for the PWFA.

A Better Balance and 27 other leading New York-based labor unions, workers’ rights groups, and health groups, including 1199 SEIU, 32BJ, RWDSU, NYCLU and more, **send a letter** calling on Senate Majority Leader Chuck Schumer to bring the PWFA to the Senate floor for a vote without delay. ABB releases the **Pandemic & the PWFA Issue Brief** later that month outlining the impact of COVID-19 on pregnant workers’ need for workplace accommodations.

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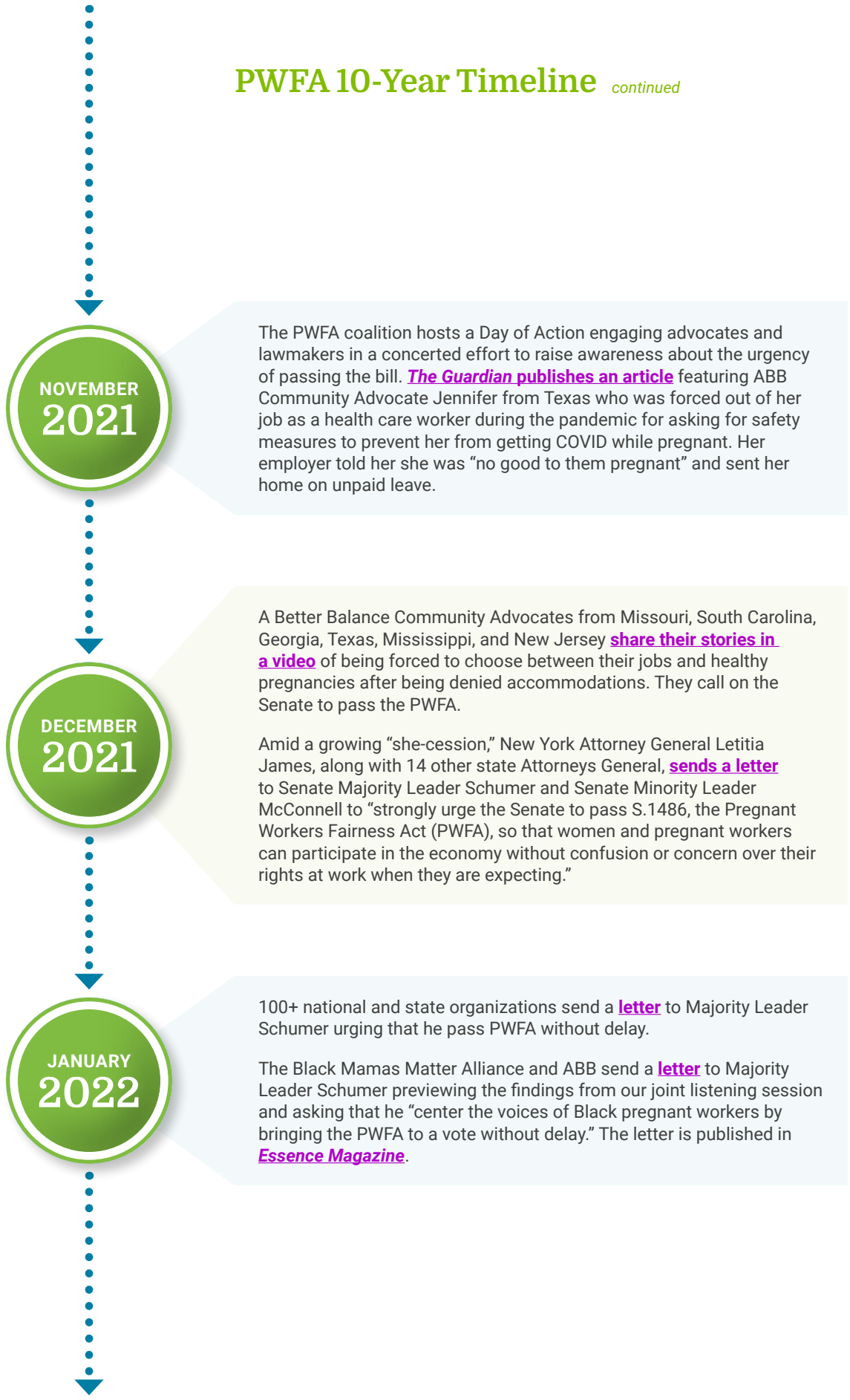
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## PWFA 10-Year Timeline *continued*

FEBRUARY  
2022

The Bipartisan Policy Center hosts a [discussion](#) on the Pregnant Workers Fairness Act with PWFA lead sponsors Senators Bob Casey (D-PA) and Bill Cassidy (R-LA). Senator Casey says “this is a bill whose time has come and we’re ready to get it done.” Days later, BPC releases [survey data](#) finding 1 in 5 moms experience pregnancy discrimination in the workplace.

Laura Espriu, founder of Lean In Network – Latinas, pens an [op-ed in The Seattle Times](#) explaining how the PWFA will help close the unacceptable wage gap Latina women face.

Two days later, the [NY Daily News publishes an op-ed](#) by ABB Community Advocate Armanda Legros sharing her story and imploring Senator Schumer and his colleagues to pass the PWFA because, as she wrote, “No one in this country should ever have to experience the rage, shame, stress and economic hardship I felt.”

The PWFA Coalition launches [“The Big Push for the PWFA.”](#) Joined by dozens of sponsoring organizations, the coalition engages in weekly digital days of action and more calling on the Senate to prioritize passage of the PWFA.

A Better Balance releases a new report, [“From Statehouses to Congress – Paving the Way for the PWFA”](#) republishing and updating the state-by-state legislative history section of “Long Overdue” and lifting up the voices of the state lawmakers and stakeholders that passed state level laws to provide both a lesson and roadmap to Congress. ABB also releases a [new video](#) making the economic case for the PWFA.

The National Partnership for Women and Families publishes an [updated open letter](#) from dozens of private sector companies, including Verizon, Johnson & Johnson, Microsoft, Salesforce, urging passage of the Pregnant Workers Fairness Act.

MARCH  
2022

Black Mamas Matter Alliance and A Better Balance release a new report, [“Centering the Experiences of Black Mamas in the Workplace: How the Pregnant Workers Fairness Act Can Support Black Maternal Health.”](#) The report highlights the urgent need for a federal Pregnant Workers Fairness Act, drawing lessons learned from a listening session our organizations hosted with Black birth workers and Black organizational leaders from nine states. The listening session participants shared poignant stories from directly impacted workers and explained how a lack of legal protections in the workplace has affected Black women’s health and economic security.

The PWFA coalition [sends a letter](#) signed by 100+ organizations urging Senator Schumer to include the PWFA in the March 2022 omnibus.

ABB releases two new videos, one making the [maternal health case](#) for the PWFA, and another highlighting the [many times ABB Community Advocates have spoken out in the media](#) calling for the PWFA’s passage.

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APRIL  
2022

The PWFA Coalition launches the first **PWFA Tuesdays push**—weekly coordinated coalition-wide social pushes, calls, and action emails on Tuesday—that continue through the end of the campaign in December 2022.

**The Washington Post publishes an op-ed** by Dina Bakst, “This is no way to treat pregnant workers” highlighting the continued urgency of passing the PWFA and the need for the Senate to prioritize its passage. Bakst shared the story of a pregnant nurse in Georgia who called ABB’s helpline after she was forced to quit her job because her employer refused to allow her to wear an N95 mask and provide temporary assistance with lifting.

Throughout the month, ABB hosts Instagram lives with state partners in Kentucky (Greater Louisville Inc), Louisiana (Louisiana Budget Project), and Pennsylvania (Women’s Law Project) about the impact the PWFA would have for their communities.

Ahead of Mother’s Day, the PWFA Coalition delivers water bottles and updated PWFA storybooks to Senate offices to build momentum for passage.

MAY  
2022

The PWFA coalition takes out a **full-page ad in The Washington Post** delivered to Members of Congress, with a clear message: “This Mother’s Day, pass the Pregnant Workers Fairness Act.” The ad included a link to a newly launched website providing an overview of the PWFA and its importance to pregnant and postpartum workers.

The PWFA coalition sends a Mother’s Day card from 100+ orgs to senators, writing, “While flowers and candy are nice, we know what moms and moms-to-be really appreciate and need: the ability to provide for, support, and protect their families. This Mother’s Day, we’re asking you to join us in honoring mothers and moms-to-be by passing the Pregnant Workers Fairness Act.” The same day, on the Senate floor, **Senator Schumer calls on his Senate colleagues to** “finalize strong bipartisan legislation that will make a meaningful difference in the lives of millions of working pregnant women” because “Mother’s Day is just around the corner.”

ABB Community Advocates **release a video** for Mother’s Day pleading with senators to pass the PWFA because “America’s working moms and moms-to-be are at a breaking point.”

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JUNE  
2022

A Better Balance & NETWORK Lobby for Catholic Social Justice organize a letter from **110+ New York faith leaders** urging that the PWFA come to a vote without delay because “[s]upporting pregnant and postpartum workers is a matter of religious, moral, and ethical concern.”

The *Albany Times Union* **publishes an op-ed** from March of Dimes’ Kathryn Mitchell featuring former ABB client Betzaida Cruz Cardona’s story of being pushed off her cashier job in Rochester, NY after requesting a lifting accommodation.

The Senate re-files the PWFA and invokes Rule 14, a parliamentary procedure to bypass a committee referral, making it easier to consider the bill on the floor.

JULY  
2022

A Better Balance organizes a **rally** attended by fellow New York City advocacy groups, maternal health and faith leaders, and moms outside of Senate Majority Leader Chuck Schumer’s NYC office urging him to bring the Pregnant Workers Fairness Act to a vote in the Senate before the August recess and ensure expectant and new moms get much-needed support on the job.

**Data for Progress** publishes a study showing 89 percent of voters support the Pregnant Workers Fairness Act.

AUGUST  
2022

Odessa Fynn, Co-Chair of NYC Midwives, **pens an op-ed in the *NY Daily News***. “What Pregnant Black Women Need from the Senate,” urging Senator Schumer to bring the PWFA to a vote because “for generations, Black women’s labor has been exploited, with centuries of racism and sexism driving overwork, occupational segregation into lower-paying industries, and a lack of workplace protections, including for pregnant workers.”

Bryce Covert authors an **article** in *The Nation*, “Democrats Are Holding Up A Bill to Protect Pregnant Workers,” spotlighting the fact that the PWFA has enough bipartisan votes to pass, but Senate leadership is not prioritizing it for a floor vote.

The Women’s Law Project **pens an op-ed in the *Penn Capital Star*** pleading with Senator Casey to protect pregnant Pennsylvanians, especially since Pennsylvanians cannot count on the state legislature to protect pregnant workers.

Healthy Mothers, Healthy Babies Georgia and dozens of Georgia advocacy groups **send a letter** to Senators Ossoff and Warnock highlighting the importance of the PWFA for Georgia pregnant and postpartum workers, asking them to raise the importance of the PWFA with Senate leadership.

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ParentsTogether organizes a PWFA **petition** signed by over 25,000 people and partners with Park Slope Parents to deliver it to Senator Schumer in Brooklyn, NY.

Several organizations, including ABB, take out a **full-page ad** in New York-based newspaper *Newsday* with an open letter to Senator Schumer demanding a vote on PWFA in September because “Time is running out. Pregnant and postpartum workers can’t afford to wait.”

ACLU of Georgia and Georgia advocacy groups **take out a full page ad** in the *Atlanta Journal Constitution* with an open letter to Georgia Senators Warnock and Ossoff reiterating that “Pregnant workers in Georgia need help from you now more than ever...the [PWFA] takes on new urgency as the State of Georgia implements laws that deny women reproductive freedom.”

ACLU of New Hampshire and New Hampshire advocacy groups **take out a full page ad** in the *New Hampshire Union Leader* with an open letter to New Hampshire Senators Shaheen and Hassan reminding them of their leadership in supporting women and families and asking them to make a difference for pregnant workers in New Hampshire by bringing the PWFA to a Senate vote. The groups follow this by also sending an organizational sign-on letter from New Hampshire groups to the Senate offices.

The Women’s Law Project in Pennsylvania **organizes a powerful open letter from dozens of Pennsylvania advocacy organizations** to Senator Casey urging passage of the PWFA.

ABB Community Advocate Denizer Carter and ABB Co-President Dina Bakst appear on **CNBC’s *The News with Shepard Smith*** to speak about the Senate’s obligation to pass the PWFA. Carter, who contacted ABB’s free legal helpline when she was fired from her job at a grocery store in Louisiana after requesting a lifting restriction per her doctor’s orders, shared her story to highlight the need for the legislation. “It’s a tough pill to swallow, you know, because that’s your income,” she said, describing the struggles her family faced after she was pushed off the job. “Actually walk a mile in our shoes for a second, and listen to people’s stories.”

The PWFA coalition **sends a letter to Majority Leader Schumer** urging him once again to bring the PWFA to a vote. A week later, the Coalition **organizes another letter**, this one signed by over 100 groups, carrying forward the same message.

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A Better Balance **organizes a full-page ad in *The New York Times*** with an open letter to Senator Schumer signed by over 125 working moms working in industries such as retail, health care, and manufacturing who personally experienced pregnancy discrimination at work. “The law is failing us,” the moms write. “The Pregnant Workers Fairness Act is ready and waiting with the votes to pass and would end the inequality and injustice we faced.” *Politico* reports on the ad, noting the “pregnant workers pressure campaign continues.” Days later, A Better Balance **runs ads taking over the Politics Section** of the *New York Times* with a clear message: “Senator Schumer: Pass the Pregnant Workers Fairness Act.”

Several organizations, including ABB, **run another full-page ad in *Newsday*** urging Senator Schumer to bring the PWFA to a vote in November.

The National Partnership for Women and Families **publishes data** showing at least 3 million pregnant workers a year will benefit from the PWFA.

The National Women’s Law Center **publishes a survey** finding that “93% of all voters think it is important for employers to guarantee accommodations to pregnant and post-partum workers.” NWLC’s Emily Martin **authors an op-ed in *The Hill*** calling on the Senate to pass the PWFA, writing “Congress should take every action that it can to make sure that pregnancy and parenting don’t mean poverty for women and their families. But the very least that Congress can and must do is pass the Pregnant Workers Fairness Act. The bill is popular and has the votes to pass — all the Senate needs to do is schedule a vote and deliver this win for women and their families.”

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As a follow-up to the *New York Times* ad, A Better Balance and the ACLU [organize an open letter from prominent women leaders in entertainment, fashion, sports, business, and tech](#)—including Amy Schumer, Julianne Moore, Padma Lakshmi, Allyson Felix, Christy Turlington Burns, Ashley Nicole Black, Busy Phillips, and Mandy Moore—to Senator Schumer, urging him to heed the call of the 125 working mothers who faced pregnancy discrimination and signed the October letter in the *New York Times* ad, and bring the PWFA to a vote. “Enough is enough,” the women leaders write. “The responsibility is yours to pass the Pregnant Workers Fairness Act this year. Time is running out. Treat pregnant workers and those who recently gave birth with the respect and equality they deserve.”

