



# *Take Action:*

GET YOUR PRESCRIPTION CONTRACEPTIVES COVERED

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*A Practical Guide for Employees*



NATIONAL  
WOMEN'S  
LAW CENTER

EXPANDING THE POSSIBILITIES





For too long, women's health has been overlooked or shortchanged when health insurance protections are put in place. The problem is especially serious when it comes to women's reproductive health. Contraceptives are often excluded from health plans even when they cover prescription drugs in general, even including Viagra. ☺ Family planning services (contraceptive drugs, devices and related services) are critical to women's health. By enabling women to time and space their pregnancies, and reduce unintended pregnancies, they lead to healthier mothers and children, and fewer abortions. ☺ But contraceptives can be expensive. Without insurance coverage, many women either forgo using contraceptives, use less effective methods, or use their own funds — sorely needed for other purposes — to cover the costs.



## The Facts

PREVENTING UNINTENDED PREGNANCY THROUGH THE USE OF  
SAFE AND EFFECTIVE CONTRACEPTION IS ESSENTIAL TO  
WOMEN'S HEALTH AND WELL-BEING.

ROUGHLY HALF OF TYPICAL LARGE-GROUP HEALTH BENEFITS PLANS  
(49 PERCENT) DO NOT ROUTINELY COVER ANY CONTRACEPTIVE  
METHOD, AND 66 PERCENT OF PLANS THAT COVER PRESCRIPTION DRUGS IN  
GENERAL DO NOT ROUTINELY COVER EVEN ORAL CONTRACEPTIVES.

THE COSTS OF ADDING CONTRACEPTIVE BENEFITS TO A HEALTH PLAN  
ARE MINIMAL. IN FACT, WHEN THE FEDERAL GOVERNMENT ADDED  
FULL CONTRACEPTIVE BENEFITS FOR ITS EMPLOYEES, ITS  
INSURANCE COSTS DID NOT CHANGE AT ALL.

## A Victory

In late 2000, the U.S. Equal Employment Opportunity Commission (EEOC) ruled that an employer's failure to provide insurance coverage for prescription contraceptives, when it covers other prescription drugs and devices and preventive care, constitutes unlawful sex discrimination under Title VII of the Civil Rights Act of 1964.

In other words, it is illegal for employers with 15 or more employees to offer their employees a health plan that covers prescription drugs in general, but not prescription contraceptives. So, if your employer continues to offer health insurance benefits that cover prescription drugs but not prescription contraceptives, your employer may be violating the law.



## A Call to Action

The EEOC ruling has alerted all employers to review their health insurance policies — but too many employer health plans still do not cover prescription contraceptives.

You can take action in your workplace to gain equal coverage of prescription contraceptives.

This guide outlines your rights under the law, and provides steps you can take — individually and collectively — to win contraceptive coverage.

**NOTE :**  
**IT IS AGAINST THE LAW FOR YOUR EMPLOYER TO TAKE ANY HARMFUL ACTION AGAINST YOU FOR ASSERTING YOUR LEGAL RIGHTS.**

# Your Action Plan

## 1 ASSESS YOUR HEALTH PLAN

- Ask your employer or your benefits officer for the most recent copy of your health plan.
- Look for whether contraceptive drugs, devices and services are covered, and whether that coverage is as good as the plan's coverage of other preventive drugs, devices and services.
- If you have questions, ask your benefits officer.

## 2 BRING THE PROBLEM TO YOUR EMPLOYER'S ATTENTION

- If your plan excludes contraceptive coverage, or treats it less favorably than other preventive drugs, devices or services, contact your human resources department, or whoever is in charge of benefits, and ask for equitable coverage of prescription contraceptives. Email, call or write, and attach the EEOC ruling. (See sample letter on page seven.)

- If you do not receive a prompt and satisfactory reply, request a meeting to discuss insurance coverage. Bring a copy of your company's insurance policy, a copy of the EEOC ruling, letters of support from your colleagues, and any other background materials.
- Be sure to follow up with a thank you note, and then keep pressing for action.

## 3 ENGAGE YOUR CO- WORKERS IN YOUR EFFORTS

- Contact friends and colleagues and urge them to take action too. Start a letter-writing, email, or petition campaign. Collect as many signatures as possible.
- Hold a brown bag lunch featuring an expert on the law.
- Get on the agenda of employee-group meetings to discuss the issue and gather more support.



- If you are a union member, engage your union leaders in this effort, and ask them to seek this benefit in the bargaining process.

## 4 GET HELP FROM OTHERS

- Contact the National Women's Law Center at 1-866-PILL-4-US (toll-free) or 202-588-5180 or at [info@nwl.org](mailto:info@nwl.org) — we're available to give advice.
- Contact the EEOC ([www.eeoc.gov](http://www.eeoc.gov) or 1-800-669-4100) and your state or local fair employment agency.

## 5 USE THE MEDIA AS A TOOL

Keep the issue on the radar screen by writing letters-to-the-editor about the importance of coverage of prescription contraceptives.



## Talking Points

- This company is discriminating against women — and breaking the law — when its insurance policy covers preventive drugs, devices and services but excludes prescription contraceptives.
- Contraceptives improve the health of women, mothers and children.
- Please add coverage of prescription contraceptives to this company's health plan.
- It's fair, it's the right thing to do, and it's the law.

