



EMPLOYMENT

FACT SHEET

H.B. 1463: Making Room for Pregnancy on the Job

February 2015

Pregnant and Pushed Out of Work

Although many women can continue working throughout their pregnancies without any changes at work, some women find that at some point during pregnancy some job activities—such as lifting, bending, or standing for long periods—begin to pose a challenge. Many of these women could continue to work without risk to themselves or their pregnancies with slight job modifications. But in the absence of such a modification, they may face a choice between their jobs and the health of their pregnancies—and that's a choice no one should have to make.

Today, more women are continuing to work while they are pregnant, and through later stages of pregnancy. For example, two-thirds of women who had their first child between 2006 and 2008 worked during pregnancy, and 88 percent of these first-time mothers worked into their last trimester.¹ Approximately 3 out of 4 women who give birth in North Dakota in any given year are working women.²

Women's wages are absolutely critical to the wellbeing of their families: in 2010, nearly two thirds of mothers were primary or co-breadwinners for their families.³ Because a new baby means increased expenses, a woman's wages will often be particularly important to her family when preparing for the birth of a child. But too many employers refuse to provide even simple, temporary accommodations when a pregnant worker has a medical need for them, like a stool that would allow a cashier to sit instead of stand during a long shift, reassignment of job

duties to allow a pregnant worker to avoid heavy lifting, or an exception from a rule against drinking water while working. Indeed, too often employers respond to a request for an accommodation by flatly refusing, firing a pregnant worker, or pushing her out onto unpaid leave. As a result, pregnant women's health is put at risk, or they are forced out of their jobs at the moment they and their families can least afford it.

H.B. 1463

H.B. 1463 would ensure that pregnant women can continue to do their jobs and support their families by making it unmistakably clear that employers must grant the same sorts of accommodations for medical needs arising out of pregnancy, childbirth, and disabilities related to pregnancy and childbirth that they already must make for other disabilities under North Dakota law. The bill would:

- Require employers to make reasonable accommodations for employees who have limitations in their ability to work stemming from pregnancy, childbirth, or disabilities related to pregnancy or childbirth. These accommodations might include:
 - o Providing a stool to a pregnant employee experiencing swelling of the legs as a result of standing for an entire shift;
 - o Modifying a no-food-or-drink policy so that an employee can drink water to prevent painful and potentially dangerous uterine contractions;



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- o Shifting an employee's work schedule if she regularly experiences severe nausea early in the morning;
 - o Modifying a policy that limits an employee's ability to take restroom breaks if the employee has an increased need for restroom breaks as a result of pregnancy and faces an increased risk of urinary tract infections in the absence of these breaks.
 - o Reassigning occasional heavy lifting duties for a pregnant employee who has been advised not to lift more than 20 pounds by her health care provider; or
 - o Allowing a pregnant worker to fill an alternative, available position for which she is qualified if her current position imposes particular medical risks to her pregnancy.
- Ensure that an employer would not be required to provide an accommodation that would disrupt or interfere with the employer's normal operations; threaten anyone's health or safety; contradict a business necessity of the employer; or impose an undue hardship on the employer, taking into account the size of the employer's business, the type of business, the financial resources of the employer, and the estimated cost and extent of the accommodation.

Good for Workers, Good for Business

Only 1.9 percent of workers in North Dakota give birth each year, and only a fraction of those workers would require accommodations. Employer experience with disability accommodations and workplace flexibility policies show that the costs of providing temporary accommodations for pregnant workers are likely to be small—and that providing accommodations can be expected to reduce workforce turnover, increase employee satisfaction and productivity, and save workers' compensation and other insurance costs.⁵

A Commonsense Solution

H.B. 1463 provides a commonsense solution for pregnant workers in North Dakota who are being asked to choose between their health and their livelihood. States and cities around the country have acted in a bipartisan fashion to pass similar protections. It is now up to North Dakota to ensure that pregnant workers can continue to do their jobs and contribute to the state's economic success.

¹ U.S. Census Bureau, *Maternity Leave and Employment Patterns of First-Time Mothers 1961-2008*, 4, 6 (Oct. 2011).

² See National Partnership for Women and Families, *Pregnant Workers Need the Pregnant Workers Fairness Act* (May 2013), <http://www.nationalpartnership.org/research-library/workplace-fairness/pregnancy-discrimination/pregnant-workers-need-pregnant-workers-fairness-act.pdf>.

³ Center for American Progress, *The New Breadwinners: 2010 Update* (April 2012), http://www.americanprogress.org/issues/2012/04/epd_breadwinners.html.

⁴ See National Women's Law Center, *Pregnant Workers Make Up a Small Share of the Workforce and Can Be Readily Accommodated: A State-by-State Analysis* (2013), http://www.nwlc.org/sites/default/files/pdfs/state_by_state_analysis.pdf.

⁵ See National Women's Law Center, *The Business Case for Accommodating Pregnant Workers* (2012), http://www.nwlc.org/sites/default/files/pdfs/pregnant_workers_business_case_12.04.12.pdf.