

## Talking Points

# Pregnant Workers Fairness Act

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

NCJW has long supported pregnancy accommodation in the workplace based on the Jewish principle of *pikuach nefesh*, the preservation of life. The Pregnant Workers Fairness Act (HR 1065/S 1486), introduced by Rep. Jerrold Nadler (D-NY) and Sen. Bob Casey (D-PA), is both bipartisan and extremely popular with voters. The bill 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 promote healthy pregnancies and protect the economic security of pregnant workers and their families.**

- Current federal law is failing pregnant workers. While the 1978 Pregnancy Discrimination Act bans pregnancy discrimination in the workplace, it does not guarantee pregnancy accommodation. A 2015 Supreme Court decision, *Young v. UPS*, set a strict standard to determine pregnancy discrimination, leading the lower federal courts to rule against accommodations for pregnant workers in more than two-thirds of cases, according to A Better Balance report in 2019. As a result, a pregnant worker may not be allowed to carry a water bottle on the job or sit on a stool during a shift. This legal landscape forces many pregnant workers to choose between a healthy pregnancy and a paycheck.
- Pregnancy discrimination is a racial justice issue. Black women, Latinas, and immigrant women are more likely to hold inflexible and physically demanding jobs that present specific challenges to pregnant workers, making reasonable accommodations even more important. According to the National Partnership for Women and Families, Black women filed nearly 30 percent of pregnancy discrimination charges, despite being only 14 percent of women in the workforce ages 16 to 54.
- Providing pregnancy accommodations benefits the health and economic security of women and families, as well as business. Providing pregnant workers with reasonable pregnancy accommodation helps them avoid several health risks, including miscarriage, preterm birth, urinary tract infections, and mastitis. With mothers serving as breadwinners in over 40% of families with children under 18 (according to 2017 data collected by the Center for American Progress), 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 about their obligations under the law.