

March 10, 2016

Re: 155 Organizations Nationwide Support the Pregnant Workers Fairness Act (H.R. 2654/ S. 1512). Co-Sponsor Today!

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 (H.R. 2654/ S. 1512)**. This legislation promotes healthy pregnancies and economic security for pregnant women 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 of these women—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 a pregnant worker with an accommodation routinely given to other workers, her employer will fire her, 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.

In *Young v. United Parcel Service*, the Supreme Court recently held that a failure to make accommodations for pregnant workers with medical needs could violate the Pregnancy Discrimination Act of 1978 (PDA). This decision, which reaffirmed the purpose of the PDA, is an important victory for pregnant workers and will ensure that fewer women will be forced out of their jobs unnecessarily and denied the minor modifications to job duties, rules or policies that would enable them to continue working.

But the need for the Pregnant Workers Fairness Act is as compelling as ever. Under the standard announced by the Court in *Young v. UPS*, a pregnant worker's rights can turn on a determination of whether an employer accommodates a large percentage of non-pregnant workers who need it while denying accommodations to a large percentage of pregnant workers. Some individual women and employers will still face uncertainty as they try to apply this standard to determine whether the PDA requires accommodation in particular circumstances. The Pregnant Workers Fairness Act will strengthen and affirm the Supreme Court's decision in *Young*, by providing employers and pregnant workers with 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 know 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 women can obtain necessary reasonable accommodations in a timely manner, which keeps women healthy and earning an income when they need it most. No woman should have to choose between providing for her family and maintaining a healthy pregnancy, and the Pregnant Workers Fairness Act would ensure that all women working for covered employers would be protected.

The need for the Pregnant Workers Fairness Act is recognized across ideological and partisan lines. States and cities across the country have adopted Pregnant Workers Fairness Acts with broad, and often unanimous, bipartisan support. From California to Nebraska to North Dakota to Illinois to Maryland to West Virginia to New Jersey—to name only a few—lawmakers have concluded that accommodating pregnant workers who need it is a measured approach grounded in family values and basic fairness. This broad support is reflected in recent polling, as well as in the United States Senate, where, on the day after the Young decision, all 100 members voted in favor of a budget amendment that supported requiring employers to provide reasonable and temporary accommodations to pregnant workers if such accommodations did not impose an undue burden on the business.

The Pregnant Workers Fairness Act is necessary because it is good for the bottom line. Today, smart businesses recognize that their success depends on the wellness, retention, commitment, and morale of their workforce. 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.

The Pregnant Workers Fairness Act is necessary because it promotes long-term economic security and workplace fairness. When accommodations allow pregnant women to continue to work, they can maintain income and seniority, 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.

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. Women 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 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 are not forced to use their leave during pregnancy may have more leave available to take following childbirth, which in turn facilitates breastfeeding, bonding with and caring for a new child, and recovering from childbirth.

For all of these reasons, we urge you to co-sponsor the Pregnant Workers Fairness Act and ensure its speedy adoption in this Congress. We welcome the opportunity to provide you with additional information.

Sincerely,

9to5 California
9to5 Colorado
9to5 Georgia
9to5 Wisconsin
9to5, National Association of Working Women
A Better Balance
AFL-CIO
African American Ministers In Action
Alliance for Justice

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

Keystone Progress
Know Your IX
Leadership Conference on Civil and Human Rights
Legal Aid Society-Employment Law Center
Legal Momentum
Maine People's Alliance
Maine Women's Lobby
Make It Work Campaign
Maryland Women's Coalition for Health Care Reform
Maryland Women's Political Caucus
Maternity Care Coalition
Meiklejohn Civil Liberties Institute
Methodist Federation for Social Action
Michigan Citizen Action
Mom-mentum
MomsRising
Mothering Justice
National Advocacy Center of the Sisters of the Good Shepherd
National Asian Pacific American Women's Forum
National Association of Letter Carriers, Branch 214
National Center for Lesbian Rights
National Center for Transgender Equality
National Council of Jewish Women
National Crittenton Foundation
National Employment Law Project (NELP)
National Employment Lawyers Association
National Fair Housing Alliance
National Latina Institute for Reproductive Health
National LGBTQ Task Force Action Fund
National Network to End Domestic Violence
National Organization for Women
National Partnership for Women & Families
National Women's Health Network
National Women's Law Center
National Women's Political Caucus
NELA/NY
New England Jewish Labor Committee
New Hampshire Citizens Alliance
New Jersey Citizen Action
NH Citizens Alliance
NYS Paid Family Leave Insurance Campaign
Oregon Action
Organization United for Respect (OUR Walmart)
Ounce of Prevention Fund
Pediatric AIDS Chicago Prevention Initiative
People For the American Way
Philadelphia Jewish Labor Committee
Physicians for Reproductive Health
Pittsburgh LCLAA
Planned Parenthood Federation of America
PowHer New York

Progress Ohio
Progressive Maryland
Reconstructionist Rabbinical College/Jewish Reconstructionist Communities
Religious Institute
Restaurant Opportunities Centers United
Retail Action Project (RWDSU)
Retail, Wholesale, & Department Store Union (RWDSU)
Sargent Shriver National Center on Poverty Law
SEIU Healthcare Illinois Indiana
Service Employees International Union
Society for Women's Health Research
Southwest Women's Law Center, Albuquerque, New Mexico
Sugar Law Center for Economic & Social Justice
Tennessee Citizen Action
The Religious Coalition for Reproductive Choice
The Women's Law Center of Maryland
The Workmen's Circle
T'ruah: The Rabbinic Call for Human Rights
UltraViolet
Union for Reform Judaism
Unitarian Universalist Association
Unitarian Universalist Women's Federation
United Action for Idaho
United Church of Christ, Justice & Witness Ministries
United Food & Commercial Workers International Union
United Steelworkers
URGE: United for Reproductive & Gender Equity
USAction
Virginia Organizing
Voices for Children in Nebraska
Voices for Illinois Children
Voices for Vermont's Children
Washington Community Action Network
Washington State Labor Council, AFL-CIO
West Virginia Citizen Action Group
Western Center on Law and Poverty
Wider Opportunities for Women
Women Employed
Women of Reform Judaism
Women's Fund of Rhode Island
Women's Law Project
Women's Media Center
Young Invincibles
YWCA USA