

## Talking Points

# Pregnant Workers Fairness Act

## The National Council of Jewish Women's (NCJW) Message

NCJW has long supported pregnancy accommodation in the workplace, from working to pass the 1978 Pregnancy Discrimination Act to signing on to an amicus brief in support of Peggy Young in the 2015 pregnancy discrimination case, *Young v. UPS*. The Pregnant Workers Fairness Act (HR 2694), introduced by Rep. Jerrold Nadler (D-NY) in May 2019, would deter pregnancy discrimination in the workplace by requiring employers to provide reasonable accommodations for a limitation arising out of pregnancy, childbirth, or related medical conditions, unless doing so would pose an undue hardship. **Lawmakers should pass the Pregnant Workers Fairness Act to ensure that workers do not have to choose between a healthy pregnancy and their economic security.**

- **Current federal law is failing pregnant workers.** While the 1978 Pregnancy Discrimination Act (PDA) bans pregnancy discrimination in the workplace, it doesn't guarantee pregnancy accommodations. Under the PDA, employers must make accommodations *only* if they accommodate other workers, or if an employee unearths evidence of discrimination. The US Supreme Court attempted to clarify federal law in its *Young v. UPS* decision, but their confusing standard has resulted in lower federal courts ruling that employers aren't obligated to accommodate pregnant workers in over two-thirds of cases.
- **Pregnancy discrimination is a racial justice issue.** Black women, Latinas, and immigrant women are more likely to hold inflexible and physically demanding jobs — such as home health aides, food service workers, package handlers, and cleaners — that present specific challenges for pregnant workers and are less likely to provide reasonable pregnancy accommodation. According to the National Partnership for Women and Families, Black women file almost 30 percent of pregnancy discrimination charges, despite being only 14 percent of women in the workforce ages 16 to 54. Black women also face a higher risk for pregnancy-related complications such as pre-term labor, preeclampsia, and hypertensive disorders, making reasonable accommodations on the job even more important and the loss of wages and health insurance due to pregnancy discrimination even more challenging.
- **Providing pregnancy accommodations benefits the health and economic security of women and families, as well as business.** Providing pregnant workers with reasonable pregnancy accommodations helps them avoid a number of health risks, including miscarriage, preterm birth, urinary tract infections, and mastitis. Further, according to A Better Balance, 88 percent of women work into their last trimester of pregnancy, and 65 percent into the last month of pregnancy. With mothers serving as breadwinners in half of families with children under 18 and almost 15 million households headed by women, providing modest pregnancy accommodations can be key to preserving women's economic security. It also benefits business by increasing employee retention and morale, reducing healthcare costs, and providing greater clarity to employers so they can understand their obligations to pregnant workers.