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August 6, 2014

Co-sponsor and Support H.R. 1975, The Pregnant Workers Fairness Act

Dear Representative:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, we urge you to support and co-sponsor H.R. 1975, the Pregnant Workers Fairness Act (PWFA). The Pregnant Workers Fairness Act would ensure that pregnant workers are not forced from their jobs if they have a medical need for temporary, reasonable job modifications to continue working safely.

The Leadership Conference believes that families today, especially low-income families, cannot afford to lose a wage earner. Women make up nearly half the workforce and are the primary breadwinners in 41 percent of families with children. While many women can work through their pregnancies without any changes in their jobs, some jobs that require heavy lifting or standing for long periods of time can present difficulties at some point during the pregnancy. Job modifications may be required in order to continue working safely through the pregnancy. Low-income women and women of color are disproportionately likely to work in low wage jobs that may be physically demanding and thus are especially likely to need accommodations during pregnancy.

In many cases, the job modifications needed by pregnant workers are similar to the accommodations employers must provide to employees with temporary disabilities under the Americans with Disabilities Act (ADA). Often employers refuse to make these adjustments for pregnant women, forcing women to make an impossible choice between keeping their jobs and maintaining a healthy pregnancy.ⁱ Yet, as estimated in a survey, a quarter of a million pregnant workers are denied their requests for reasonable workplace accommodations every year.ⁱⁱ

The PWFA, modeled after the ADA, addresses this problem through an existing and familiar reasonable accommodations framework. Specifically, this legislation prevents employers from forcing pregnant women out of the workplace (either by placing them on leave or firing them altogether) and ensures that where a minor job modification would allow a woman to continue working, an employer must provide it unless doing so would pose an undue hardship. It would strengthen and reinforce the recent guidance issued by the Equal Employment Opportunity Commission that reaffirmed that the Pregnancy Discrimination Act (PDA), adopted in 1976, which prohibits employers from discriminating against employees based on pregnancy, childbirth, or related medical conditions, was intended to ensure that employers that provide accommodations to workers with non-pregnancy related disabilities or injuries also must provide them to those pregnant workers who need them.

Providing reasonable accommodations to pregnant workers yields benefits to businesses and the society as a whole. Allowing a woman to remain on the job throughout her pregnancy by providing temporary, low-cost accommodations leads to increased worker productivity,



retention, and morale. Such a policy also decreases health care costs that are typically associated with pregnancy complications while reducing re-training costs and eliminating the potential cost of having to hire and train a new employee.

For these reasons, we urge you to support H.R. 1975, the Pregnant Workers Fairness Act. If you have any questions, please feel free to contact Lisa Bornstein, Legal Director, at Bornstein@civilrights.org or (202) 263-2856 or June Zeitlin, Director, Human Rights Policy at Zeitlin@civilrights.org or (202) 263-2852. Thank you for your consideration of this important legislation.

Sincerely,

Wade Henderson
President & CEO

Nancy Zirkin
Executive Vice President

ⁱ National Women's Law Center & A Better Balance, *It Shouldn't Be a Heavy Lift: Fair Treatment for Pregnant Workers* (2013), available at http://www.nwlc.org/sites/default/files/pdfs/pregnant_workers.pdf.

ⁱⁱ National Partnership For Women & Families, *Listening To Mothers: The Experience of Expecting and New Mothers in the Workplace 3* (Jan. 2014), available at <http://www.nationalpartnership.org/research-library/workplace-fairness/pregnancy-discrimination/listening-to-mothers-experiences-of-expecting-and-new-mothers.pdf>.