Rep. Jackie Speier, co-chair of the Democratic Women’s Caucus, along with Reps. Lauren Underwood, Lois Frankel, Brenda Lawrence, and Veronica Escobar, [lead a letter signed by 130 House members](#) to Senate Majority Leader Chuck Schumer and Minority Leader Mitch McConnell urging the Senate to pass the PWFA without delay. In a follow-up to the letter’s release, [Rep. Speier tells Politico](#): “The fact that it’s 2022 and we have women literally suffering miscarriages at work because they can’t get reasonable accommodations is a national disgrace and tragedy...What’s even more frustrating is we have an overwhelmingly bipartisan solution that the House passed nearly a year and a half ago on a vote of 315-101, but it’s stalled in the Senate.”

A Better Balance Community Advocate Denizer Carter [writes an op-ed in Ms. Magazine](#) sharing her story and sending a direct message to the Senate: “As a frontline worker during the COVID-19 pandemic, I appreciate the thanks from politicians for my work, but actions speak louder than words. We need the Senate to take action...Women and our families care about ending pregnancy discrimination once and for all, and we are worth the Senate’s time.” A Better Balance also [releases a new video](#) featuring Denizer carrying forward a similar message: “Senate Majority Leader Chuck Schumer said he supports the need of pregnant women but hasn’t taken action...It’s had the votes to pass for over six months. The ball is in your court to call a vote. Time is running out. Don’t fail women moms like Denizer on your watch.”

The PWFA Coalition leads a letter signed by [100+ orgs](#) urging Senator Schumer to prioritize PWFA in the lame duck session of Congress. The Coalition follows that by organizing a [Week of Action](#) sponsored by dozens of advocacy organizations with the goal of pressuring Senator Schumer to pass the PWFA “Before It’s Too Late.”

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## PWFA 10-Year Timeline *continued*



With a PWFA vote still uncertain, A Better Balance, the ACLU, and nearly two dozen coalition partners [organize a rally on Capitol Hill](#) to demand a Senate vote on the PWFA. Lawmakers including Senator Casey and Reps. Nadler, Maloney, Underwood, Scott, Bonamici speak, as do A Better Balance Community Advocates Denizer Carter, Natasha Jackson, Armanda Legros, and Takirah Woods, along with leaders from ABB, ACLU, NWLC, NOW, Justice for Migrant Women, NCJW, March of Dimes, SEIU 1199, Healthy Mothers Healthy Babies Georgia, U.S. Chamber of Commerce and RAC.

ABB Co-President Dina Bakst [authors an op-ed in \*The Hill\*](#) warning that if the Senate does not pass the PWFA this year it would “leave millions of pregnant and postpartum workers behind for years, perhaps even decades, to come...trying means nothing unless [Leader Schumer] can get it over the finish line.”

The Senate [fails to include the PWFA in the National Defense Authorization Act](#), leaving only the omnibus spending bill as a potential larger package into which they can insert the PWFA unless they bring the bill to a standalone vote. The next day, Senator Casey attempts to pass the bill via [live unanimous consent](#) from all 100 Senators on the Senate floor. Senator Thom Tillis (R-NC) blocks the effort on behalf of himself, Senator Steve Daines (R-MT), and Senator James Lankford (R-OK).

The day after the live unanimous consent vote attempt fails, National Women’s Law Center, A Better Balance, and ACLU take out a [full page \*Washington Post\* wrap](#) to say “Pregnant workers can’t wait” and asking Senator Schumer to bring the PWFA to a vote now.

Several days, later, [A Better Balance and NWLC take out ads in the \*New York Times\* Politics section](#) pleading with Senator Schumer not to “fail pregnant and postpartum workers” on his watch.

ACLU’s Vania Leveille authors an op-ed in [The Buffalo News](#) calling on the Senate to pass the PWFA because it is “a common-sense piece of legislation and a political no-brainer.”

On December 20, 2022, the omnibus fiscal spending bill [fails to include the PWFA](#).

On December 22, 2022, in what is likely the last possible opportunity to pass the PWFA before the end of the Congress, advocates urge Senate sponsors to push for the addition of PWFA as an amendment to the Senate version of the omnibus. Senators Casey and Cassidy succeed in negotiating a vote on a PWFA amendment. Senators Braun and Lankford also demand amendment votes related to PWFA. The Lankford and Braun amendments fail and the Casey-Cassidy amendment [succeeds](#), in a vote of 73-24. The House then passes the omnibus bill, including the PWFA, on December 23, 2022. In his statement applauding the House passage of the omnibus bill, President Biden [specifically remarks](#) that “it’ll strengthen worker protections for pregnant women.” The President signs the omnibus into law on December 29, 2022.

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## PWFA 10-Year Timeline *continued*



On February 2, the White House **holds an event** with President Biden, Vice President Harris, and former President Bill Clinton to mark the 30th anniversary of the landmark Family and Medical Leave Act and celebrate passage of the Pregnant Workers Fairness Act and the PUMP for Nursing Mothers Act. President Clinton introduced A Better Balance Community Advocate Natasha Jackson who gave remarks and introduced President Biden at the event, telling her powerful story of being forced off the job while pregnant and explaining what the law’s passage meant to her. “This victory is personal to me. When I was three months pregnant, and the only woman working at my branch of a home rental furniture company, I asked my employer to let me to do less heavy lifting. I thought it would be an easy yes. Instead—I lost my job,” Jackson said. Two other A Better Balance Community Advocates, Armanda Legros and Lyndi Trischler, attended the event along with ABB Co-Presidents Dina Bakst and Sherry Leiwant, Vice President Elizabeth Gedmark, and National Policy Director Sarah Brafman as well as many national and state partners and fellow advocates.

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# Appendix

This appendix contains nineteen letters of support for the Pregnant Workers Fairness Act spanning the decade-long campaign. This is not a comprehensive list of letters of support, but is meant to show the depth and breadth of the diverse coalition of supporters over the years.

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# 110+ Organizations Urge Members of Congress to Support & Co-Sponsor the Pregnant Workers Fairness Act in the 112th Congress

May 7, 2012

“Ensuring equal opportunity for working women is vital to the health and economic security of our nation’s families. We urge you to co-sponsor the Pregnant Workers Fairness Act and would welcome the opportunity to provide you with detailed information on these recommendations and to speak with you further about the critical needs of pregnant women and new mothers.”

[Read the full letter.](#)

Sincerely,

- |   |   |   |
|---|---|---|
| A Better Balance: The Work & Family Legal Center                                | American Nurses Association   | Family Forward Oregon   |
| American Civil Liberties Union (ACLU)   | Association Employees Union (AEU)   | Family Values @ Work Consortium   |
| California Women’s Law Center   | Association of Reproductive Health Professionals (ARHP)   | Feminist Majority   |
| Equal Rights Advocates  | Association of Women’s Health, Obstetric and Neonatal Nurses                                      | Florida Federation of Business and Professional Women’s Club, Inc.                                  |
| The Legal Aid Society—Employment Law Center                                     | Black Women’s Health Imperative   | Hadassah, The Women’s Zionist Organization of America, Inc.   |
| Legal Momentum  | Business and Professional Women’s Foundation  | Healthy Teen Network  |
| National Partnership for Women and Families                                     | Center for Law and Social Policy (CLASP)  | HIV Prevention Justice Alliance (HIV PJA)   |
| National Women’s Law Center   | Childbirth Connection   | Human Rights Project for Girls  |
| 9to5, National Association of Working Women                                     | Coalition of Labor Union Women  | The Indiana Toxics Action Project   |
| 9to5 Atlanta Working Women  | Communications Workers of America   | International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW) |
| 9to5 Bay Area (CA)  | Community Service Society   | Jewish Women International  |
| 9to5 Colorado   | Department for Professional Employees, AFL-CIO  | Job Opportunities Task Force  |
| 9to5 Los Angeles  | Direct Care Alliance  | Labor Project for Working Families  |
| 9to5 Milwaukee  | Disciples Justice Action Network  | Leadership Conference on Civil and Human Rights   |
| AIDS Foundation of Chicago  | Disciples Women, Christian Church (Disciples of Christ)   | Legal Voice   |
| Alliance for Early Care and Education   | Economic Opportunity Institute  | Maryland Women’s Coalition for Health Care Reform   |
| American Academy of Nursing   | Employment Justice Center   | Main Street Alliance  |
| American Association of University Women (AAUW)                                 | The Every Child Matters Education Fund  | Mexican American Legal Defense and Educational Fund   |
| American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) | Family and Children’s Ministries, Disciples Home Missions, Christian Church (Disciples of Christ) | MomsRising  |
| American Federation of State, County and Municipal Employees (AFSCME)           | Family Equality Council   | Mothering Justice   |
| American Federation of Teachers   |   |   |

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National Association for the Advancement of Colored People (NAACP)	NETWORK, A National Catholic Social Justice Lobby	Service Employees International Union (SEIU)
National Association of Commissions for Women (NACW)	New Jersey Citizen Action	Sexuality Information and Education Council of the U.S. (SIECUS)
National Association of Mothers' Centers	North Carolina Justice Center	Society for Women's Health Research
National Asian Pacific American Women's Forum	Occupational and Environmental Health Center of Eastern NY	Sugar Law Center for Economic and Social Justice
National Center for Transgender Equality	Partnership for Working Families	UN Women - Greater L.A. Chapter (of USNC)
National Council of Jewish Women	Pediatric AIDS Chicago Prevention Initiative	Unitarian Universalist Association of Congregations
National Council of La Raza (NCLR)	Physicians for Reproductive Choice and Health	Unitarian Universalist Women's Federation
National Council of Negro Women	Planned Parenthood of Western New York	United Food and Commercial Workers International Union
National Council of Women's Organizations	The Praxis Project	United Food and Commercial Workers – Local 5
The National Crittenton Foundation	Pride at Work	Washington Area Women's Foundation
National Domestic Workers Alliance	Progressive Maryland	Washington Work and Family Coalition
National Education Association	Public Health Institute of Metropolitan Chicago	The What To Expect Foundation
National Employment Law Project	Public Justice Center	Wider Opportunities for Women
National Employment Lawyers Association NY	Religious Coalition for Reproductive Choice	Women Employed
National Fair Housing Alliance	RESOLVE: The National Infertility Association	Women Donors Network
National Gay and Lesbian Task Force Action Fund	Restaurant Opportunities Centers United	Women's Employment Rights Clinic, Golden Gate University School of Law
National Military Family Association	Restaurant Opportunities Center – Miami	The Women's Fund of Long Island
National Organization for Women	Retail Action Project	Women's Law Project
National Women's Conference Committee	Ritz Clark & Ben-Asher LLP	Young Workers United
Neighborhood Funders Group		

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**Appendix**

# 130+ Organizations Urge Members of Congress to Support & Co-Sponsor the Pregnant Workers Fairness Act in the 113th Congress

May 9, 2013

“Minor job modifications for pregnant women are a public health necessity. A choice between working under unhealthy conditions and potentially losing income is no choice at all. Women who cannot perform some aspects of their usual duties without risking their own health or the health of their pregnancy, but are in need of income, may have to continue working under dangerous conditions.” [Read the full letter.](#)

Sincerely,

A Better Balance: The Work & Family Legal Center  
 American Civil Liberties Union (ACLU)  
 California Women’s Law Center  
 Equal Rights Advocates  
 The Legal Aid Society—Employment Law Center  
 Legal Momentum  
 National Partnership for Women and Families  
 National Women’s Law Center  
 9to5  
 9to5 Atlanta  
 9to5 California  
 9to5 Colorado  
 9to5 Milwaukee  
 Advocates for Youth  
 African American Ministers in Action (AAMIA)  
 AIDS Foundation of Chicago  
 Alliance for Early Care and Education  
 American Academy of Nursing  
 American Association of University Women (AAUW)  
 American College of Nurse-Midwives (ACNM)  
 American Congress of Obstetricians and Gynecologists (ACOG)

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)  
 American Federation of State, County and Municipal Employees (AFSCME)  
 American Federation of Teachers  
 American Medical Women’s Association  
 American Nurses Association  
 Asian & Pacific Islander American Health Forum  
 Association Employees Union (AEU)  
 Association of Reproductive Health Professionals (ARHP)  
 Association of Women’s Health, Obstetric and Neonatal Nurses  
 Bazelon Center  
 Black Women’s Health Imperative  
 Business and Professional Women’s Foundation  
 Center for Law and Social Policy (CLASP)  
 Center of Reproductive Rights  
 Centering Healthcare Institute  
 Childbirth Connection  
 Coalition of Labor Union Women  
 Communications Workers of America  
 Community Service Society

Department for Professional Employees, AFL-CIO  
 Direct Care Alliance  
 Disciples Justice Action Network  
 Disciples Women, Christian Church (Disciples of Christ)  
 Economic Opportunity Institute  
 Employment Justice Center  
 The Every Child Matters Education Fund  
 Family and Children’s Ministries, Disciples Home Missions, Christian Church (Disciples of Christ)  
 Family Equality Council  
 Family Forward Oregon  
 Family Values @ Work Consortium  
 Feminist Majority  
 Florida Federation of Business and Professional Women’s Club, Inc.  
 Hadassah, The Women’s Zionist Organization of America, Inc.  
 Healthy Teen Network  
 HIV Prevention Justice Alliance (HIV PJA)  
 Human Rights Project for Girls  
 The Indiana Toxics Action Project  
 Institute for Science and Human Values

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International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW)	National Employment Lawyers Association NY	RESOLVE: The National Infertility Association
Jewish Women International	National Fair Housing Alliance	Restaurant Opportunities Centers United
Job Opportunities Task Force	National Gay and Lesbian Task Force Action Fund	Restaurant Opportunities Center – Miami
Jobs with Justice/American Rights at Work	National Latina Institute for Reproductive Health	Retail Action Project
Labor Project for Working Families	National Military Family Association	Ritz Clark & Ben-Asher LLP
Leadership Conference on Civil and Human Rights	National Organization for Women	Service Employees International Union (SEIU)
Legal Voice	National Women’s Conference Committee	Sexuality Information and Education Council of the U.S. (SIECUS)
Maryland Women’s Coalition for Health Care Reform	National Women’s Health Network	Society for Women’s Health Research
Main Street Alliance	Neighborhood Funders Group	Sugar Law Center for Economic and Social Justice
Mexican American Legal Defense and Educational Fund	Neptune Marketing LLC	UN Women - Greater L.A. Chapter (of USNC)
MomsRising	NETWORK, A National Catholic Social Justice Lobby	Unitarian Universalist Association of Congregations
Mothering Justice	NETWORK, A National Catholic Social Justice Lobby	Unitarian Universalist Women’s Federation
NAACP Legal Defense & Educational Fund	New Jersey Citizen Action	United Food and Commercial Workers International Union
National Association for the Advancement of Colored People (NAACP)	New York Paid Leave Coalition	United Food and Commercial Workers – Local 5
National Association of Commissions for Women (NACW)	North Carolina Justice Center	Washington Area Women’s Foundation
National Association of Mothers’ Centers	Occupational and Environmental Health Center of Eastern NY	Washington Work and Family Coalition
National Asian Pacific American Women’s Forum	Partnership for Working Families	The What To Expect Foundation
National Center for Transgender Equality	Pediatric AIDS Chicago Prevention Initiative	Wider Opportunities for Women
National Council of Jewish Women	People For the American Way	Women Employed
National Council of La Raza (NCLR)	Physicians for Reproductive Choice and Health	Women Donors Network
National Council of Negro Women	Planned Parenthood of Western New York	Women’s Employment Rights Clinic, Golden Gate University School of Law
National Council of Women’s Organizations	The Praxis Project	The Women’s Fund of Long Island
The National Crittenton Foundation	Pride at Work	Women’s Law Project
National Domestic Workers Alliance	Progressive Maryland	Women’s Media Center
National Education Association	Progressive National Baptist Convention, Inc.	Workforce 21C
National Employment Law Project	Public Health Institute of Metropolitan Chicago	Young Workers United
	Public Justice Center	
	Religious Coalition for Reproductive Choice	

