

August 13, 2019

**Re: Co-Sponsor the Pregnant Workers Fairness Act (H.R. 2694)**

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**, a crucial maternal and infant health measure. This **bipartisan** 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, her employer will fire her or push her onto unpaid leave, depriving her of a paycheck and health insurance at a time when she needs them most.

Additionally, pregnancy discrimination affects women across race and ethnicity, but women of color and immigrants may be at particular risk. Latinas, Black women and immigrant women are more likely to hold certain inflexible and physically demanding jobs that can present specific challenges for pregnant workers, such as cashiers, home health aides, food service workers, and cleaners, making reasonable accommodations on the job even more important, and loss of wages and health insurance due to pregnancy discrimination especially challenging. American families and the American economy depend on women's income: we cannot afford to force pregnant women out of work.

In 2015, in *Young v. United Parcel Service*, the Supreme Court held that a failure to make accommodations for pregnant workers with medical needs will sometimes violate the Pregnancy Discrimination Act of 1978 (PDA). Yet, even after *Young*, pregnant workers are still not getting the accommodations they need to stay safe and healthy on the job and employers lack clarity as to their obligations under the law. The Pregnant Workers Fairness Act will provide 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 ascertain 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 pregnant 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.** Twenty-seven states have adopted pregnant worker fairness measures with broad, and often unanimous, bipartisan support. Twenty-two of those laws have passed within the last six years. These states include: Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Minnesota, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, Texas, Utah, West Virginia, Vermont, and Washington. Lawmakers have concluded that accommodating pregnant workers who need it is a measured approach grounded in family values and basic fairness.

**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.** If you are interested in sponsoring this legislation, please contact Melissa Connolly ([Melissa.Connolly@mail.house.gov](mailto:Melissa.Connolly@mail.house.gov)) or Stephanie DeLuca ([Stephanie\\_DeLuca@casey.senate.gov](mailto:Stephanie_DeLuca@casey.senate.gov)).

We also welcome the opportunity to provide you with additional information. For more details, please contact Dina Bakst ([dbakst@abetterbalance.org](mailto:dbakst@abetterbalance.org)), Emily Martin ([emartin@nwlc.org](mailto:emartin@nwlc.org)), Vania Leveille ([vleveille@aclu.org](mailto:vleveille@aclu.org)), or Michelle McGrain ([mmcgrain@nationalpartnership.org](mailto:mmcgrain@nationalpartnership.org)).

Sincerely,

