

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

### The Pregnant Workers Fairness Act H.B. 1635

Unfair and discriminatory workplace practices threaten the economic wellbeing of women and families. Yet, despite considerable advances in the past few decades, women in Oklahoma are still being pushed out of work when their bosses refuse to accommodate their medical needs arising out of pregnancy.

Pregnant workers who are denied workplace accommodations for which they have a medical need may be at risk of pregnancy complications, such as preterm birth, miscarriage, congenital anomalies, and low birth weight. And low birth weight babies face increased health risks.<sup>1</sup>

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.<sup>2</sup> And when a pregnant worker is forced to take leave during pregnancy, that means leave time will no longer be available when she needs it most—to recover from childbirth and bond with a new baby.

Upon returning to work after giving birth, many new mothers lack the time and space at work to express breast milk and some are harassed or fired for taking time to express milk.<sup>3</sup>

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

**TO PROTECT THE HEALTH AND ECONOMIC SECURITY OF WOMEN AND FAMILIES, OKLAHOMA NEEDS THE PREGNANT WORKERS FAIRNESS ACT (H.B. 1635).**

The Pregnant Workers Fairness Act will ensure that pregnant women can continue to do their jobs and support their families by requiring employers to make the same sorts of reasonable accommodations for medical needs arising out

of pregnancy, childbirth, and related medical conditions, including lactation, that the Americans with Disabilities Act (ADA) requires employers make for disabilities. Most accommodations requested by pregnant workers are likely to be low- to no-cost for businesses, 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.<sup>4</sup>

Moreover, since pregnancy is a temporary condition, these accommodations will also be short-term. Women shouldn't be forced to ignore their doctors' advice in order to keep their jobs and support their families.

Eighteen states, from Nebraska to North Dakota to West Virginia and Louisiana have passed pregnancy accommodation laws, as has the District of Columbia. These laws have typically passed with resounding bipartisan support,<sup>5</sup> which is not surprising given the overwhelming public support for such measures. According to a 2014 poll, 95 percent of participants believe that it is appropriate for employers to make reasonable accommodations for women who become pregnant and are unable to work; 93 percent believe that employers should provide a pregnant worker with lighter duties or a different schedule if her medical provider says it is necessary; and 89 percent say that the employer should treat a pregnant worker the same as any other employee with a temporary disability

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

When pregnant women or new mothers are 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.<sup>7</sup>

Women in Oklahoma can't afford this hit to family income. Oklahoma women working full-time, year-round are typically paid only 73 cents for every dollar paid to a man.<sup>8</sup> In Oklahoma, a mother who works outside the home full-time, year-round typically makes *only 68 cents* for every dollar paid to fathers.<sup>9</sup> And in Oklahoma, 42.1 percent of female-headed families live in poverty.<sup>10</sup> Helping ensure that women don't lose their jobs because of pregnancy will help ensure economic security for Oklahoma women and families.

### **Oklahoma's economy will benefit from ensuring fairness for pregnant workers and new mothers.**

For businesses, ensuring reasonable accommodations are available for pregnant workers will produce bottom-line benefits including reduced workforce turnover, more diversity, increased employee satisfaction and productivity,

and enhanced workplace safety.<sup>11</sup> Providing accommodations for pregnant workers who need them and supporting breastfeeding by accommodating lactation will also have important health benefits for employees and their families, reducing absenteeism and lowering employer health care costs.

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.<sup>12</sup>

### **Conclusion**

The Pregnant Workers Fairness Act will help strengthen Oklahoma women's economic security and promote healthy pregnancies by eliminating harmful workplace discrimination that threatens women's health, job security and financial stability. The Pregnant Workers Fairness Act will help ensure that working women in Oklahoma can raise healthy families.

- 1 NAT'L WOMEN'S LAW CTR. & A BETTER BALANCE, *IT SHOULDN'T BE A HEAVY LIFE: FAIR TREATMENT FOR PREGNANT WORKERS* 5 (2013), available at [http://www.nwlc.org/sites/default/files/pdfs/pregnant\\_workers.pdf](http://www.nwlc.org/sites/default/files/pdfs/pregnant_workers.pdf).
- 2 *Id.* at 10.
- 3 See KATY B. KOZHIMANNIL ET AL., *ACCESS TO WORKPLACE ACCOMODATION TO SUPPORT BREASTFEEDING AFTER PASSAGE OF THE AFFORDABLE CARE ACT*, WOMEN'S HEALTH ISSUES, Vol. 26, Issue 1, 6-13, available at [http://www.whijournal.com/article/S1049-3867\(15\)00117-6/fulltext](http://www.whijournal.com/article/S1049-3867(15)00117-6/fulltext).
- 4 *IT SHOULDN'T BE A HEAVY LIFT*, *supra* note 1, at 1.
- 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](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](https://economix.blogs.nytimes.com/2014/04/15/how-working-women-help-the-economy/?_r=0).