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# 130+ Organizations Dedicated to Combating Sex Discrimination and Promoting the Health and Economic Security of our Nation’s Families Urge Members of Congress to Support the PWFA in the 113th Congress

October 29, 2013

“When pregnant women 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 the unemployed and on pregnant women. Similarly, new mothers often confront mounting hiring bias. On the other hand, providing reasonable accommodations carries benefits for employers, including reduced turnover and increased productivity.” [Read the full letter.](#)

Sincerely,

- |  |   |   |
|--|---|---|
| A Better Balance: The Work & Family Legal Center | American College of Nurse-Midwives (ACNM)                                       | Centering Healthcare Institute  |
| American Civil Liberties Union (ACLU)            | American Congress of Obstetricians and Gynecologists (ACOG)                     | Childbirth Connection   |
| California Women’s Law Center                    | American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) | Coalition of Labor Union Women (CLUW)   |
| Equal Rights Advocates                           | American Federation of State, County and Municipal Employees (AFSCME)           | Colorado Fiscal Institute   |
| The Legal Aid Society—Employment Law Center      | American Federation of Teachers   | Communications Workers of America   |
| Legal Momentum                                   | American Medical Women’s Association  | Community Service Society   |
| National Partnership for Women & Families        | American Nurses Association   | Department for Professional Employees, AFL-CIO  |
| National Women’s Law Center                      | Asian & Pacific Islander American Health Forum                                  | Direct Care Alliance  |
| 9to5   | Association Employees Union (AEU)   | Disciples Justice Action Network  |
| 9to5 Atlanta                                     | Association of Reproductive Health Professionals (ARHP)                         | Disciples Women, Christian Church (Disciples of Christ)   |
| 9to5 California                                  | Association of Women’s Health, Obstetric and Neonatal Nurses                    | Economic Opportunity Institute  |
| 9to5 Colorado                                    | Bazon Center for Mental Health Law  | Employment Justice Center   |
| 9to5 Wisconsin                                   | Black Women’s Health Imperative   | The Every Child Matters Education Fund  |
| Advocates for Youth                              | Business and Professional Women’s Foundation                                    | Family and Children’s Ministries, Disciples Home Missions, Christian Church (Disciples of Christ) |
| African American Ministers in Action (AAMIA)     | Center for Law and Social Policy (CLASP)  | Family Equality Council   |
| AIDS Foundation of Chicago                       | Center for Reproductive Rights  | Family Forward Oregon   |
| Alliance for Early Care and Education            |   | Family Values @ Work Consortium   |
| American Academy of Nursing                      |   | Feminist Majority   |

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Florida Federation of Business and Professional Women’s Club, Inc. (BPW/FL)	National Domestic Workers Alliance	RESOLVE: The National Infertility Association
Hadassah, The Women’s Zionist Organization of America, Inc.	National Education Association	Restaurant Opportunities Centers United
Healthy Teen Network	National Employment Law Project	Restaurant Opportunities Center – Miami
HIV Prevention Justice Alliance (HIV PJA)	National Employment Lawyers Association (NELA)	Retail Action Project
Human Rights Project for Girls	National Employment Lawyers Association NY	Ritz Clark & Ben-Asher LLP
The Indiana Toxics Action Project	National Fair Housing Alliance	Service Employees International Union (SEIU)
Institute for Science and Human Values	National Gay and Lesbian Task Force Action Fund	Sexuality Information and Education Council of the U.S. (SIECUS)
International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW)	National Latina Institute for Reproductive Health	Society for Women’s Health Research
Jewish Women International	National Military Family Association	Sugar Law Center for Economic and Social Justice
Job Opportunities Task Force	National Organization for Women	UN Women - Greater L.A. Chapter (of USNC)
Jobs with Justice/American Rights at Work	National Women’s Conference Committee	Unitarian Universalist Association of Congregations
Labor Project for Working Families	National Women’s Health Network	Unitarian Universalist Women’s Federation
Legal Voice	Neighborhood Funders Group	United Food and Commercial Workers International Union
Maryland Women’s Coalition for Health Care Reform	Neptune Marketing LLC	United Food and Commercial Workers – Local 5 (San Jose, CA)
Main Street Alliance	NETWORK, A National Catholic Social Justice Lobby	United Food and Commercial Workers – Local 7 (Denver, CO)
Maternity Care Coalition	New Jersey Citizen Action	United Steel Workers – District 9
Mexican American Legal Defense and Educational Fund	New York Paid Leave Coalition	Washington Area Women’s Foundation
MomsRising	North Carolina Justice Center	Washington Work and Family Coalition
Mothering Justice	Occupational and Environmental Health Center of Eastern NY	The Leadership Conference on Civil and Human Rights
National Association for the Advancement of Colored People (NAACP)	Partnership for Working Families	The What To Expect Foundation
National Association of Commissions for Women (NACW)	Pediatric AIDS Chicago Prevention Initiative	Wider Opportunities for Women
National Association of Mothers’ Centers	People for the American Way	Women Employed
National Association of Nurse Practitioners in Women’s Health	Physicians for Reproductive Choice and Health	Women Donors Network
National Asian Pacific American Women’s Forum	Planned Parenthood Federation of America	Women’s Employment Rights Clinic, Golden Gate University School of Law
National Center for Transgender Equality	Planned Parenthood of Western New York	The Women’s Fund of Long Island
National Council of Jewish Women	The Praxis Project	Women’s Law Project
National Council of La Raza (NCLR)	Pride at Work	Women’s Media Center
National Council of Negro Women	Progressive Maryland	Workforce 21C
National Council of Women’s Organizations	Progressive National Baptist Convention, Inc.	Young Workers United
The National Crittenton Foundation	Public Health Institute of Metropolitan Chicago	YWCA USA
	Public Justice Center	
	Religious Coalition for Reproductive Choice	

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# 150+ Organizations Nationwide Support the PWFA. Co-Sponsor Today! (114th Congress)

July 21, 2015

“When businesses invest in their employees by providing reasonable accommodations, they reduce costly workforce turnover, enhance workplace safety, and increase employee engagement and productivity. Providing accommodations also benefits the national economy, by protecting the buying power of pregnant women and their families and harnessing the productivity of workers who otherwise would be forced out of work, and perhaps out of the labor market entirely, by pregnancy.” [Read the full letter.](#)

Sincerely,

9to5 California	Catalyst	Feminist Majority
9to5 Colorado	Catholics for Choice	First Focus Campaign for Children
9to5 Georgia	Center for Community Change Action	First Shift Justice Project
9to5 Wisconsin	Center for Law and Social Policy (CLASP)	Florida Consumer Action Network
9to5, National Association of Working Women	Center for Reproductive Rights	Gender Justice
A Better Balance	Center for Women Policy Studies	Georgia Rural Urban Summit
AFL-CIO	Center for WorkLife Law, University of California Hastings College of the Law	Hadassah, The Women’s Zionist Organization of America, Inc.
African American Ministers In Action	Central Conference of American Rabbis	Heartland Alliance for Human Needs & Human Rights
Alliance for Justice	Chicago Foundation for Women	Illinois National Organization for Women
Ameinu (Our People)	Child Care Aware of America	Institute for Science and Human Values, Inc.
American Association of University Women (AAUW)	Citizen Action Illinois	Iowa Citizen Action Network
American Civil Liberties Union	Citizen Action of New York	JALSA - the Jewish Alliance for Law & Social Action
American College of Nurse-Midwives	Citizen Action of Wisconsin	Jewish Labor Committee
American Federation of Government Employees, AFL/CIO	Coalition of Labor Union Women	Jewish Labor Committee Western Region
American Federation of State, County and Municipal Employees (AFSCME)	Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR)	Jewish Women International (JWI)
American Federation of Teachers	Communications Workers of America	Jewish Women’s Foundation of New York
American Medical Women’s Association	Disciples Center for Public Witness	Jobs With Justice
Association of Women’s Health, Obstetric and Neonatal Nurses	Equal Rights Advocates	Keystone Progress
Black Women’s Roundtable of the National Coalition on Black Civic Participation	Every Child Matters Education Fund	Know Your IX
Boston Workmen’s Circle	Faith in Public Life	Leadership Conference on Civil and Human Rights
California Women’s Law Center	Family Equality Council	
	Family Forward Oregon	

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Legal Aid Society-Employment Law Center	National Women’s Law Center	Sugar Law Center for Economic & Social Justice
Legal Momentum	National Women’s Political Caucus	Tennessee Citizen Action
Maine People’s Alliance	NELA/NY	The Religious Coalition for Reproductive Choice
Maine Women’s Lobby	New England Jewish Labor Committee	The Women’s Law Center of Maryland
Make It Work Campaign	New Hampshire Citizens Alliance	The Workmen’s Circle
Maryland Women’s Coalition for Health Care Reform	New Jersey Citizen Action	T’ruah: The Rabbinic Call for Human Rights
Maryland Women’s Political Caucus	NH Citizens Alliance	UltraViolet
Maternity Care Coalition	NYS Paid Family Leave Insurance Campaign	Union for Reform Judaism
Meiklejohn Civil Liberties Institute	Oregon Action	Unitarian Universalist Association
Methodist Federation for Social Action	Organization United for Respect (OUR Walmart)	Unitarian Universalist Women’s Federation
Michigan Citizen Action	Ounce of Prevention Fund	United Action for Idaho
Mom-mentum	Pediatric AIDS Chicago Prevention Initiative	United Church of Christ, Justice & Witness Ministries
MomsRising	People For the American Way	United Food & Commercial Workers International Union
Mothering Justice	Philadelphia Jewish Labor Committee	United Steelworkers
National Advocacy Center of the Sisters of the Good Shepherd	Physicians for Reproductive Health	USAction
National Asian Pacific American Women’s Forum	Pittsburgh LCLAA	Virginia Organizing
National Association of Letter Carriers, Branch 214	Planned Parenthood Federation of America	Voices for Children in Nebraska
National Center for Lesbian Rights	PowHer New York	Voices for Illinois Children
National Center for Transgender Equality	Progress Ohio	Voices for Vermont’s Children
National Council of Jewish Women	Progressive Maryland	Washington Community Action Network
National Crittenton Foundation	Reconstructionist Rabbinical College/Jewish Reconstructionist Communities Religious Institute	Washington State Labor Council, AFL-CIO
National Employment Law Project (NELP)	Restaurant Opportunities Centers United	West Virginia Citizen Action Group
National Employment Lawyers Association	Retail Action Project (RWDSU)	Western Center on Law and Poverty
National Fair Housing Alliance	Retail, Wholesale, & Department Store Union (RWDSU)	Wider Opportunities for Women
National Latina Institute for Reproductive Health	Sargent Shriver National Center on Poverty Law	Women Employed
National LGBTQ Task Force Action Fund	SEIU Healthcare Illinois Indiana	Women of Reform Judaism
National Network to End Domestic Violence	Service Employees International Union	Women’s Fund of Rhode Island
National Organization for Women	Society for Women’s Health Research	Women’s Law Project
National Partnership for Women & Families	Southwest Women’s Law Center, Albuquerque, New Mexico	Women’s Media Center
National Women’s Health Network		Young Invincibles
		YWCA USA

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# 250+ Organizations Urge Members of Congress to Co-Sponsor the PWFA in the 115th Congress

May 31, 2017

“Yet, too often, instead of providing a pregnant worker with an accommodation, her employer will fire her or push her onto unpaid leave, depriving her of a paycheck and health insurance at a time when she needs them most. American families and the American economy depend on women’s income: we can’t afford to force pregnant women out of work.” [Read the full letter.](#)

Sincerely,

- |  |   |  |
|--|---|--|
| 1,000 Days   | American Nurses Association   | Chicago Foundation for Women   |
| 9to5, National Association of Working Women                  | Association of Reproductive Health Professionals (ARHP)                         | Child Care Aware of America  |
| 9to5 California  | Association of Women’s Health, Obstetric and Neonatal Nurses                    | Childbirth Connection  |
| 9to5 Colorado  | Atlanta Women for Equality  | Cleveland Jobs with Justice  |
| 9to5 Georgia   | Bazon Center  | Citizen Action/IL  |
| 9to5 Wisconsin   | Black Women’s Health Imperative   | Citizen Action of New York   |
| A Better Balance   | Black Women’s Roundtable of the National Coalition on Black Civic Participation | Coalition of Labor Union Women   |
| Advocates for Youth  | Boston Workmen’s Circle   | Coalition on Human Needs   |
| AEU  | California Association for Micro Enterprise Opportunity                         | Colorado Fiscal Institute  |
| African American Ministers in Action                         | California Women’s Law Center   | Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR) |
| AIDS Foundation of Chicago                                   | Catalyst  | Communications Workers of America  |
| Alliance for Early Care and Education                        | Catholics for Choice  | Community Service Society  |
| Alliance for Justice   | Center for American Progress Action Fund  | Congregation of Our Lady of Charity of the Good Shepherd, US                 |
| Ameinu (Our People)  | Center for Community Change Action  | Courage Campaign   |
| American Academy of Nursing                                  | Center for Law and Social Policy (CLASP)  | DC Abortion Fund   |
| American Association of University Women (AAUW)              | Center for Reproductive Rights  | DC Coalition Against Domestic Violence                                       |
| American Civil Liberties Union                               | Center for Women Policy Studies   | Demos  |
| American Federation of Labor-Congress of Industrial Unions   | Center for WorkLife Law, University of California Hastings College of the Law   | Direct Care Alliance   |
| American Federation of Government Employees, AFL/CIO         | Centering Healthcare Institute  | Disciples Center for Public Witness  |
| Department for Professional Employees, AFL-CIO               | Central Arizona National Lawyers Guild  | Disciples Women, Christian Church (Disciples of Christ)                      |
| Washington State Labor Council, AFL-CIO                      | Central Conference of American Rabbis   | Economic Opportunity Institute   |
| American Federation of State, County and Municipal Employees |   | Economic Policy Institute Policy Center                                      |
| American Federation of Teachers                              |   | Equal Pay Today  |
| American Medical Women’s Association                         |   | Equal Rights Advocates   |

