

May 11, 2021

Re. Pregnant Workers Fairness Act

Dear Member of Congress:

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

Futures Without Violence
Gender Equality Law Center
Gender Justice
Grandmothers for Reproductive Rights (GRR!)
Hadassah, The Women's Zionist Organization of America, Inc.
Hawai'i Children's Action Network Speaks!
Health Care For America Now
Healthier Moms and Babies
Healthy Children Project, Inc.
Healthy and Free Tennessee
Healthy Mothers, Healthy Babies Coalition of Georgia
HealthyWomen
Hispanic Federation
Hoosier Action
Human Rights Watch
ICNA CSJ
In Our Own Voice: National Black Women's Reproductive Justice Agenda
Indiana Chapter of the American Academy of Pediatrics
Indiana Institute for Working Families
Indianapolis Urban League
Institute for Women's Policy Research
Interfaith Workers Justice
Justice for Migrant Women
Kansas Action for Children
Kansas Breastfeeding Coalition
KWH Law Center for Social Justice and Change
La Leche League Alliance
La Leche League USA
LatinoJustice PRLDEF
LCLAA
Legal Aid at Work
Legal Momentum, The Women's Legal Defense and Education Fund
Legal Voice
Mabel Wadsworth Center
Main Street Alliance
Maine Women's Lobby
Make it Work Nevada
Mana, A National Latina Organization

March of Dimes
Maternal Mental Health Leadership Alliance
MCCOY (Marion County Commission on Youth)
Methodist Federation for Social Action
Michigan Breastfeeding Network
Michigan League for Public Policy
Midwives Alliance of Hawaii
Minus 9 to 5
Mississippi Black Women's Roundtable
Mom Congress
MomsRising
Monroe County NOW
Mother Hubbard's Cupboard
Mothering Justice
Mother's Own Milk Matters
MS Black Women's Roundtable & MS Women's Economic Security Initiative
NAACP
NARAL Pro-Choice America
National Advocacy Center of the Sisters of the Good Shepherd
National Asian Pacific American Women's Forum (NAPAWF)
National Association of Pediatric Nurse Practitioners
National Association of Social Workers
National Association of Social Workers NH Chapter
National Advocates for Pregnant Women
National Birth Equity Collaborative
National Center for Law and Economic Justice
National Center for Lesbian Rights
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Coalition for the Homeless
National Coalition of 100 Black Women, Inc. Central Ohio Chapter
National Coalition Against Domestic Violence
National Consumers League
National Council for Occupational Safety and Health (National COSH)

National Council of Jewish Women
National Council of Jewish Women
Cleveland
National Council of Jewish Women
(NCJW), Atlanta Section
National Domestic Workers Alliance
National Education Association
National Employment Law Project
National Employment Lawyers Association
National Health Law Program
National Hispanic Council on Aging
National Network to End Domestic
Violence
National Organization for Women
National Urban League
National WIC Association
National Women's Health Network
NETWORK Lobby for Catholic Social
Justice
New Jersey Breastfeeding Coalition
New Jersey Citizen Action
New Jersey Time to Care Coalition
New Mexico Breastfeeding Task Force
New Working Majority
North Carolina Justice Center
Northwest Arkansas Breastfeeding
Coalition
Nurse-Family Partnership
Nutrition First
Ohio Alliance to End Sexual Violence
Ohio Coalition for Labor Union Women
Ohio Domestic Violence Network
Ohio Federation of Teachers
Ohio Religious Coalition for Reproductive
Choice
Ohio Women's Alliance
Oxfam America
Paid Leave For All
Partnership for America's Children
Peirce Consulting LLC
Philadelphia Coalition of Labor Union
Women Philly CLUW
Philadelphia NOW Education Fund
Philaposh
Physicians for Reproductive Health
Planned Parenthood Federation of America

PL+US: Paid Leave for the United States
Poder Latinx
Pontikes Law LLC
PowHer New York
Pray First Mission Ministries
Pretty Mama Breastfeeding, LLC
Prevent Child Abuse NC
Public Advocacy for Kids (PAK)
Restaurant Opportunities Center United
RESULTS
RESULTS DC/MD
Shriver Center on Poverty Law
SisterReach
SPAN Parent Advocacy Network (SPAN)
Solutions for Breastfeeding
Speaking of Birth
Southwest Women's Law Center
The International Union, United
Automobile, Aerospace and Agricultural
Implement Workers of America (UAW)
The Leadership Conference on Civil and
Human Rights
The Little Timmy Project
The National Domestic Violence Hotline
The Ohio Women's Public Policy Network
The Women and Girls Foundation of
Southwest Pennsylvania
The Women's Law Center of Maryland
The Zonta Club of Greater Queens
TIME'S UP Now
U.S. Breastfeeding Committee
Ujima Inc: The National Center on
Violence Against Women in the Black
Community
UltraViolet
Union for Reform Judaism
United Church of Christ Justice and
Witness Ministries
United Electrical, Radio and Machine
Workers of America (UE)
United Food and Commercial Workers
International Union (UFCW)
United Spinal Association
United State of Women
United Steelworkers
United Today, Stronger Tomorrow

Universal Health Care Action Network of
Ohio
VA NOW, Inc.
Virginia Breastfeeding Advisory
Committee
Virginia Breastfeeding Coalition
Voices for Progress
Wabanaki Women's Coalition
We All Rise
West Virginia Breastfeeding Alliance
Western Kansas Birthkeeping
William E. Morris Institute for Justice
(Arizona)
Women and Girls Foundation of Southwest
Pennsylvania
Women Employed
Women of Reform Judaism
Women's Fund of Greater Chattanooga
Women's Fund of Rhode Island
Women's Fund of Rhode Island
Women's Law Project
Women's March
Women's Media Center
Women's Rights and Empowerment
Network
Women4Change
Workplace Fairness
Workplace Justice Project at Loyola Law
Clinic
Worksafe
WV Breastfeeding Alliance
WV Perinatal Partnership, Inc.
YWCA Dayton
YWCA Greater Cincinnati
YWCA Mahoning Valley
YWCA McLean County
YWCA Northwestern Illinois
YWCA USA
YWCA of the University of Illinois
ZERO TO THREE