

EMPLOYMENT PROTECTIONS TO ADVANCE OKLAHOMA'S WOMEN, FAMILIES, AND ECONOMY

The Reproductive Health Nondiscrimination Act H.B. 1539

Despite considerable advances in the past few decades, women in Oklahoma are at risk of being fired or demoted because their boss disagrees with their decisions about whether and when to have a child. This type of workplace practice is not only unfair and discriminatory, but also threatens the economic wellbeing of women and families.

Existing employment anti-discrimination laws should already protect women from discrimination based on this decision, but loopholes leave workers exposed and without a legal remedy when they face discrimination because of their reproductive health decisions.

To protect the health and economic security of women and families, Oklahoma needs the Reproductive Health Nondiscrimination Act (H.B. 1539). This bill would ensure women are not penalized at work for their personal reproductive health care decisions.

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

Women often face discrimination because of their decisions about whether, when, and how to have children. This decision is of enormous economic consequence and women must be able to make it without fear of repercussions in the workplace. The Reproductive Health Nondiscrimination Act 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 used in vitro fertilization to become pregnant—which is what happened to Emily Herx, a teacher in Indiana who was fired after she became pregnant through in vitro fertilization;¹

- Penalizing an employee for using birth control—in 2009, an employer in Madison, Wisconsin threatened employees with being fired if they accessed birth control through their employee health plan;²
- Taking adverse action against an employee because of her decision to have an abortion; or
- Threatening or firing an employee for having sex or becoming pregnant outside of marriage—which is what happened to Christine John, a teacher in Michigan who was fired from her job after her employers discovered that she was four months pregnant but had been married for only two months.^{3,4}

By threatening a woman's job stability and economic security, discrimination because of a woman's reproductive health decisions can keep women from being able to make the decision about whether, when, and how to have children that is best for them. Women and their families – not bosses – should make their own reproductive health care decisions.

There is broad support for measures like the Reproductive Health Nondiscrimination Act

A 2016 poll found that nearly 3 in 4 likely voters (74%) in the Southern U.S.—including Oklahoma—support 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.”

A 2014 poll found that 9 out of 10 Catholic voters disapprove of a company firing an unmarried employee who is pregnant based on the owner's belief that sex outside marriage is a sin.⁵

Lawmakers in other states are stepping forward to ensure that their state nondiscrimination laws explicitly protect reproductive health decisions. Delaware and DC have already passed a law like H.B. 1539, and so far in 2017 both



Missouri and New York have similar bills pending in their state legislature. Oklahoma women should not be left behind.

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 but potentially years of decreased earnings and job stability.⁶

Women in Oklahoma working full-time, year-round are typically paid only 73 cents for every dollar paid to a man.⁷ In Oklahoma, a mother who works outside the home full-time, year-round typically makes only 68 cents for every dollar paid to fathers.⁸ And in Oklahoma, 42.1 percent of female-headed families live in poverty.⁹

Reproductive health discrimination further compounds these problems, only adding to the discrimination women already face in the workforce. Women in Oklahoma need the Reproductive Health Nondiscrimination Act to protect them from discrimination that harms their economic stability and can prevent them from making autonomous decisions about whether, when, and how to have children.

Oklahoma will benefit from protecting women from discrimination.

For businesses, eliminating workplace discrimination produces bottom-line benefits including reduced workforce turnover, more diversity, increased employee satisfaction and productivity, and enhanced workplace safety.¹⁰

Policies that address workplace discrimination 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.¹¹

The Reproductive Health Nondiscrimination Act is needed to make sure women are not susceptible to discriminatory practices in the workplace when it comes to making personal decisions about their reproductive health. This will not only reaffirm a woman's right to make her own decisions about abortion, birth control, and how to start a family, but also support the long-term economic wellbeing of Oklahoma women, families, and communities.

- 1 Charles D. Wilson, *Sides in Ind. In Vitro Lawsuit Argue Over Doctrine*, INDYSTAR (Feb. 8, 2014), <http://www.indystar.com/story/news/crime/2014/02/08/sides-in-ind-in-vitro-lawsuit-argue-over-doctrine/5319763/>.
- 2 Doug Erickson, *Wisconsin Diocese Offers Birth Control Insurance, but Warns Employees Not to Use It*, WFCOURIER.COM (Aug. 10, 2010), http://wfcourier.com/news/local/wisconsin-diocese-offers-birth-control-insurance-but-warns-employees-not/article_0b904262-a4e4-11df-bde9-001cc4c002e0.html.
- 3 *Jury Rules Discrimination by Cincinnati Archdiocese*, RECORD-JOURNAL (Meriden, Ct.), June 8, 2013, 2013 WLNR 14096999.
- 4 For more stories of reproductive health discrimination, 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>.
- 5 *Catholic Voters and Religious Exemption Policies* (Oct. 2014), <http://www.catholicsforchoice.org/wp-content/uploads/2014/11/11.17.14-National-Catholic-Voters-Survey-2014.pdf>.
- 6 Jennie E. Brand, *The Far-Reaching Impact of Job Loss and Unemployment*, 41 ANNUAL REV. SOCIOLOGY 359 (2015).
- 7 National Women's Law Center calculations based on 2015 American Community Survey, available at <http://www.census.gov/data.html>.
- 8 "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/>.
- 9 National Women's Law Center calculations based on 2015 American Community Survey, available at <http://www.census.gov/data.html>.
- 10 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.
- 11 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.