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Every Child Matters Education Fund	The Leadership Conference on Civil and Human Rights	National Domestic Workers Alliance
Faith in Public Life	Legal Aid at Work	National Employment Law Project
Family and Children's Ministries, Disciples Home Missions, Christian Church (Disciples of Christ)	Legal Momentum	National Employment Lawyers Association
Family Equality Council	Legal Voice	NELA/NY
Family Forward Oregon	Lift Louisiana	National Fair Housing Alliance
Family Values @ Work Consortium	Maine People's Alliance	National Federation of Business and Professional Women's Clubs-NYC
Feminist Majority	Main Street Alliance	National Institute for Reproductive Health
First 5 California	Maine Women's Lobby	National Institute for Reproductive Health
First Focus Campaign for Children	Make it Work	National Latina Institute for Reproductive Health
First Shift Justice Project	MANA, A National Latina Organization	National LGBTQ Task Force Action Fund
Florida Consumer Action Network	Maryland Women's Coalition for Health Care Reform	National Military Family Association
Florida Federation of Business and Professional Women's Club, Inc.	Maryland Women's Political Caucus	National Network to End Domestic Violence
FORGE, Inc.	Maternity Care Coalition	National Organization for Women
Forward Together	Meiklejohn Civil Liberties Institute	Bay County NOW
Gender Justice	Methodist Federation for Social Action	Central Phoenix/Inez Casiano Chapter
Georgia Rural Urban Summit	Mexican American Legal Defense and Educational Fund	Chicago National Organization for Women
Hadassah, The Women's Zionist Organization of America, Inc.	Michigan Citizen Action	Florida National Organization for Women
Healthy Teen Network	Mom-mentum	Fort Myers/Naples National Organization for Women
Heartland Alliance for Human Needs & Human Rights	MomsRising	Hollywood NOW
HIV Prevention Justice Alliance (HIV PJA)	Mothering Justice	Illinois National Organization for Women
HOPE'S DOOR	Ms. Foundation for Women	Louisiana NOW
Human Rights Project for Girls	NAACP	Maryland National Organization for Women
Immigrant Service Providers Group/Health	National Advocacy Center of the Sisters of the Good Shepherd	Massachusetts National Organization for Women
Institute for Science and Human Values	National Advocates for Pregnant Women	Minnesota NOW
Iowa Citizen Action Network	National Asian Pacific American Women's Forum (NAPAWF)	National Organization for Women of New Jersey
JALSA - the Jewish Alliance for Law & Social Action	National Association of Commissions for Women (NACW)	NOW Philadelphia Chapter
Jewish Labor Committee	National Association of Letter Carriers, Branch 214	N-Ta-Nee NOW (Centre County)
Jewish Labor Committee Western Region	National Association of Mothers' Centers	PBC Chapter of NOW
Jewish Women International	National Center for Lesbian Rights	Pennsylvania National Organization for Women
Jewish Women's Foundation of New York	National Center for Transgender Equality	Santa Fe NOW
Job Opportunities Task Force	National Council of Jewish Women	South Hills NOW
Jobs With Justice	National Council of La Raza (NCLR)	Virginia NOW
Keystone Progress	National Council of Negro Women	Washington State National Organization for Women
Know Your IX	National Council of Women's Organizations	Young Feminists and Allies: National Organization for Women's (NOW) Inaugural Virtual Chapter
Lambda Legal	National Crittenton Foundation	National Partnership for Women & Families
		National WIC Association

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National Women's Health Network	Raising Women's Voices for the Health Care We Need	UN Women - Greater L.A. Chapter (of USNC)	<b>Executive Summary</b>
National Women's Law Center	Reconstructionist Rabbinical College/Jewish Reconstructionist Communities	Union for Reform Judaism	
National Women's Political Caucus	Religious Coalition for Reproductive Choice	Unitarian Universalist Association of Congregations	<b>Chapter 1 Falling through the cracks</b>
Neighborhood Funders Group	Religious Institute	Unitarian Universalist Women's Federation	
NETWORK Lobby for Catholic Social Justice	RESOLVE: The National Infertility Association	United Action for Idaho	<b>Chapter 2 Spotlighting the problem</b>
New England Jewish Labor Committee	Restaurant Opportunities Centers United	United Church of Christ, Justice & Witness Ministries	
New Hampshire Citizens Alliance	ROC-Miami	United Steelworkers	<b>Chapter 3 Our solution to the problem: The PWFA</b>
New Jersey Citizen Action	RESULTS	United We Dream Action	
New Jersey Time to Care Coalition	Retail Action Project (RWDSU)	URGE: Unite for Reproductive & Gender Equity	<b>Chapter 4 Making the case</b>
New York Paid Leave Coalition	Sargent Shriver National Center on Poverty Law	USAction	
NGP VAN	SEIU	Virginia Organizing	<b>Chapter 5 Tactics and strategies</b>
NH Citizens Alliance	1199/United Health Care Workers East - SEIU	Voices for Children in Nebraska	
North Carolina Justice Center	Sexuality Information and Education Council of the U.S. (SIECUS)	Voices for Illinois Children	<b>Chapter 6 How states paved the way</b>
NYS Paid Family Leave Insurance Campaign	Society for Women's Health Research	Voices for Progress	
Occupational and Environmental Health Center of Eastern NY	Southwest Women's Law Center	Voices for Vermont's Children	<b>Chapter 7 Next steps</b>
Oregon Action	Sugar Law Center for Economic and Social Justice	Washington Area Women's Foundation	
Organization United for Respect (OUR Walmart)	Tennessee Citizen Action	Washington Community Action Network	<b>Chapter 8 Conclusion</b>
Ounce of Prevention Fund	The Every Child Matters Education Fund	Western Center on Law and Poverty	
Partnership for Working Families	The Indiana Toxics Action Project	West Virginia Citizen Action Group	<b>Timeline</b>
PathWays PA	The Praxis Project	Wider Opportunities for Women	
Pediatric AIDS Chicago Prevention Initiative	The Religious Coalition for Reproductive Choice	Women AdvaNce	<b>Appendix</b>
People For the American Way	The Voter Participation Center	Women Employed	
Philadelphia Jewish Labor Committee	The What To Expect Foundation	Women of Reform Judaism	
Physicians for Reproductive Health	The Women's Fund of Long Island	Women's Bar Association of the District of Columbia	
Pittsburgh LCLAA	The Women's Law Center of Maryland	Women's Employment Rights Clinic, Golden Gate University School of Law	
Planned Parenthood Federation of America	The Workmen's Circle	Womens Fund of Long Island	
Planned Parenthood of Western New York	Transport Workers Union Working Women's Committee	Women's Fund of Rhode Island	
PowHer New York	T'ruah: The Rabbinic Call for Human Rights	Women's Law Project	
Progressive Maryland	U.S. Breastfeeding Committee	Women's Media Center	
Progress Ohio	United Food & Commercial Workers International Union	Women's Rights and Health Working Group of Bay Indivisible	
Citizen Action of Wisconsin	UFCW Local 5	Workforce 21C	
Progressive National Baptist Convention, Inc.	UFCW Local 7	Young Invincibles	
ProgressNow	UltraViolet	Young Workers United	
Public Health Institute of Metropolitan Chicago		YWCA USA	
Public Justice Center		YWCA Central Maine	
		YWCA Greater Austin	
		Zero to Three	

# Letter of support from Black Mamas Matter Alliance & organizations dedicated to supporting Black maternal health and ending racial injustice (116th Congress)

September 11, 2020

“Congress has the opportunity to pass legislation to support rather than subjugate Black pregnant workers and workers of color. We urge every member of the House of Representatives to support the Pregnant Workers Fairness Act and by extension, the health and economic wellbeing of Black pregnant workers and pregnant workers of color.” [Read the full letter.](#)

Sincerely,

- |  |   |
|--|---|
| Black Mamas Matter Alliance  | National Network of Abortion Funds                    |
| A Better Balance   | National Partnership for Women & Families             |
| American Civil Liberties Union                                       | National Women’s Health Network                       |
| American College of Nurse-Midwives                                   | National Women’s Law Center                           |
| Association of Maternal & Child Health Programs                      | Nurse-Family Partnership                              |
| Association of Women’s Health, Obstetric and Neonatal Nurses         | Nutrition First - WIC Association of Washington State |
| California WIC Association   | National WIC Association                              |
| California Breastfeeding Coalition                                   | Ohio Black Maternal Health Caucus                     |
| Children’s HealthWatch   | Pennsylvania WIC Association                          |
| Center for American Progress   | Perinatal Health Equity Foundation                    |
| Center for Reproductive Rights                                       | Physicians for Reproductive Health                    |
| Community Catalyst   | Planned Parenthood Federation of America              |
| Families USA   | Raising Women’s Voices for the Health Care We Need    |
| Healthy Mothers, Healthy Babies Coalition of Georgia                 | Shriver Center on Poverty Law                         |
| HealthyWomen   | SisterLove Inc.                                       |
| Human Rights Watch   | SisterReach   |
| In Our Own Voice: National Black Women’s Reproductive Justice Agenda | Society for Maternal-Fetal Medicine                   |
| Majaica, LLC   | Tara Hansen Foundation                                |
| March for Moms   | The Afiya Center                                      |
| March of Dimes   | URGE: Unite for Reproductive & Gender Equity          |
| National Asian Pacific American Women’s Forum (NAPAWF)               | U.S. Breastfeeding Committee                          |
| National Black Nurses Association                                    | WIC Association of NYS, Inc.                          |
| National Birth Equity Collaborative                                  | Wisconsin WIC Association                             |
| National Institute for Reproductive Health                           | YWCA of Greater Atlanta                               |
|  | ZERO TO THREE   |

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# Letter of Support from the Consortium for Citizens with Disabilities Rights Task Force for the Pregnant Workers Fairness Act (116th Congress)

September 11, 2020

“The Pregnant Workers Fairness Act is particularly important to people with disabilities. Many people with disabilities who did not require accommodations before becoming pregnant experience new complications due to how pregnancy impacts their disabilities, and need accommodations once they become pregnant.” [Read the full letter.](#)

Sincerely,

Jennifer Mathis, Bazelon Center for Mental Health Law  
Kelly Buckland, National Council on Independent Living  
Stephen Lieberman, United Spinal Association  
Samantha Crane, Autistic Self Advocacy Network  
Allison Nichol, Epilepsy Foundation  
Molly Burgdorf, The Arc of the United States  
Co-chairs, CCD Rights Task Force

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# Letter from Health Providers in Support of the Pregnant Workers Fairness Act (116th Congress)

September 11, 2020

“This impossible choice forces many pregnant workers to continue working without accommodations, putting women and their pregnancies at risk of long-lasting and severe health consequences. When pregnant workers must continue working without accommodations, they risk miscarriage, excessive bleeding, and other devastating health consequences.” [Read the full letter.](#)

Sincerely,

- |  |  |
|--|--|
| Black Mamas Matter Alliance  | Healthy Mothers, Healthy Babies Coalition of Georgia               |
| March of Dimes   | HealthyWomen   |
| National WIC Association   | Human Rights Watch   |
| 1,000 Days   | Mom2Mom Global   |
| A Better Balance   | NARAL Pro-Choice America   |
| Academy of Nutrition and Dietetics                                       | National Association of Nurse Practitioners in Women’s Health      |
| American Academy of Pediatrics   | National Birth Equity Collaborative                                |
| American Civil Liberties Union   | National Partnership for Women & Families                          |
| American College of Obstetricians and Gynecologists                      | National Women’s Health Network                                    |
| Agricultural Justice Project   | National Women’s Law Center  |
| Ancient Song Doula Services  | Nebraska WIC Association   |
| Association of Maternal & Child Health Programs                          | Nurse-Family Partnership   |
| Baobab Birth Collective  | Physicians for Reproductive Health                                 |
| Black Women’s Health Imperative  | Planned Parenthood Federation of America                           |
| Breastfeeding in Combat Boots  | Public Citizen   |
| California WIC Association   | SisterReach  |
| Centering Equity, Race & Cultural Literacy in Family Planning (CERCL-FP) | SisterSong National Women of Color Reproductive Justice Collective |
| Earth Action, Inc.   | U.S. Breastfeeding Committee                                       |
| Farmworker and Landscaper Advocacy Project                               | Workplace Fairness   |
| Farmworker Association of Florida  | Wisconsin WIC Association  |
| Feminist Women’s Health Center   | ZERO TO THREE  |
| First Focus Campaign for Children  |  |

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# Faith Organizations Urge Congress Members to Vote In Support of the Pregnant Workers Fairness Act (116th Congress)

September 11, 2020

“It is immoral for an employer to force a worker to choose between a healthy pregnancy and earning a living.” [Read the full letter.](#)

Sincerely, the undersigned:

- |  |  |
|--|--|
| Ameinu   | Jewish Family & Children’s Service of Greater Boston         |
| Arizona Jews for Justice   | Jewish Women International                                   |
| Aytzim: Ecological Judaism   | Justice Revival  |
| Bend the Arc: Jewish Action  | National Advocacy Center of the Sisters of the Good Shepherd |
| Catholic Labor Network   | National Council of Churches                                 |
| Church World Service   | National Council of Jewish Women                             |
| Columban Center for Advocacy and Outreach                                | Network of Jewish Human Service Agencies                     |
| Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces | NETWORK Lobby for Catholic Social Justice                    |
| Faith Action Network   | Pax Christi USA  |
| Faith Action Network - Washington State                                  | T’ruah: The Rabbinic Call for Human Rights                   |
| Franciscan Action Network  | United Church of Christ, Justice and Witness Ministries      |
| Friends Committee on National Legislation                                | Union for Reform Judaism                                     |
| Keshet   | Uri L’Tzedek   |
| Jewish Alliance for Law and Social Action                                | Women of Reform Judaism                                      |

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# 200+ Organizations Support the Pregnant Workers Fairness Act (116th Congress)

September 14, 2020

“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 women can obtain necessary reasonable accommodations in a timely manner, which keeps pregnant women healthy and earning an income when they need it most.” [Read the full letter.](#)

