

May 7, 2012

**Re: Pregnant Workers Fairness Act**

Dear Member of Congress:

As organizations dedicated to combating sex discrimination and promoting the health and economic security of our nation's families, we write to urge you to support the Pregnant Workers Fairness Act, a bill that would promote nondiscrimination by ensuring that pregnant workers are not forced out of their jobs unnecessarily or denied reasonable job modifications that would allow them to continue working and supporting their families. This bill promotes the health and economic security of pregnant women, their babies, and their families without harming the economy.

**Three-quarters of women entering the workforce will be pregnant and employed at some point.** Since the Pregnancy Discrimination Act (PDA) became law in 1978, 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. At some point in their pregnancies, some of these women—especially those in physically strenuous jobs—will face a conflict between their duties at work and the demands of pregnancy.

Under current pregnancy law, the PDA, employers cannot discriminate based on pregnancy, childbirth, or related medical conditions. This means that employers cannot fire, refuse to hire, or otherwise treat an employee adversely because of pregnancy and must treat pregnant workers at least as well as those similar in their ability or inability to work. Despite these existing protections, pregnant workers are all too often forced out of their jobs unnecessarily and denied the minor modifications to job duties, job rules or job policies that would enable them to continue working. For example, a retail worker in Salina, Kansas was fired because she needed to carry a water bottle to stay hydrated and prevent bladder infections.<sup>i</sup> An activity director at a nursing home in Valparaiso, Indiana was terminated because she required help with some physically strenuous aspects of her job to prevent having another miscarriage.<sup>ii</sup> In Landover, Maryland, a delivery truck driver was forced out on unpaid leave because she had a lifting restriction and was denied light duty.<sup>iii</sup> These women lost in court, even though workers covered by the Americans with Disabilities Act Amendments Act would be entitled to carry water or receive help on the job. Despite the protections of the PDA, pregnant women are still often treated *worse* than other workers who may be limited in their ability to perform certain aspects of a job.

The Pregnant Workers Fairness Act, modeled after the Americans with Disabilities Act, addresses this problem through an existing and familiar reasonable accommodations framework. Specifically, this legislation prevents employers from forcing pregnant women out of the workplace (either by placing them on leave or firing them altogether) and ensures that, where a minor job modification would allow a woman to continue working, an employer must provide it unless doing so would pose an undue hardship. California enacted similar legislation in 2000, where it has been used countless times to help pregnant women stay healthy and keep their jobs. Connecticut, Hawaii, Louisiana, Alaska, Texas, and Illinois also explicitly require certain employers to provide reasonable accommodation to pregnant employees. While plenty of women are able to work through their pregnancies without any job modifications, those who cannot desperately need a clear right to do so. This bill would empower

women while benefitting employers by providing certainty about their responsibilities.

**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. There are health consequences to pushing women 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, women who can continue to work during pregnancy may be able to take a longer period of leave following childbirth, which in turn facilitates breastfeeding, bonding with and caring for a new child, and recovering from childbirth. Breastfeeding has extensive health benefits for mothers and infants, which may reduce future illness related absences.

**Pregnancy-related adjustments at work also promote family economic security.** In this difficult economy, workers cannot afford to be pushed out or terminated from their jobs because of pregnancy and childbirth. By continuing to work, pregnant women can maintain income and seniority at work, while forced leave sets new mothers back with lost wages and missed advancement opportunities. 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.

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.

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, National Association of Working Women  
9to5 Atlanta Working Women  
9to5 Bay Area (CA)  
9to5 Colorado  
9to5 Los Angeles  
9to5 Milwaukee  
AIDS Foundation of Chicago  
Alliance for Early Care and Education

American Academy of Nursing  
American Association of University Women (AAUW)  
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 Nurses Association  
Association Employees Union (AEU)  
Association of Reproductive Health Professionals (ARHP)  
Association of Women's Health, Obstetric and Neonatal Nurses  
Black Women's Health Imperative  
Business and Professional Women's Foundation  
Center for Law and Social Policy (CLASP)  
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  
Jewish Women International  
Job Opportunities Task Force  
Labor Project for Working Families  
Leadership Conference on Civil and Human Rights  
Legal Voice  
Maryland Women's Coalition for Health Care Reform  
Main Street Alliance  
Mexican American Legal Defense and Educational Fund  
MomsRising  
Mothering Justice  
National Association for the Advancement of Colored People (NAACP)  
National Association of Commissions for Women (NACW)

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

Washington Area Women's Foundation  
Washington Work and Family Coalition  
The What To Expect Foundation  
Wider Opportunities for Women  
Women Employed  
Women Donors Network  
Women's Employment Rights Clinic, Golden Gate University School of Law  
The Women's Fund of Long Island  
Women's Law Project  
Young Workers United

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<sup>i</sup> *Wiseman v. Wal-Mart Stores, Inc.*, No. 08-1244-EFM, 2009 WL 1617669 (D. Kan. June 9, 2009).

<sup>ii</sup> *Serednyj v. Beverly Healthcare*, 656 F.3d 540 (7th Cir. 2011).

<sup>iii</sup> *Young v. United Parcel Service, Inc.*, No. DKC 08-2586, 2011 WL 665321 (D. Md. Feb. 14, 2011).