THE NATIONAL WOMEN'S LAW CENTER IS ON YOUR SIDE. WE WANT TO KNOW YOUR CHALLENGES AND SUCCESSSES. LEARN MORE ABOUT YOUR LEGAL RIGHTS, SEE IF WE CAN HELP YOU, LEARN WHAT OTHERS ARE DOING TO OBTAIN COVERAGE OF PRESCRIPTION CONTRACEPTIVES, AND FIND OUT ABOUT LEGISLATION AT THE STATE AND FEDERAL LEVELS ON THIS ISSUE. VISIT OUR WEB SITE, [WWW.NWLC.ORG/PILL4US](http://WWW.NWLC.ORG/PILL4US), CALL 1-866-PILL-4-US (TOLL-FREE) OR 202-588-5180, OR EMAIL US AT [INFO@NWLC.ORG](mailto:INFO@NWLC.ORG).

# The Law

INSURANCE COVERAGE  
OFFERED BY YOUR EMPLOYER  
MUST COVER THE EXPENSES  
OF PRESCRIPTION  
CONTRACEPTIVES IF IT  
COVERS OTHER  
PRESCRIPTION DRUGS AND  
PREVENTIVE CARE

Under federal law, employers with 15 or more employees must cover the expenses of prescription contraceptives to the same extent and on the same terms that they cover other types of drugs, devices, and preventive care, such as:

- vaccinations;
- drugs to prevent development of medical conditions, such as those to lower or maintain blood pressure or cholesterol levels;
- anorectics (weight loss drugs);
- preventive care for children and adults, including physical examinations;



- laboratory services in connection with such examinations;
- x-rays;
- screening tests like pap smears and routine mammograms; and
- preventive dental care (including oral examinations, tooth cleaning, bite wing rays, and fluoride treatments)

INSURANCE MUST COVER  
CONTRACEPTION-RELATED  
OUTPATIENT SERVICES  
EQUAL TO OTHER  
OUTPATIENT SERVICES

Employers must also offer the same coverage for contraception-related outpatient services as are offered for other outpatient services. For example, when a woman visits her doctor to obtain a prescription for contraceptives, she must be afforded the same coverage that would apply if she, or any other employee, had visited a doctor for other preventive or health maintenance services. On the other hand, if employers limit coverage of comparable drugs or services (for example, by imposing a co-payment requirement), those limits may be applied to contraception as well.



INSURANCE MUST COVER  
THE FULL RANGE OF  
PRESCRIPTION  
CONTRACEPTIVES

Because the health needs of women vary — and because a woman may need different types of contraception at different times in her life — employers must cover each of the available options for prescription contraception. These choices are: oral contraceptives (“the pill”), including emergency contraception commonly referred to as “the morning after pill”; injections like Depo Provera and Lunelle; implants like Norplant; IUDs; and barrier methods (the diaphragm and cervical cap).

In addition, employers must include such coverage in each of the health plan choices that they offer to their employees.

The EEOC ruling can be found at [www.eeoc.gov/docs/decision-contraception.html](http://www.eeoc.gov/docs/decision-contraception.html)

SAMPLE LETTER OR E-MAIL  
TO BENEFITS DIRECTOR

DEAR \_\_\_\_\_ :

OUR CURRENT HEALTH PLAN DOES NOT COVER PRESCRIPTION CONTRACEPTION FOR ALL FIVE TYPES OF PRESCRIPTION CONTRACEPTIVE METHODS. I AM WRITING TO REQUEST THAT THIS BENEFIT BE ADDED TO OUR PLAN.

THE USE OF EFFECTIVE CONTRACEPTION IS ESSENTIAL TO WOMEN’S HEALTH AND WELL-BEING. IT IS UNFAIR TO PUT EMPLOYEES IN THE POSITION OF HAVING TO PAY OUT-OF-POCKET FOR THIS HEALTH CARE. IT IS ALSO ILLEGAL TO SINGLE OUT PRESCRIPTION CONTRACEPTION FOR EXCLUSION FROM THE PLAN WHEN OTHER PRESCRIPTION DRUGS, DEVICES, AND PREVENTIVE CARE ARE COVERED. SEE THE EEOC’S RECENT DECISION ON THIS ISSUE AT [WWW.EEOC.GOV/DOCS/DECISION-CONTRACEPTION.HTML](http://WWW.EEOC.GOV/DOCS/DECISION-CONTRACEPTION.HTML).

THE COSTS TO AN EMPLOYER OF ADDING THIS COVERAGE ARE MINIMAL; WHEN THE FEDERAL GOVERNMENT ADDED THIS BENEFIT FOR ITS EMPLOYEES, ITS INSURANCE COSTS DID NOT CHANGE AT ALL. IN FACT, EMPLOYERS CAN SAVE MONEY BY HELPING THEIR EMPLOYEES AVOID THE COSTS ASSOCIATED WITH UNINTENDED PREGNANCIES.

I APPRECIATE YOUR LOOKING INTO THIS MATTER AND HOPE YOU WILL ACT PROMPTLY TO PROVIDE A CRUCIAL BENEFIT TO WOMEN WHO WORK HERE.

SINCERELY,



# The National Women's Law Center

has worked since its inception in 1972 to protect and advance the progress of women and girls at work, in school, and in virtually every aspect of their lives. The Center brings to its work extensive subject expertise in the major areas of family economic security, health, employment and education. The Center uses a variety of tools to maximize its impact in bringing women's concerns to public policy makers, advocates and the public, including public policy research, monitoring and analysis; litigation, advocacy and coalition-building; and public education.



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