Sincerely,

A Better Balance	Association of Maternal & Child Health Programs	Coalition of Labor Union Women, Philadelphia Chapter
American Civil Liberties Union	Association of Women’s Health, Obstetric and Neonatal Nurses	Communications Workers of America (CWA)
National Partnership for Women & Families	Black Mamas Matter Alliance	Congregation of Our Lady of the Good Shepherd, U.S. Provinces
National Women’s Law Center	Breastfeeding Mother	DC Jobs with Justice
1,000 Days	Building Pathways	Disability Rights Education and Defense Fund (DREDF)
9to5	California Breastfeeding Coalition	Disciples Center for Public Witness
9to5 California	California Women’s Law Center	Economic Policy Institute
9to5 Colorado	California Work & Family Coalition	EMC Strategies
9to5 Georgia	Casa de Esperanza: National Latin@ Network for Healthy Families and Communities	Equal Pay Today
9to5 Wisconsin	Center for American Progress	Equal Rights Advocates
Advocates for Youth	Center for Parental Leave Leadership	Family Equality
AFL-CIO	Center for Public Policy Priorities	Family Values @ Work
African American Ministers In Action	Center for Reproductive Rights	Farmworker Justice
Alianza Nacional de Campesinas	Centro de Trabajadores Unidos (United Workers Center)	Feminist Majority Foundation
All-Options	Child Care Law Center	Friends Committee on National Legislation
American Association of University Women (AAUW)	Child Welfare League of America	Futures Without Violence
American Association of University Women, Indianapolis (AAUW)	Chinese Progressive Association (San Francisco)	Gender Justice
American College of Obstetricians and Gynecologists	Church World Service	Grassroots Maternal and Child Health Leadership Initiative
American Federation of State, County, and Municipal Employees (AFSCME)	Citizen Action of NY	Hadassah, The Women’s Zionist Organization of America, Inc.
American Federation of Teachers	CLASP	Healthy and Free Tennessee
Asian Pacific American Labor Alliance	Clearinghouse on Women’s Issues	Healthy Mothers/Healthy Babies Coalition of Georgia
Association of Asian Pacific Community Health Organizations (AAPCHO)	Closing the Women’s Health Gap	Healthy Work Campaign, Center for Social Epidemiology
	Coalition on Human Needs	
	Coalition of Labor Union Women	

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HER Development	MANA, A National Latina Organization	National Partnership for Women and Families
Hoosier Action	March of Dimes	National Resource Center on Domestic Violence
Illuminate Colorado	Marion County Commission on Youth, Inc.	National WIC Association
In Our Own Voice: National Black Women's Reproductive Justice Agenda	Massachusetts Coalition for Occupational Safety & Health	NC National Organization for Women (NC NOW)
Indiana AFL-CIO	Metro-Detroit Chapter of the Coalition of Labor Union Women (CLUW)	Nebraska Appleseed
Indiana Breastfeeding Coalition	Michigan Immigrant Rights Center	NETWORK Lobby for Catholic Social Justice
Indiana Catholic Conference	MOBB United for Social Change	New Working Majority
Indiana Chapter of Unite Here Local 23	MomsRising	NJ Citizen Action; NJ Time to Care Coalition
Indiana Coalition Against Domestic Violence	Monroe County NOW	North Carolina Justice Center
Indiana Friends Committee on Legislation	MS Black Women's Roundtable	Oxfam America
Indiana Institute for Working Families	Mujeres Unidas y Activas	PA NOW
Indiana Statewide Independent Living Council	NAACP	Parent Voices CA
Indianapolis Urban League	NARAL Pro-Choice America	PathWays PA
Indy Chamber	NARAL Pro-Choice Colorado	PhilaPOSH
Interfaith Worker Justice	National Advocacy Center of the Sisters of the Good Shepherd	Planned Parenthood Federation of America
International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW)	National Advocates for Pregnant Women	Prevent Child Abuse NC
Jewish Women International	National Asian Pacific American Women's Forum (NAPAWF)	Physicians for Reproductive Health
Jobs With Justice	National Center for Law and Economic Justice	Poligon Education Fund
Justice for Migrant Women	National Center for Lesbian Rights	PowHer New York
Kansas Breastfeeding Coalition, Inc.	National Center for Transgender Equality	Pride at Work
Kentucky Equal Justice Center	National Coalition Against Domestic Violence	Public Citizen
KWH Law Center for Social Justice and Change	National Consumers League	Quetzal
Labor Council for Latin American Advancement (LCLAA)	National Council for Occupational Safety and Health (COSH)	Restaurant Opportunities Centers United
Labor Project	National Council of Jewish Women	RESULTS
LatinoJustice PRLDEF	National Council of Jewish Women – California	RI CLUW
Legal Aid at Work	National Domestic Workers Alliance	San Francisco CLUW Chapter
Legal Momentum, The Women's Legal Defense and Education Fund	National Education Association	Service Employees International Union
Legal Voice	National Employment Law Project	SEIU 32BJ
Louisiana Partnership for Children and Families	National Employment Lawyers Association	Sexuality Information and Education Council of the United States (SIECUS)
Main Street Alliance	National Health Law Program	SisterReach
Maine Women's Lobby	National Immigration Law Center	Shriver Center on Poverty Law
Majaica, LLC	National Network to End Domestic Violence	Silver in the City (Indianapolis, IN)
Make the Road New York	National Organization for Women	Solutions for Breastfeeding
		Southern CA Coalition for Occupational Safety & Health
		Southwest Pennsylvania National Organization for Women

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Southwest Women’s Law Center	United State of Women	Women’s Employment Rights Clinic
TASH	United States Breastfeeding Committee	Golden Gate University
Technology Concepts Group International, LLC	United Steelworkers	Women’s Foundation of California
The Greenlining Institute	United Way of Kentucky	Women’s Fund of Greater Chattanooga
The Leadership Conference on Civil and Human Rights	University of Illinois at Chicago, School of Public Health, Division of Environmental & Occupational Health Sciences	Women’s Fund of Rhode Island
The Little Timmy Project	Vision y Compromiso	Women’s Law Project
The Ohio Women’s Public Policy Network	Voices for Children in Nebraska	Women’s March
The Zonta Club of Greater Queens	Voices for Progress	Women’s Rights and Empowerment Network
TIME’S UP Now	Warehouse Worker Resource Center	Work Equity
Ujima Inc: The National Center on Violence Against Women in the Black Community	Western Center on Law and Poverty	Workers’ Center of Central New York
UltraViolet	William E. Morris Institute for Justice, Arizona	Worker Justice Center of New York
UnidosUS	Women4Change	Worksafe
United Electrical, Radio and Machine Workers of America	Women’s Achievement Network and Development Alliance	Workplace Fairness
United Food and Commercial Workers International Union (UFCW)	Women & Girls Foundation	YWCA Greater Cincinnati
United Food and Commercial Workers Local 227	Women Employed	YWCA Mahoning Valley
Union for Reform Judaism	Women of Reform Judaism	YWCA McLean County
United for Respect	Women’s Center for Education and Career Advancement	YWCA New Hampshire
		YWCA Northwestern Illinois
		YWCA of Van Wert County
		YWCA USA
		ZERO TO THREE

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# Organizational Letter of Support for the Pregnant Workers Fairness Act (117th Congress)

May 11, 2021

“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.”

[Read the full letter.](#)

Sincerely,

- |  |   |  |
|--|---|--|
| A Better Balance   | Asian Pacific American Labor Alliance, AFL-CIO                                  | Center for American Progress   |
| American Civil Liberties Union                               | Association of Farmworker Opportunity Programs                                  | Center for Law and Social Policy (CLASP)                                 |
| National Partnership for Women & Families                    | Association of Maternal & Child Health Programs                                 | Center for LGBTQ Economic Advancement & Research                         |
| National Women’s Law Center                                  | Association of State Public Health Nutritionists                                | Center for Parental Leave Leadership                                     |
| 1,000 Days   | Autistic Self Advocacy Network  | Center for Public Justice  |
| 2020 Mom   | Baby Cafe USA   | Center for Reproductive Rights   |
| 9to5   | Beaufort-Jasper-Hampton Comprehensive Health Services                           | Chosen Vessels Midwifery Services  |
| ACTION OHIO Coalition For Battered Women                     | Black Mamas Matter Alliance   | Church World Service   |
| Advocates for Youth  | Black Women’s Roundtable  | Clearinghouse on Women’s Issues  |
| AFL-CIO  | Bazon Center for Mental Health Law  | CLUW   |
| African American Ministers In Action                         | Bloom, Baby! Birthing Services  | Coalition for Restaurant Safety & Health                                 |
| Alaska Breastfeeding Coalition                               | Bread For the World   | Coalition of Labor Union Women (CLUW)                                    |
| Alianza Nacional de Campesinas                               | Breastfeeding Coalition of Delaware   | Coalition on Human Needs   |
| All-Options  | Breastfeeding Family Friendly Communities                                       | Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces |
| Academy of Nutrition and Dietetics                           | Breastfeeding Hawaii  | Connecticut Women’s Education and Legal Fund (CWEALF)                    |
| American Academy of Pediatrics                               | BreastfeedLA  | DC Dorothy Day Catholic Worker   |
| American Association of University Women (AAUW)              | Building Pathways, Inc  | Disability Rights Education & Defense Fund                               |
| American Association of University Women (AAUW) Indianapolis | California Breastfeeding Coalition  | Disciples Center for Public Witness                                      |
| American College of Obstetricians and Gynecologists          | California WIC Association  | Economic Policy Institute  |
| American Federation of State, County and Municipal Employees | California Work & Family Coalition  | Equality Ohio  |
| American Federation of Teachers                              | California Women’s Law Center   | Equal Pay Today  |
| American Public Health Association                           | Casa de Esperanza: National Latin@ Network for Healthy Families and Communities | Equal Rights Advocates   |
| AnitaB.org   |   | Every Texan  |
|  |   | Every Mother, Inc.   |

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Family Equality	Legal Voice	National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
Family Values @ Work	Mabel Wadsworth Center	National Coalition for the Homeless
Farmworker Justice	Main Street Alliance	National Coalition of 100 Black Women, Inc. Central Ohio Chapter
Feminist Majority Foundation	Maine Women's Lobby	National Coalition Against Domestic Violence
First Focus Campaign for Children	Make it Work Nevada	National Consumers League National Council for Occupational Safety and Health (National COSH)
Futures Without Violence	Mana, A National Latina Organization	National Council of Jewish Women
Gender Equality Law Center	March of Dimes	National Council of Jewish Women Cleveland
Gender Justice	Maternal Mental Health Leadership Alliance	National Council of Jewish Women (NCJW), Atlanta Section
Grandmothers for Reproductive Rights (GRR!)	MCCOY (Marion County Commission on Youth)	National Domestic Workers Alliance
Hadassah, The Women's Zionist Organization of America, Inc.	Methodist Federation for Social Action	National Education Association
Hawai'i Children's Action Network Speaks!	Michigan Breastfeeding Network	National Employment Law Project
Health Care For America Now	Michigan League for Public Policy	National Employment Lawyers Association
Healthier Moms and Babies	Midwives Alliance of Hawaii	National Health Law Program
Healthy Children Project, Inc.	Minus 9 to 5	National Hispanic Council on Aging
Healthy and Free Tennessee	Mississippi Black Women's Roundtable	National Network to End Domestic Violence
Healthy Mothers, Healthy Babies Coalition of Georgia	Mom Congress	National Organization for Women
HealthyWomen	MomsRising	National Urban League
Hispanic Federation	Monroe County NOW	National WIC Association
Hoosier Action	Mother Hubbard's Cupboard	National Women's Health Network
Human Rights Watch	Mothering Justice	NETWORK Lobby for Catholic Social Justice
ICNA CSJ	Mother's Own Milk Matters	New Jersey Breastfeeding Coalition
In Our Own Voice: National Black Women's Reproductive Justice Agenda	MS Black Women's Roundtable & MS Women's Economic Security Initiative	New Jersey Citizen Action
Indiana Chapter of the American Academy of Pediatrics	NAACP	New Jersey Time to Care Coalition
Indiana Institute for Working Families	NARAL Pro-Choice America	New Mexico Breastfeeding Task Force
Indianapolis Urban League	National Advocacy Center of the Sisters of the Good Shepherd	New Working Majority
Institute for Women's Policy Research	National Asian Pacific American Women's Forum (NAPAWF)	North Carolina Justice Center
Interfaith Workers Justice	National Association of Pediatric Nurse Practitioners	Northwest Arkansas Breastfeeding Coalition
Justice for Migrant Women	National Association of Social Workers	Nurse-Family Partnership
Kansas Action for Children	National Association of Social Workers NH Chapter	Nutrition First
Kansas Breastfeeding Coalition	National Advocates for Pregnant Women	Ohio Alliance to End Sexual Violence
KWH Law Center for Social Justice and Change	National Birth Equity Collaborative	Ohio Coalition for Labor Union Women
La Leche League Alliance	National Center for Law and Economic Justice	Ohio Domestic Violence Network
La Leche League USA	National Center for Lesbian Rights	Ohio Federation of Teachers
LatinoJustice PRLDEF		
LCLAA		
Legal Aid at Work		
Legal Momentum, The Women's Legal Defense and Education Fund		

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Ohio Religious Coalition for Reproductive Choice	The Leadership Conference on Civil and Human Rights	Western Kansas Birthkeeping	<b>Executive Summary</b>
Ohio Women’s Alliance	The Little Timmy Project	William E. Morris Institute for Justice (Arizona)	
Oxfam America	The National Domestic Violence Hotline	Women and Girls Foundation of Southwest Pennsylvania	
Paid Leave For All	The Ohio Women’s Public Policy Network	Women Employed	
Partnership for America’s Children	The Women and Girls Foundation of Southwest Pennsylvania	Women of Reform Judaism	
Peirce Consulting LLC	The Women’s Law Center of Maryland	Women’s Fund of Greater Chattanooga	
Philadelphia Coalition of Labor Union Women Philly CLUW	The Women’s Law Center of Maryland	Women’s Fund of Rhode Island	
Philadelphia NOW Education Fund	The Zonta Club of Greater Queens	Women’s Fund of Rhode Island	
Philaposh	TIME’S UP Now	Women’s Law Project	
Physicians for Reproductive Health	U.S. Breastfeeding Committee	Women’s March	
Planned Parenthood Federation of America	Ujima Inc: The National Center on Violence Against Women in the Black Community	Women’s Media Center	<b>Chapter 1 Falling through the cracks</b>
PL+US: Paid Leave for the United States	UltraViolet	Women’s Rights and Empowerment Network	
Poder Latinx	Union for Reform Judaism	Women4Change	
Pontikes Law LLC	United Church of Christ Justice and Witness Ministries	Workplace Fairness	
PowHer New York	United Electrical, Radio and Machine Workers of America (UE)	Workplace Justice Project at Loyola Law Clinic	
Pray First Mission Ministries	United Food and Commercial Workers International Union (UFCW)	Worksafe	
Pretty Mama Breastfeeding, LLC	United Spinal Association	WV Breastfeeding Alliance	
Prevent Child Abuse NC	United State of Women	WV Perinatal Partnership, Inc.	
Public Advocacy for Kids (PAK)	United Steelworkers	YWCA Dayton	
Restaurant Opportunities Center United	United Today, Stronger Tomorrow	YWCA Greater Cincinnati	
RESULTS	Universal Health Care Action Network of Ohio	YWCA Mahoning Valley	<b>Chapter 2 Spotlighting the problem</b>
RESULTS DC/MD	VA NOW, Inc.	YWCA McLean County	
Shriver Center on Poverty Law	Virginia Breastfeeding Advisory Committee	YWCA Northwestern Illinois	
SisterReach	Virginia Breastfeeding Coalition	YWCA USA	
SPAN Parent Advocacy Network (SPAN)	Voices for Progress	YWCA of the University of Illinois	
Solutions for Breastfeeding	Wabanaki Women’s Coalition	ZERO TO THREE	
Speaking of Birth	We All Rise		
Southwest Women’s Law Center	West Virginia Breastfeeding Alliance		
The International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)			

