

July 28, 2021

The Honorable Deb Fischer
United States Senate
454 Russell Senate Office Building
Washington, DC 20510

RE: Co-Sponsor the Pregnant Workers Fairness Act (S. 1486)

Dear Senator Fischer,

As Nebraska leaders from across the political spectrum representing diverse organizations and industries, we put aside our differences and focus on common ground to do the most good for the most Nebraskans whenever the opportunity arises. As such, we write to you today to respectfully request you consider co-sponsoring the Pregnant Workers Fairness Act which has recently passed the House with strong bipartisan support including not only the votes but co-sponsorship of Nebraska's own Rep. Fortenberry and Rep. Bacon. The bill was recently re-introduced in the Senate with bipartisan support and a HELP Committee markup is scheduled for Tuesday, August 3.

The Pregnant Workers Fairness Act reflects our shared values and concerns about maternal health, workplace fairness, business best practices and economic security for women and families. We strongly believe due to your leadership on critical economic development and workforce issues over your career, you can help lead the Senate campaign in support of this critical legislation so that working mothers across America have the same protections and opportunities as Nebraska working mothers already enjoy.

Congress enacted the Pregnancy Discrimination Act in 1978 to prohibit employment discrimination based on pregnancy, childbirth, or related medical conditions, yet the law is confusing for employers and employees alike when it comes to what is required when an employee requests a pregnancy accommodation. As a result, too many pregnant workers are pushed out of their jobs because they lack access to temporary accommodations – like a stool to sit on, permission to carry a bottle of water on a shift, or a break from lifting heavy boxes – that would allow them to continue working while maintaining a healthy pregnancy. We believe that no one should be forced to choose between a healthy pregnancy and providing for her family.

Nebraska celebrated the unanimous (45-0-4) adoption of a similar measure, LB 627, in 2015 that provided protections for pregnant workers. Annual Reports from the Nebraska Equal Opportunity Commission illustrate that since 2015, an average of about 30 pregnancy complaints are filed annually and pregnancy related case filings are trending downward since the state law's passage.

Like the Nebraska law, the federal Pregnant Workers Fairness Act is a measured approach that is modeled after the Americans with Disabilities Act and requires employers to provide reasonable accommodations to employees who have a medical need, so long as the accommodations are not an undue burden on the employer.

The Pregnant Workers Fairness Act will also promote women's health and economic security. When pregnant workers are forced to quit, coerced into taking unpaid leave, or fired because their employer refuses to provide a temporary job accommodation, the impact on their families can be severe and long-lasting. If they are the sole or primary breadwinners, pregnant workers will be without an income or health care benefits when they most need them. Stress from job loss can increase the risk of having a premature baby and/or a baby with a low birth weight. In addition, pregnant workers who are not forced to use their leave during pregnancy may have more leave available following childbirth, which in turn facilitates breastfeeding, bonding with and caring for a new child, and recovering from childbirth.

Additionally, as the U.S. Chamber of Commerce and other business leaders have noted in their support, PWFA makes good business sense. It would provide greater clarity about an employer's legal obligations to pregnant workers and increase worker productivity, retention, and morale.

The need for PWFA is especially critical now, during the COVID-19 pandemic, when pregnant workers face increased risks to their health and women are being forced out of the workforce in record numbers. Passage of PWFA would ensure that pregnant workers can stay healthy and attached to the workforce during the pandemic and beyond.

In closing, we thank you for your time and consideration of this matter and for your ongoing commitment to public service. We are ready to assist you in any way that we can and look forward to visiting with you and your staff at any time to continue working together to advance this important legislation.

Sincerely,

ACLU of Nebraska

CHI Health

Greater Omaha Chamber of Commerce

Heartland Workers Center

I Be Black Girl

Lincoln Chamber of Commerce

Malone Maternal Wellness

March of Dimes Nebraska/Iowa Market

Mothers and Others, Justice and Mercy for Immigrants

Nebraska Appleseed

Nebraska Breastfeeding Coalition

Nebraska Perinatal Quality Improvement Collaborative (NPQIC)

Nebraska State AFL-CIO

Nebraska State Education Association

Nebraska WIC Association

Omaha Black Doula Association

Touch of Gold

Voices for Children in Nebraska

WCA

Women's Fund of Omaha

YWCA Lincoln