

DISCRIMINATORY WORKPLACE PRACTICES HARM OKLAHOMA'S WOMEN, FAMILIES, AND ECONOMY

The decision of whether, when, and how to have children is one of the biggest decisions many women will make in their lifetimes. Women should not have to worry that the decision could cost them their jobs. Existing employment anti-discrimination laws should already protect women from discrimination based on this decision, but loopholes leave women exposed.

The effects of workplace discrimination reverberate throughout the lives of women, threatening not only their long-term economic wellbeing, but also that of their families, and their communities.

To protect the health and economic security of women and families, Oklahoma needs laws that will:

- Ensure women are not penalized at work for their personal reproductive health decisions; and
- Support pregnant workers by requiring employers to make simple accommodations for medical needs arising out of pregnancy, child birth, and related medical conditions.

A woman's personal, private decisions about having children must not affect her job security.

The Reproductive Health Nondiscrimination Act (HB 1539) specifically prohibits employers from taking adverse actions against their employees because of an employee's reproductive health decision. This would prevent employers from:

- Firing an employee because she and her husband used in vitro fertilization to become pregnant;
- Penalizing an employee for using birth control;
- Taking adverse action against an employee because of her decision to have an abortion; or
- Threatening an employee for having sex or becoming pregnant outside of marriage.¹

Discrimination because of a woman's reproductive health decisions hurts her job stability and can threaten her long-term economic security. This type of discrimination can keep women from being able to make the decision about whether, when, and how to have children that is best for them. It interferes with women's ability to plan and raise their families with dignity and autonomy.

In recent sessions, Delaware and D.C. have passed this law and states across the country—including Illinois, Maine, Michigan, Missouri, New York, North Carolina, Ohio, Virginia, Washington, and Wisconsin—have introduced bills to protect employees from discrimination based on their reproductive health decisions.

A 2016 poll found that nearly 3 in 4 likely voters (74%) in the Southern U.S.—including Oklahoma—supported legislation that would “protect employees from being fired or punished for their health decisions, such as having an abortion, having a child, or taking contraception.”

No woman should have to choose between a healthy pregnancy and keeping her job.

The Pregnant Workers Fairness Act (HB 1635) will ensure that pregnant women can continue to do their jobs and support their families by requiring employers to make the same sorts of accommodations for medical needs arising out of pregnancy, childbirth, and related medical conditions that the Americans with Disabilities Act (ADA) requires employers make for disabilities. Many pregnant workers need only simple accommodations, but even these accommodations are frequently denied, such as:

- Being permitted to sit-down during a long shift;
- Having water at a work station;
- Avoiding heavy-lifting; and
- Staying off high ladders.²



Pregnant workers who are denied workplace accommodations for which they have a medical need experience increased risk of pregnancy complications. And their babies also face increased health risks.³

Further, losing a job or being forced onto unpaid leave at the very moment financial needs are increasing can be calamitous for these women and their growing families. Job loss during pregnancy can propel families into poverty.⁴ And being forced to take leave during pregnancy means leave will no longer be available when she needs it most—to recover from childbirth and bond with a new baby.

Eighteen states plus the District of Columbia have passed this law.⁵ And it has strong public support. According to a 2014 poll, 89% of participants said that employers should treat a pregnant worker the same as any other employee with a temporary disability.⁶

Women and families in Oklahoma cannot afford to shoulder the costs of discrimination.

When women are fired or forced out of a job because of discrimination, they and their families face not only an

immediate loss of income—typically at a time when they can least afford it—but potentially years of decreased earnings and job stability.⁷

Women in Oklahoma working full-time, year-round are typically paid only 73 cents for every dollar paid to a man.⁸ In Oklahoma, a mother who works outside the home full-time, year-round typically makes only 68 cents for every dollar paid to fathers.⁹ And in Oklahoma, 42.1 percent of female-headed families live in poverty.¹⁰

Oklahoma will benefit from protecting women from this discrimination.

For businesses, eliminating workplace discrimination will produce bottom-line benefits including reduced workforce turnover, more diversity, increased employee satisfaction and productivity, and enhanced workplace safety.¹¹

These policies will also benefit the Oklahoma economy by protecting the buying power of women and their families, and harnessing the full potential, talent, and productivity of Oklahoma's workforce. When women are able to enter and remain in the workforce, the state economy grows.¹²

- 1 See NAT'L WOMEN'S LAW CTR., *States Take Action To Stop Bosses' Personal Beliefs From Trumping Women's Reproductive Health Care Decisions* (Nov. 2016), <https://nwlc.org/wp-content/uploads/2016/11/Bosses-Bill-and-Repro-FS.pdf>.
- 2 NAT'L WOMEN'S LAW CTR. & A BETTER BALANCE, *IT SHOULDN'T BE A HEAVY LIFT: FAIR TREATMENT FOR PREGNANT WORKERS* (2013), available at http://www.nwlc.org/sites/default/files/pdfs/pregnant_workers.pdf.
- 3 *Id.* at 5.
- 4 *Id.* at 10.
- 5 NAT'L WOMEN'S LAW CTR., *Pregnancy Accommodations in the States* (Sept. 2016), <http://nwlc.org/resources/pregnancy-accommodations-states/>.
- 6 CTR FOR AMERICAN PROGRESS, *Survey on Pregnancy Discrimination* (Nov. 24, 2014), <https://cdn.americanprogress.org/wp-content/uploads/2014/11/YoungPollingMemo.pdf>.
- 7 Jennie E. Brand, *The Far-Reaching Impact of Job Loss and Unemployment*, 41 ANNUAL REV. SOCIOLOGY 359 (2015).
- 8 National Women's Law Center calculations based on 2015 American Community Survey, available at <http://www.census.gov/data.html>.
- 9 "What Mothers Make for Every Dollar Fathers Make" is the ratio of mothers' and fathers' median earnings for full time, year round workers. Mothers and fathers have at least one related child under 18 at home. Earnings are in 2015 dollars. National Women's Law Center calculations based on 2015 American Community Survey, 1-year estimate, using IPUMS, <https://nwlc.org/resources/the-wage-gap-for-mothers-state-by-state-2016/>.
- 10 National Women's Law Center calculations based on 2015 American Community Survey, available at <http://www.census.gov/data.html>.
- 11 See generally, NAT'L WOMEN'S LAW CTR., *The Business Case For Accommodating Pregnant Workers* (May 2015), <https://nwlc.org/wp-content/uploads/2015/05/NEW-Business-Case-for-Accommodating-Pregnant-Workers-May-2015.pdf>; THE U.S. CONGRESS JOINT ECONOMIC COMMITTEE DEMOCRATIC STAFF, *The Economic Consequences of Discrimination Based on Sexual Orientation and Gender Identity* (Nov. 2013), http://www.jec.senate.gov/public/_cache/files/42dc59a0-6071-46d0-8ff2-9bd7a6b0077f/enda---final-11.5.13.pdf.
- 12 Annie Lowrey, *How Working Women Help the Economy*, N.Y. TIMES (Apr. 15, 2014), https://economix.blogs.nytimes.com/2014/04/15/how-working-women-help-the-economy/?_r=0.