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# Letter from Maternal Health Equity Organizations in Support of the Pregnant Workers Fairness Act (117th Congress)

May 11, 2021

“The undersigned organizations dedicated to assuring quality maternal, infant, and child health and well-being, improving pregnancy and birth outcomes, and closing racial disparities in maternal health enthusiastically support the Pregnant Workers Fairness Act (H.R. 1065).” [Read the full letter.](#)

Sincerely,

- Black Mamas Matter Alliance
- March of Dimes
- National WIC Association
- 1,000 Days
- A Better Balance
- Academy of Nutrition and Dietetics
- American Academy of Pediatrics
- American Civil Liberties Union
- American College of Obstetricians and Gynecologists
- Agricultural Justice Project
- Ancient Song Doula Services
- Association of Maternal & Child Health Programs
- Baobab Birth Collective
- Black Women’s Health Imperative
- Breastfeeding in Combat Boots
- California WIC Association
- Centering Equity, Race & Cultural Literacy in Family Planning (CERCL-FP)
- Earth Action, Inc.
- Farmworker and Landscaper Advocacy Project
- Farmworker Association of Florida
- Feminist Women’s Health Center
- First Focus Campaign for Children
- Healthy Mothers, Healthy Babies Coalition of Georgia
- HealthyWomen
- Human Rights Watch
- Mom2Mom Global
- NARAL Pro-Choice America
- National Association of Nurse Practitioners in Women’s Health
- National Birth Equity Collaborative
- National Partnership for Women & Families
- National Women’s Health Network
- National Women’s Law Center
- Nebraska WIC Association
- Nurse-Family Partnership
- Physicians for Reproductive Health
- Planned Parenthood Federation of America
- Public Citizen
- SisterReach
- SisterSong National Women of Color Reproductive Justice Collective
- U.S. Breastfeeding Committee
- Workplace Fairness
- Wisconsin WIC Association
- ZERO TO THREE

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# Business Letter to the U.S. House of Representatives in Support of the Pregnant Workers Fairness Act (117th Congress)

May 13th, 2021

“This bipartisan bill is a strong reminder that through good faith negotiations, legislative solutions to important workplace questions and problems can be found.” [Read the full letter.](#)

Sincerely,

Associated Builders and Contractors  
BASF Corporation  
College and University Professional Association for Human Resources  
Dow  
HR Policy Association  
International Franchise Association  
National Restaurant Association  
National Retail Federation  
pH-D Feminine Health  
Retail Industry Leaders Association  
Society for Human Resource Management  
U.S. Chamber of Commerce

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# Letter from Faith Groups in Support of the Pregnant Workers Fairness Act (117th Congress)

May 14th, 2021

“Our faith traditions affirm the dignity of pregnant individuals and the moral imperative of ensuring their safety. We also affirm the dignity of work and the obligation to treat workers justly. It is immoral for an employer to force a worker to choose between a healthy pregnancy and earning a living.”

[Read the full letter.](#)

Sincerely, the undersigned:

- |  |  |
|--|--|
| Ameinu   | Justice Revival  |
| Arizona Jews for Justice   | Keshet   |
| Aytzim: Ecological Judaism   | Leadership Conference of Women Religious                     |
| Bend the Arc: Jewish Action  | National Advocacy Center of the Sisters of the Good Shepherd |
| Catholic Labor Network   | National Coalition Against Domestic Violence                 |
| Church World Service   | National Council of Churches                                 |
| Columban Center for Advocacy and Outreach                                | National Council of Jewish Women                             |
| Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces | NETWORK Lobby for Catholic Social Justice                    |
| Faith Action Network   | Network of Jewish Human Service Agencies                     |
| Faith Action Network - Washington State                                  | Pax Christi USA  |
| Franciscan Action Network  | T’ruah: The Rabbinic Call for Human Rights                   |
| Friends Committee on National Legislation                                | Union for Reform Judaism                                     |
| Jewish Alliance for Law and Social Action                                | United Church of Christ, Justice and Witness Ministries      |
| Jewish Family & Children’s Service of Greater Boston                     | Uri L’Tzedek   |
| Jewish Women International   | Women of Reform Judaism                                      |

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# Letter: New York Labor and Workers’ Rights Groups Urge Sen. Schumer to Deliver Vote on Pregnant Workers Fairness Act (117th Congress)

October 13, 2021

“New York has long been at the forefront of the pregnant workers fairness movement, with the issue first gaining national attention in a New York Times op-ed highlighting the stories of New York women being forced off the job for needing modest accommodations.” [Read the full letter.](#)

Sincerely,

A Better Balance  
 1199SEIU United Healthcare Workers East  
 32BJ SEIU  
 Retail, Wholesale and Department Store Union (RWDSU)  
 DC 37  
 Technical, Office and Professional Union UAW Local 2110  
 NY NJ Regional Joint Board, Workers United/SEIU  
 Communication Workers of America (CWA) District 1  
 Local 338 RWDSU/UFCW  
 New York State Nurses Association (NYSNA)  
 Make the Road New York  
 New York Civil Liberties Union  
 ALIGN: The Alliance for Greater New York  
 Rochester Black Nurses Association

WIC Association of NYS, Inc.  
 Workers Center of Central New York  
 The New York Women’s Foundation  
 Community Service Society of New York  
 Restaurant Opportunities Center United  
 Worker Justice Center of New York (WJCNY)  
 National Organization for Women NY  
 Alliance for Quality Education  
 National Council of Jewish Women New York  
 Greater New York Labor-Religion Coalition  
 YWCA Brooklyn  
 Housing Works, Inc.  
 Her Justice, Inc.  
 Bernstein Center for Leadership and Ethics

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# Organizational Sign-On Letter to Prioritize PWFA in Omnibus Spending Bill (117th Congress)

March 2, 2022

“In 2022, it is unacceptable that there are gaps in the law that leave pregnant workers unprotected and force them to choose between their job and a healthy pregnancy. The Pregnant Workers Fairness Act would provide a right to such modest accommodations absent undue hardship on employers.”

[Read the full letter.](#)

Sincerely,

- |  |  |  |
|--|--|--|
| A Better Balance                                 | Center for LGBTQ Economic Advancement & Research (CLEAR) | In Our Own Voice: National Black Women’s Reproductive Justice Agenda |
| American Civil Liberties Union                   | Center for Reproductive Rights                           | Indiana Breastfeeding Coalition                                      |
| March of Dimes                                   | Child Care Law Center                                    | Indiana Coalition Against Domestic Violence, Inc.                    |
| MomsRising/MamásConPoder                         | Christine’s Care & Compassion                            | Indiana Community Action Poverty Institute                           |
| National Partnership for Women & Families        | Clearinghouse on Women’s Issues                          | Indiana Public Health Association                                    |
| National WIC Association                         | Congregation of Our Lady of Charity of the               | Indiana Statewide Independent Living Council (INSILC)                |
| National Women’s Law Center                      | Good Shepherd, U.S. Provinces                            | IWES   |
| Academy of Nutrition and Dietetics               | Connecticut Breastfeeding Coalition                      | Jewish Women International   |
| 1,000 Days                                       | Empowered Expressions Lactation Counseling, LLC          | Justice for Migrant Women  |
| 2020 Mom   | Equal Rights Advocates                                   | Kansas Breastfeeding Coalition                                       |
| 9to5   | Faith Choice Ohio  | Legal Aid at Work  |
| 9to5 Georgia                                     | Feminist Majority Foundation                             | Louisiana Partnership for Children and Families                      |
| Action Ohio Coalition for Battered Women         | First Focus Campaign for Children                        | MANA, A National Latina Organization                                 |
| African American Ministers In Action             | Florida Policy Institute                                 | Maternal Mental Health Leadership Alliance                           |
| Alaska Breastfeeding Coalition                   | FOWE/ ALABAMA BLACK WOMEN’S ROUNDTABLE                   | MCCOY (Marion County Commission on Youth, Inc.)                      |
| American Association of University Women         | Gender Equality Law Center, Inc.                         | Michigan Breastfeeding Network                                       |
| AnitaB.org                                       | Grandmothers for Reproductive Rights (GRR!)              | Mississippi Black Women’s Roundtable                                 |
| Association of State Public Health Nutritionists | Healthy and Free Tennessee                               | Mom Congress   |
| Black Mamas Matter Alliance, Inc. (BMMA)         | Healthy Mothers, Healthy Babies Coalition of Georgia     | NARAL Pro-Choice America   |
| Breastfeeding Family Friendly Communities        | HealthyWomen   | National Advocacy Center of the Sisters of the Good Shepherd         |
| BreastfeedLA                                     | Hoosier Action   |  |
| California WIC Association                       |  |  |

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National Association of Pediatric Nurse Practitioners	OPAWL - Building AAPI Feminist Leadership	The Women’s Law Center of Maryland
National Association of Social Workers, ME Chapter	Peirce Consulting LLC	U.S. Breastfeeding Committee
National Association of Social Workers, NH Chapter	Philly CLUW	Union for Reform Judaism
National Association of Social Workers, VT Chapter	Physicians for Reproductive Health	United Electrical, Radio and Machine Workers of America (UE)
National Birth Equity Collaborative	PowHer New York	Universal Health Care Action Network of Ohio
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)	Pretty Mama Breastfeeding LLC	West Virginia Perinatal Partnership
National Coalition of 100 Black Women, Inc., Central Ohio Chapter	Pro-Choice Ohio	William E. Morris Institute for Justice
National Council of Jewish Women	Public Advocacy for Kids (PAK)	Women Employed
National Council of Jewish Women/ Cleveland	RESULTS	Women of Reform Judaism
National Employment Law Project	ROC United	Women’s Law Project
National League for Nursing	SisterReach	Women’s Rights and Empowerment Network
National Organization for Women NCJW/CLE	Society of Women Engineers	Work Family Balance
NETWORK Lobby for Catholic Social Justice	Southwest Women’s Law Center	Workplace Fairness
North Carolina Justice Center	Speaking Of Birth	YWCA Greater Cincinnati
Ohio Alliance to End Sexual Violence	Supporting Our Mothers Initiative LLC	YWCA of Greater Atlanta
Ohio Domestic Violence Network	The Episcopal Church	YWCA of the University of Illinois
	The Friends Committee on National Legislation	YWCA USA
	The Leadership Conference on Civil and Human Rights	ZERO TO THREE
	The Little Timmy Project	Zonta Club of Brooklyn
	The National Domestic Violence Hotline	

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# Letter from New York Faith Leaders Urging Senator Schumer to Pass the Pregnant Workers Fairness Act Now (117th Congress)

June 7, 2022

“Supporting pregnant and postpartum workers is a matter of religious, moral, and ethical concern...Failing to bring the PWFA to a vote would be a moral failing. The Senate must protect pregnant workers and pass the Pregnant Workers Fairness Act now.” [Read the full letter.](#)

Sincerely,

Rabbi Rachel Timoner  
Congregation Beth Elohim

Rabbi Dan Ross  
Central Synagogue

Rabbi Gordon Tucker  
Temple Israel Center, White Plains,  
NY  
(Emeritus)

Rabbi Juliana Karol  
Congregation Rodeph Sholom

Rabbi Lev Meiowitz Nelson  
Flatbush Jewish Center

Rabbi Emily Cohen  
West End Synagogue

Rabbi Lauren Grabelle Herrmann  
SAJ

Rabbi Marla J. Feldman  
Women of Reform Judaism

Rabbi Sue Oren

Rabbi Sharon Kleinbaum  
Congregation Beit Simchat Torah;  
New York Jewish Agenda

Rabbi Matt Green  
Congregation Beth Elohim, Brooklyn,  
NY

Rabbi Margo Hughes-Robinson  
T’ruah: the Rabbinic Call for Human  
Rights

Rabbi Michael Fessler  
Temple Beth-El

Rabbi Deborah S. Goldberg  
Congregation Rodeph Sholom

Rabbi Barat Ellman  
T’ruah: the Rabbinic Call for Human  
Rights; Jews for Racial and Economic  
Justice

Rabbi Rachel Grant Meyer

Rabbi Rachel Gross-Prinz

Rabbi Yael Hammerman

Rabbi Rachel Goldenberg

Rabbi Bryan Mann

Rabbi Benjamin Spratt

Rabbi Dena Klein

Rabbi Rebecca W. Sirbu

Rabbi David Rosenn

Rabbi Andru Kahn

Rabbi Shelley Kovar Becker

Cantor Shayna De Lowe  
Rodeph Sholom

Cantor Danielle Rodnizki  
Westchester Reform Temple,  
Scarsdale, NY

Andrea Salwen Kopel  
National Council of Jewish Women  
New York

Daniel Rous  
Retired Cantor

Peter A Geffen  
B’nai Jeshurun (BJ)

Stephanie Blumenkranz  
Hadassah Foundation

The Rev. Carolyn Winfrey Gillette  
First Presbyterian Union Church,  
Owego, NY

Pastor Bruce Gillette  
First Presbyterian Union Church,  
Owego, NY

Rev. Thia Reggio  
Second Presbyterian Church NYC

Rev. Hilary Island-Thomas  
Charlotte Valley Presbyterian Church

Rev. Robin Lostetter  
PCUSA, retired

Rev. Earl Arnold  
First Union Presbyterian Church of  
Owego, NY  
Presbyterian Peace Network for  
Korea

The Reverend Peter Cook  
Journey United Church of Christ  
New York State Council of Churches

