



September 16, 2020

Dear Representative:

On behalf of the more than 170,000 members and supporters of the American Association of University Women (AAUW), I urge you to vote in support of the Pregnant Workers Fairness Act (H.R. 2694) when the bill comes to the House floor this week. This legislation promotes healthy pregnancies and economic security for pregnant women and their families and strengthens the economy.

Despite existing protections, pregnant workers in the United States still face workplace discrimination – in all industries, across race and ethnicity, and in every state. Too often, pregnant workers are forced out of their jobs and denied small accommodations that would enable them to continue working and supporting their families. The Pregnant Workers Fairness Act would help end this form of pregnancy discrimination, promote healthy pregnancies, and protect the economic security of pregnant women and their families.

The Pregnant Workers Fairness Act is modeled after the Americans with Disabilities Act (ADA) and offers employers and employees a familiar and 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 know how their employer treats others in order to understand their own accommodation rights.

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. 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 home health aides, food service workers, package handlers and cleaners. 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, when women are forced to use their leave before pregnancy, they may have less leave available to take following childbirth, which can in turn hamper breastfeeding, bonding with and caring for a new child, and recovering from childbirth.

When accommodations allow pregnant women to continue to safely 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. 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. Evidence from states and cities that have adopted laws similar to the Pregnant Workers Fairness Act suggests that providing greater clarity about workplace protections reduces lawsuits and, most importantly, helps ensure that women can obtain necessary reasonable accommodations in a timely manner, which keeps women healthy and earning an income when they need it most.

Today, smart businesses recognize that their success depends on the wellness, retention, commitment, and morale of their workforce. When businesses invest in their employees by providing reasonable accommodations, they reduce costly workforce turnover, enhance workplace safety, and increase employee engagement and productivity. Providing accommodations also benefits the national economy, by protecting the buying power of pregnant women and their families and harnessing the productivity of workers who otherwise would be forced out of work, and perhaps out of the labor market entirely, by pregnancy.

The Pregnant Workers Fairness Act would create a clear, predictable rule: Employers must provide reasonable accommodations for limitations arising out of pregnancy, childbirth or related medical conditions, unless doing so would pose an undue hardship. Pregnant workers may also request such accommodations without fear of punishment. Support for a law like the Pregnant Workers Fairness Act is nearly universal. Ninety-five percent of voters say it is reasonable for employers to provide minor accommodations to pregnant workers. Twenty-five states, the District of Columbia and four cities have passed laws requiring some employers to provide reasonable accommodations to pregnant workers. Many of these laws have passed with bipartisan or unanimous support.

For all of these reasons, we urge you to vote for the Pregnant Workers Fairness Act and ensure there is a federal law that protects pregnant workers nationwide. Please do not hesitate to contact me at 202.728.7617 or Leticia Bustillos, Federal Policy Manager, at 202.503.7889 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate Nielson", with a long horizontal flourish extending to the right.

Kate Nielson
Director of Public Policy & Legal Advocacy
American Association of University Women