Jane Wakeman, Deaconess  
Golden Hill UMC

Mary Smith  
Church Women United in New York  
State

Farina Mirza  
WNY Muslims

Ms. Nancy Hallock  
1st Universalist Society of Central  
Square, NY

Rev. Dr. Richard S. Gilbert  
Unitarian Universalist

Dr. Meghan Clark  
Associate Professor of Moral  
Theology

Arline Schoenberger  
Friends with the CSJ of Brentwood,  
NY

Ms. Deborah Steedle  
Sisters of St Joseph, Brentwood, NY

Virginia Dowd  
Sisters of St. Joseph, Brentwood, NY

Alice McVey  
Sisters of St. Joseph

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Brian Burke	Sr. Elizabeth Johnson, CSJ Brentwood, NY	Sr. Shirley King, MM
Charlotte Hobler	Sr. Caryn Brennan, CSJ Brentwood, NY	Sr. Faith Colligan, DC
Eileen Siagis	Sr. Mary B. O'Meara, CSJ Brentwood, NY	Sr. Florence Mallon, SC
Len Bjorkman	Sr. Maryann McHugh, CSJ Brentwood, NY	Sr. Margaret Saich, OP
Judy Bjorkman	Sr. Mary Ellen Manz, MM St. Dominic	Sr. Claire Regan, SC
Tom Tittmann	Sr. Maureen Ashe, CSJ Brentwood, NY	Sr. Mary Jane Bookstaver, OP
Mary Maguire	Sr. Janet Kinney, CSJ Brentwood, NY	Sr. Bernadette Nonnon, OP
Barbara B. Dobkin	Sr. Mary Shaw, ASC	Sr. Alice Arie Giordano, OSU
Ramona Oppenheim	Sr. Mary Ellen Kempken, MM	Bro. Paul Crawford, OFM, Cap., MSW. Chair of the Capuchin Province of St. Mary; Franciscan Action Network; NYCA Franciscan Justice Circle
Sr. Margaret Magee, OSF Congregational Minister; Franciscan Sisters of Allegany; Franciscan Action Network	Sr. Theresa Baldini, MM	Bro. Joseph Bach, OSF JPIC Director, Franciscan Brothers of Brooklyn
Sr. Eileen Mcann, CSJ Justice Committee, Sisters of St. Joseph	Sr. Martha Bourne, MM	Bro. Gabriel O'Brien Franciscan Brothers of Brooklyn
Sr. Susan Wilcox, CSJ Coordinator, Office of Justice, Peace, Integrity of Creation, Sisters of St. Joseph, Brentwood NY	Sr. Theresa Kastner, MM	Fr. Mark G. Reamer, O.F.M. Franciscan Friars
Sr. Lillian Priante, CNM Our Lady of Grace Brooklyn, NY; Fontbonne parent	Sr. Joan Gallagher, CSJ	Rev. James A. Konicki Holy Name of Jesus Parish, Schenectady, NY Polish National Catholic Church
Sr. Danielle Bonetti, CSJ Sisters of St. Joseph of Carondelet	Sr. Margaret Hanley, CSJ	Elizabeth Begley Pax Christi
Sr. Eileen Gannon, OP Leadership Team Member with Dominican Sisters of Sparkill	Sr. Jean Fallon, MM	Faith Yusko St. Joseph Worker Program Alumna
Sr. Phyllis Tierney, SSJ Justice & Peace Office Coordinator, Sisters of St. Joseph, Rochester, NY	Sr. Virginia Wilkinson, PBVM	Nicole Skaluba JPIC Office for Sisters of St. Joseph, Brentwood, NY
Sr. Louise Alff, SSSF Neumann Communities	Sr. Carol De Angelo, SC	Laurie Konwinski Justice & Peace Ministry Coordinator, Catholic Charities Tompkins/Tioga, Diocese of Rochester
Sr. Jeanne Shary, OP Dominican Sisters of Sparkill	Sr. Susan Gubbins, MM	William Hurley Associate of Sisters of Charity of NY
Sr. Rosalie A. Carven, CSJ Sisters of St. Joseph, Brentwood, NY	Sr. Anastasia M. Connor, MM	Mary DellaVecchia Associate to Sisters of St. Joseph
Sr. Patricia Conway, OP Dominican Sisters of Sparkill	Sr. Nancy Fackner, CSJ	
Sr. Catherine Roberts, CSJ Brentwood, NY	Sr. Claudette LaVerdiere, MM	
	Sr. Carolyn Moritz, MM	
	Sr. Grace Avila, CSJ	
	Sr. Margaret Anella, CSJ	
	Sr. Ann Gray, DW	
	Sr. Susanne Lachapelle, LSAFHS, CHN	
	Sr. Margaret O'Brien	
	Sr. Pat McDonnell, CSJ	

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# Letter: 100+ Organizations Urge Sen. Schumer to Prioritize Pregnant Workers Fairness Act During Lame-Duck (117th Congress)

November 14, 2022

“As you consider the Senate’s priorities for the rest of the year, we urge you to bring the bill to the Senate floor for a standalone vote. If the bill does not receive a vote this Congress, it could be years before it passes, and millions of workers will continue to suffer discriminatory treatment and be denied the accommodations they need due to pregnancy, childbirth, and lactation. Time is running out.” [Read the full letter.](#)

Sincerely,

- |   |  |  |
|---|--|--|
| 32BJ SEIU   | Center for Law and Social Policy   | Hoosier Action   |
| A Better Balance  | Center for WorkLife Law  | Institute for Women’s Policy Research                        |
| Academy of Nutrition and Dietetics  | Central Healthy Start  | Ipas Partners for Reproductive Justice                       |
| AFL-CIO   | Christine’s Care & Compassion  | Jewish Women International                                   |
| Alabama Black Women’s Roundtable  | Coalition for Social Justice   | Justice for Migrant Women                                    |
| Alabama Coalition on Black Civic Participation                            | Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces | Kansas Breastfeeding Coalition                               |
| American Academy of Pediatrics  | Connecticut Women’s Education and Legal Fund (CWEALF)                    | Kentucky Equal Justice Center                                |
| American Association of University Women                                  | Economic Opportunity Institute   | Main Street Alliance   |
| American Civil Liberties Union  | ERA Coalition  | March for Moms   |
| American College of Obstetricians and Gynecologists                       | Every Texan  | March of Dimes   |
| American Federation of State County and Municipal Employees               | Family Equality  | Marshall Plan for Moms                                       |
| Asian Pacific American Labor Alliance, AFL-CIO                            | Family Values @ Work   | MCCOY (Marion County Commission on Youth)                    |
| Association of Maternal & Child Health Programs                           | First Focus Campaign for Children  | Mi Familia Vota  |
| Association of State Public Health Nutritionists                          | Florida Policy Institute   | Michigan Breastfeeding Network                               |
| Better Life Lab at New America  | Friends Committee on National Legislation                                | Michigan League for Public Policy                            |
| Black Mamas Matter Alliance   | Futures Without Violence   | Mississippi Black Women’s Roundtable                         |
| Black Women’s Roundtable  | Golden State Opportunity   | MomsRising   |
| BreastfeedLA  | Hawaii Children’s Action Network Speaks!                                 | NAACP Legal Defense and Educational Fund, Inc. (LDF)         |
| California Work & Family Coalition (Family Values at Work/Fiscal Sponsor) | Health Care Voices   | National Advocacy Center of the Sisters of the Good Shepherd |
| Catholic Labor Network  | Healthy Start of North Central Florida                                   | National Association of Social Workers, CT Chapter           |
|   | HealthyWomen   | National Council of Jewish Women                             |
|   | Hispanic Federation  |  |
|   | HMHBGA   |  |

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National Council of Jewish Women Minnesota	OPAWL - Building AAPI Feminist Leadership	The Episcopal Church
National Diaper Bank Network	Oregonizers	The Leadership Conference on Civil and Human Rights
National Employment Law Project	Oxfam America	The Little Timmy Project
National Employment Lawyers Association	Parents for Public Schools, Inc.	The National Domestic Violence Hotline
National Organization for Women	Physicians for Reproductive Health	The National Education Association
National Partnership for Women & Families	Planned Parenthood Federation of America	The Workers Circle
National Urban League	Pro-Choice North Carolina	U.S. Breastfeeding Committee
National WIC Association	Public Advocacy for Kids (PAK)	U.S. Chamber of Commerce
National Women's Law Center	RESULTS	Union for Reform Judaism
Network Lobby for Catholic Social Justice	Retail, Wholesale and Department Store Union (RWDSU)	United Food and Commercial Workers International Union
New Jersey Citizen Action	Service Employees International Union (SEIU)	University
New Jersey Time to Care Coalition	Sisters of Charity of Nazareth Congregational Leadership	Women Employed
New Orleans Maternal and Child Health Coalition	Sisters of Charity of Nazareth Western Province Leadership	Women of Reform Judaism
North Carolina Coalition Against Domestic Violence	Society for Maternal-Fetal Medicine	Women's Law Project
Northeast Florida Healthy Start Coalition, Inc.	Society of Women Engineers	YWCA of the University of Illinois
	Sojourners	YWCA USA
		ZERO TO THREE

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# Endnotes

- 1 See *Why We Need the Pregnant Workers Fairness Act*, A BETTER BALANCE (2012), <https://www.abetterbalance.org/resources/why-we-need-the-pregnant-workers-fairness-act-stories-of-real-women/>.
- 2 Internal A Better Balance Memoranda (2011–2012) (on file with author).
- 3 See A BETTER BALANCE, GET HELP, <https://www.abetterbalance.org/get-help/> (last visited Apr. 25, 2022).
- 4 See, e.g., *Wiseman v. Wal-Mart Stores, Inc.*, No. 08-1244-EFM, 2009 WL 10706901, at \*3–\*5 (D. Kan. July 23, 2009) (granting summary judgment to Walmart after it fired Heather Wiseman for carrying a water bottle on the retail floor in order to prevent urinary and bladder infections while pregnant, because she could not meet the final element of the PDA *prima facie* case and “present evidence of similarly situated workers who were allowed to carry water bottles when [she] was not.” The court also admonished Wiseman for attempting to argue she was entitled to reasonable accommodations under the PDA, finding this reasoning to be “flawed because the PDA does not incorporate the reasonable accommodations portion of the ADA, and under the ADA pregnancy is not a disability.”) For additional cases, see Elizabeth M. Gedmark, *Using Pregnancy Discrimination Claims to Fight Poverty*, 46 CLEARINGHOUSE REV. J. POVERTY LAW & POL’Y 390, 391 n. 8 (2013); Joan C. Williams, Robin Devaux, Danielle Fuschetti & Carolyn Salmon, *A Sip of Cool Water: Pregnancy Accommodations After the ADA Amendments Act*, 32 YALE L. & POL. REV. 97, 106 (2013) [hereinafter *A Sip of Cool Water*], [https://openyls.law.yale.edu/bitstream/handle/20.500.13051/17213/05\\_32YaleL\\_PolyRev97\\_2013\\_2014\\_.pdf](https://openyls.law.yale.edu/bitstream/handle/20.500.13051/17213/05_32YaleL_PolyRev97_2013_2014_.pdf).
- 5 Dina Bakst, Co-Founder and Co-President, A Better Balance, Remarks at Cong. Briefing on PWFA (Oct. 30, 2013) (on file with author).
- 6 *Id.*
- 7 See A BETTER BALANCE, PREGNANT AND JOBLESS: THIRTY SEVEN YEARS AFTER PREGNANCY DISCRIMINATION ACT, PREGNANT WOMEN STILL CHOOSE BETWEEN A PAYCHECK AND A HEALTHY PREGNANCY 12 (2015) [hereinafter PREGNANT AND JOBLESS], <https://www.abetterbalance.org/wp-content/uploads/2017/01/PregnantandJobless.pdf>.
- 8 People of all genders can become pregnant, and the Pregnant Workers Fairness Act uses neutral language applicable to all people, regardless of gender.
- 9 See *Long Over Due: Exploring the Pregnant Workers’ Fairness Act (H.R. 2694): Hearing Before the Subcomm. on Civil Rights and Human Services of the H. Comm. on Ed. & Lab.*, 116th Cong. (2019) [hereinafter *Bakst 2019 Testimony*], <https://www.congress.gov/116/meeting/house/110108/witnesses/HHRG-116-ED07-Wstate-BakstD-20191022.pdf> (testimony of Dina Bakst).
- 10 *Id.* at 9 (citing 123 Cong. Rec. E1487 (daily ed. Mar. 15, 1977) (remarks of Sen. Williams)).
- 11 *Id.*
- 12 *Id.* (citing 123 Cong. Rec. S4142 (daily ed. Mar. 15, 1977) (statement of Sen. Williams)).
- 13 *Id.* (citing *Geduldig v. Aiello*, 417 U.S. 484 n. 20 (1974)).
- 14 *Id.* (citing *General Elec. Co. v. Gilbert*, 429 U.S. 125 (1976)).
- 15 *Id.* at 10 (citing 123 Cong. Rec. S14989 (daily ed. Sept. 15, 1977) (statement of Sen. Williams)).
- 16 *Id.* (citing 42 U.S.C. § 2000e(k) (2012)).

- 17 *Id.*
- 18 See Wendy W. Williams, *Equality's Riddle: Pregnancy and Equal Treatment/Special Treatment Debate*, 13 N.Y.U. REV. L. & SOC. CHANGE 325, 325–27 (1985), [https://socialchangenyu.com/wp-content/uploads/2017/12/WENDY-W-VILLIAMS\\_RLSC\\_13.2.pdf](https://socialchangenyu.com/wp-content/uploads/2017/12/WENDY-W-VILLIAMS_RLSC_13.2.pdf).
- 19 The rich history of the Pregnancy Discrimination Act cannot be reduced so simply as to say that “equal treatment” feminists won out against “special treatment” feminists. Scholars have unearthed more nuance, noting, for example, that at the time the PDA’s formal equality approach was believed to provide far greater protections for pregnant workers than they had before. See Deborah A. Widiss, Gilbert *Redux: The Interaction of the Pregnancy Discrimination Act & the Amended Americans with Disabilities Act*, 46 U.C. DAVIS L. REV. 961, 997–98 (2013), <https://lawreview.law.ucdavis.edu/issues/46/4/Articles/46-4-Widiss.pdf>. Still, the PDA was undoubtedly comparative in nature and thus limited. *Id.* at 969 (“[W]hile I argue that the PDA’s accommodation mandate is more robust than typically understood, it remains comparative. The PDA thus provides less recourse to pregnant women than recently-proposed bills that would explicitly grant pregnant employees a right to reasonable accommodations.”) (citing the Pregnant Workers Fairness Act).
- 20 EQUAL RIGHTS TRUST, INTERVIEW WITH KIMBERLÉ CRENSHAW & PATRICIA SCHULTZ, *Intersectionality in Promoting Equality*, 16 EQUAL RTS. REV. 207, 210 (2016) [hereinafter *Equal Rights Trust Interview*], <https://www.equalrightstrust.org/ertdocumentbank/Intersectionality%20interview%20with%20Kimberle%20Crenshaw%20and%20patricia%20schulz.pdf>. See also Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 UNIV. CHI. LEGAL F. 139 (1989).
- 21 *Equal Rights Trust Interview*, *supra* note 20, at 218.
- 22 42 U.S.C. §§ 12101–12213 (2012).
- 23 42 U.S.C. § 12112(5)(A).
- 24 See, e.g., 42 U.S.C. § 12101(a)(5) (finding that people with disabilities not only encounter outright exclusion and discrimination but also experience “the discriminatory effects of architectural . . . barriers . . . [and] failure to make modifications to existing facilities and practices”); Eq. Empl’t Opp. Comm’n, *Enforcement Guidance on Reasonable Accommodation & Undue Hardship Under the ADA* (Oct. 17, 2002), <https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada> (explaining that “[t]he ADA requires employers to provide reasonable accommodations so that employees with disabilities can enjoy the ‘benefits and privileges of employment’ equal to those enjoyed by similarly-situated employees without disabilities”).
- 25 See *Williams et al., A Sip of Cool Water*, *supra* note 4, at 110–111.
- 26 *Id.* at 108–110.
- 27 *Id.* at 111.
- 28 29 C.F.R. § 1630.2(j)(ix) (2011) (“The effects of an impairment lasting or expecting to last fewer than six months can be substantially limiting within the meaning of [the law].”).
- 29 See *Williams et al., A Sip of Cool Water*, at 112 (“The clear language of the statute and its accompanying EEOC regulations unambiguously encompass pregnancy-related conditions.”).
- 30 See *Bakst 2019 Testimony*, *supra* note 9, at 19–20.
- 31 *Scheidt v. Floor Covering Assocs., Inc.*, No. 16-cv-5999, 2018 WL 4679582, at \*6 (N.D. Ill. Sept. 28, 2018).

- 32 *Sam-Sekur v. Whitmore Grp., Ltd.*, No. 11-CV-4938 (JFB)(GRB), 2012 WL 2244325, at \*8 (E.D.N.Y. June 15, 2012); see also *Fighting for Fairness: Examining Legislation to Confront Workplace Discrimination: Hearing Before the Subcomms. On Civil Rights and Human Services and Workforce Protections of the H. Comm. On Ed. & Lab.*, 117th Cong. (2021) at 10–11, [hereinafter *Bakst 2021 Testimony*], [https://edworkforce.house.gov/uploadedfiles/dina\\_bakst\\_testimony.pdf](https://edworkforce.house.gov/uploadedfiles/dina_bakst_testimony.pdf) (testimony of Dina Bakst).
- 33 Floralba Espinal and Angelica Valencia were two such workers A Better Balance assisted who needed accommodations in order to prevent disabilities from arising. For more details regarding their experiences see *PREGNANT AND JOBLESS*, *supra* note 7, at 22–23.
- 34 See *Bakst 2021 Testimony*, *supra* note 32, at 10–11; see also Dina Bakst, Responses to Questions for the Record at 5–8, *Long Over Due: Exploring the Pregnant Workers’ Fairness Act (H.R. 2694): Hearing Before the Subcomm. on Civil Rights and Human Services of the H. Comm. On Ed. & Lab.*, 116th Cong. (2019) [hereinafter *Bakst Questions for the Record*].
- 35 See *Bakst Questions for the Record*, *supra* note 34, at 7 (citing *Tomiwa v. PharMEDium Servs., LLC*, No. 4:16-CV-3229, 2018 WL 1898458, at \*5 (S.D. Tex. Apr. 20, 2018) (dismissing plaintiff’s ADA claim because, despite the two emergency surgeries she had to undergo for a high risk pregnancy, “[a]bsent unusual circumstances, pregnancy and related medical conditions do not constitute a physical impairment’ under the ADA”).
- 36 *Wonasue v. Univ. of Md. Alumni Ass’n*, 984 F. Supp. 2d 480, 482 (D. Md. 2013).
- 37 *Id.* at 490. For a discussion about why the Family and Medical Leave Act is also an insufficient solution for pregnant workers in need of accommodations, see *Bakst 2019 Testimony*, *supra* note 9, at 20–21.
- 38 *Shaw v. T-Mobile*, No. 18-2513-DDC-GEB, 2020 WL 5231309, at \*12 (D. Kan. Sept. 2, 2020); see also *Andrews v. Eaton Metal Prods., LLC*, No. 20-CV-00176-PAB-NYW, 2020 WL 5821611, at \*8 (D. Colo. Sept. 8, 2020), *report and recommendation adopted*, No. 20-CV-00176-PAB-NYW, 2020 WL 5815059 (D. Colo. Sept. 30, 2020) (holding that, under federal law, Plaintiff’s “pregnancy . . . do[es] not fall under the scope of the ADA” and “thus, Plaintiff’s allegations are insufficient to state a claim under the ADA for discrimination, failure to accommodate, or failure to promote”).
- 39 Labib Ghulmiyyah & Baha Sibai, *Maternal Mortality from Preeclampsia/Eclampsia*, 36 SEMINARS IN PERINATOLOGY 56 (2012), <https://www.sciencedirect.com/science/article/abs/pii/S0146000511001571>.
- 40 A BETTER BALANCE & NAT’L WOMEN’S L. CTR., *Walmart’s Accommodation in Employment Policy & Pregnancy/Disability Discrimination: A Backgrounder*, 1 (2014), [https://www.abetterbalance.org/wp-content/uploads/2017/05/Walmart\\_legal\\_backgrounder\\_Final\\_2\\_clean.pdf](https://www.abetterbalance.org/wp-content/uploads/2017/05/Walmart_legal_backgrounder_Final_2_clean.pdf) (last visited Mar. 21, 2023).
- 41 *Id.*
- 42 *Id.*
- 43 *Id.*
- 44 *Id.*
- 45 Consolidated Appropriations Act, 2023, Division II: Pregnant Workers Fairness Act, H.R. 2617, 117th Cong. § 102(7) (2022), <https://www.congress.gov/bill/117th-congress/house-bill/2617>.
- 46 Dina Bakst, Opinion, *Pregnant, and Pushed Out of a Job*, N.Y. TIMES (Jan. 30, 2012) [hereinafter *Bakst Op-Ed*], <https://www.nytimes.com/2012/01/31/opinion/pregnant-and-pushed-out-of-a-job.html>.
- 47 *Id.*



- 48 *Id.*
- 49 *Id.*
- 50 California’s law, passed in 1999, was the only law on the books applicable to private sector workers that used the “reasonable accommodations” framework. See DINA BAKST, ELIZABETH GEDMARK & SARAH BRAFMAN, FROM STATEHOUSES TO CONGRESS: PAVING THE WAY FOR THE FEDERAL PREGNANT WORKERS FAIRNESS ACT (2022) at 34, <https://www.abetterbalance.org/pwfa-from-statehouse-to-congress/>. Texas, Alaska, and Illinois had public sector laws. *Id.* Connecticut’s and Louisiana’s laws only dealt with transfers (they were later amended). LSA-R.S. 23:342(4); Conn. Gen. Stat. § 46a-60(7). California advocates like Equal Rights Advocates and Legal Aid at Work proved pivotal in making the case that despite their law being on the books for over a decade, there had been no adverse effects on the state or businesses—and in fact the law had resulted in a *decrease* in litigation post-passage. See, e.g., NOREEN FARRELL, JAMIE DOLKAS, AND MIA MUNRO, EQUAL RIGHTS ADVOCATES, EXPECTING A BABY, NOT A LAY-OFF WHY FEDERAL LAW SHOULD REQUIRE THE REASONABLE ACCOMMODATION OF PREGNANT WORKERS 3 (May 2012), <https://web.archive.org/web/20120518145028/http://equalrights.org/media/2012/ERA-PregAccomReport.pdf>.
- 51 See *Bakst Op-Ed, supra* note 46.
- 52 See, e.g., Press Release, Rep. Jerrold Nadler, Nadler Seeks to Ensure Protections for Pregnant Women in the Workplace (Feb. 16, 2012), <https://bklyner.com/nadler-seeks-to-ensure-protections-for-pregnant-women-in-the-workplace-bensonhurst/> (Just weeks after reading Bakst’s Op-Ed, Rep. Nadler publicly announced that he would be introducing legislation to address the problem and stated: “I was shocked to learn recently that many pregnant women, and women who have recently given birth, are not provided reasonable accommodations for their conditions at their places of work”); Erin Gloria Ryan, *We’re Seriously Still Debating Whether or Not It’s Okay to Discriminate Against Pregnant Women?*, JEZEBEL (Jan. 31, 2012), <https://jezebel.com/were-seriously-still-debating-whether-or-not-its-okay-t-5880943>; Rachel Zimmerman, *When You’re Fired for Being Pregnant*, WBUR (Jan. 31, 2012), <https://www.wbur.org/news/2012/01/31/when-youre-fired-for-being-pregnant>; KJ Dell’Antonia, *Accommodating Pregnant Women at Work*, N.Y. TIMES (Jan. 31, 2012, 3:03 PM), <https://archive.nytimes.com/parenting.blogs.nytimes.com/2012/01/31/accommodating-pregnant-women-at-work/>; On January 31, 2012, the date the article appeared in print in section A25 of the newspaper, the article was the #9 most emailed and #10 most viewed story on *The New York Times* website (Email on file with Elizabeth Gedmark from January 31, 2012); by 11:15 AM there were 436 tweets linking to the article (Email on file with Elizabeth Gedmark from January 31, 2012); Democratic Women’s Caucus, *Democratic Women’s Caucus, Reps. Nadler, Scott, McBath Hold Virtual...*, FACEBOOK (Sept. 18, 2020), <https://www.facebook.com/watch/?v=909577469570357> (Rep. Nadler: “Nearly ten years ago, I read an Op-Ed in *The New York Times* by Dina Bakst an attorney with A Better Balance who had been representing pregnant workers seeking accommodations to help them stay on the job throughout their pregnancy. Ten years and countless meetings later we are finally here getting ready for a hopefully bipartisan vote on the floor.”); Bipartisan Policy Center, *A Bipartisan Discussion on the Pregnant Workers Fairness Act*, (Feb. 2, 2022 4:30 PM), <https://bipartisanpolicy.org/event/a-bipartisan-discussion-on-the-pregnant-workers-fairness-act/> (Sen. Casey: “Our staff saw an Op-Ed in *The New York Times*, actually, way back in 2012. The Op-Ed was written by Dina Bakst, and Sara [Maskornick], who is on this call, knows well—and that’s where it started and, of course, Jerry Nadler was working on this in the House for so many years.”); Deborah A. Widiss, *Pregnant Workers Fairness Acts: Advancing a Progressive Policy in Both Red and Blue America*, 22 NEV. L.J. 1131, 1143 & 1156 (2023).
- 53 See, e.g., Nicholas Kristof (@NickKristof), TWITTER (Jan. 31, 2012), <https://twitter.com/nickkristof/status/164560831554658304> (“Women can legally be fired from their jobs because they become pregnant? That’s appalling!”).
- 54 Email on file with Dina Bakst from December 21, 2021.

- 55 Email on file with Elizabeth Gedmark from February 3, 2012.
- 56 Local Law 78 (N.Y.C. 2013).
- 57 A Better Balance, Comment Letter to Equal Empl't Opp. Comm'n Re: Unlawful Discrimination Against Pregnant Workers & Workers with Caregiving Responsibilities 3 (Feb. 14, 2012), <https://www.abetterbalance.org/resources/comments-on-unlawful-discrimination-against-pregnant-workers-and-workers-with-caregiver-responsibilities/>.
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- 59 See *Pregnant Workers Fairness Act*, H.R. 5647, 112th Cong. (2012). See also Press Release, Rep. Jerrold Nadler, *Reps. Nadler, Maloney, Speier, Davis & Advocates Announce Legislation Protecting Pregnant Workers from Discrimination*, (May 8, 2012), <https://nadler.house.gov/news/documentsingle.aspx?DocumentID=391160> (including supportive quotes from Rep. Jerrold Nadler (D-NY), Rep. Carolyn Maloney (D-NY), Rep. Jackie Speier (D-CA), Rep. Susan Davis (D-CA), Rep. George Miller (D-CA), NY State Senator Liz Krueger, and unions and advocates including A Better Balance, AFL-CIO, Legal Aid Society – Employment Law Center (now Legal Aid at Work), Legal Momentum, Equal Rights Advocates, National Women's Law Center, National Partnership for Women and Families, and American Association of University Women).
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- 80 See generally PWFA § 104.
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- 178 We are indebted to state and local advocates and lawmakers who worked on state campaigns that ultimately proved unsuccessful. Their tireless work built the case for the movement and often these advocates served as critical partners in the federal PWFA effort. Of the 20 states that do not have state level PWFAs, we worked on efforts to pass laws in 14 of them, as well as efforts to improve the laws in Texas and North Carolina. Some partners are mentioned in the States Paving the Way Section, but it bears repeating that coalitions in Alabama, Georgia, Mississippi, Kansas, Indiana, Ohio, Pennsylvania, North Carolina, and others were extremely helpful in the federal efforts to pass the PWFA.
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- 288 See, e.g., Jerry Nadler (@RepJerryNadler), TWITTER (Dec. 15, 2022, 4:05 PM), <https://twitter.com/RepJerryNadler/status/1603496512071139328?s=20>; Jerry Nadler (@RepJerryNadler), TWITTER (Dec. 15, 2022, 4:05 PM), <https://twitter.com/RepJerryNadler/status/1603496509110116388?s=20>; Jerry Nadler (@RepJerryNadler), TWITTER (Dec. 15, 2022, 4:05 PM), <https://twitter.com/RepJerryNadler/status/1603496506996187161?s=20>; Jerry Nadler (@RepJerryNadler), TWITTER (Dec. 16, 2022, 2:58 PM), <https://twitter.com/ABetterBalance/status/1603842126202212369?s=20> (retweeting from @ABetterBalance).
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- 296 *ABB Community Advocate Introduces President at White House Event Celebrating Pregnant Workers Fairness Act Passage & FMLA 30th Anniversary*, A BETTER BALANCE (Feb. 2, 2023), <https://www.abetterbalance.org/abb-community-advocate-introduces-president-at-white-house-event-celebrating-pregnant-workers-fairness-act-passage-fmla-30th-anniversary/>.
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- 300 DINA BAKST, ELIZABETH GEDMARK & SARAH BRAFMAN, FROM STATEHOUSES TO CONGRESS: PAVING THE WAY FOR THE FEDERAL PREGNANT WORKERS FAIRNESS ACT 4 (2022) [hereinafter *Statehouses to Congress*], <https://www.abetterbalance.org/pwfa-from-statehouse-to-congress/>.
- 301 *Id.* at 4–5.
- 302 The 26 states, including the District of Columbia, are Colorado, Connecticut, Delaware, Illinois, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and West Virginia. For more information, see *A Better Balance, State Pregnant Workers Fairness Laws*, <https://www.abetterbalance.org/resources/pregnant-worker-fairness-legislative-successes/> (last updated Jan. 30, 2023).

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- 304 On file with A Better Balance.
- 305 H.B. 2341, 80th Legis. Assembl. Reg. Sess. (Or. 2019).
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- 311 *Hearing on H.B. 1038 and S.B. 1023 Before the Joint Comm. On Lab. And Workforce Development* (Mass. Apr. 4, 2017) (statement of Rep. David Rogers).
- 312 A Better Balance, *A Great Day for Pregnant Workers in Massachusetts* (July 27, 2017), <https://www.abetterbalance.org/a-great-day-for-pregnant-workers-in-massachusetts/>.
- 313 *Id.*
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- 315 Tony Gonzales, *Family Advocates Open Nashville Wing, Write to Senator*, TENNESSEAN (May 9, 2014), <https://www.tennessean.com/story/news/2014/05/09/family-advocates-open-nashville-wing-write-senator/8908851/>.
- 316 Letter from A Better Balance et al., to Sen. Lamar Alexander (May 6, 2014), <https://www.abetterbalance.org/resources/letter-in-support-of-tennesse-pwfa/>.
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