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June 8, 2015

CO-SPONSOR S.1512, THE PREGNANT WORKERS FAIRNESS ACT

Dear Senator:

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 rights of all persons in the United States, we urge you to support and co-sponsor S.1512, the Pregnant Workers Fairness Act (PWFA), sponsored by Senators Casey (D-PA), Shaheen (D-NH), Ayotte (R-NH), and Heller (R-NV).

The Leadership Conference believes that this bipartisan legislation will ensure that pregnant workers who need reasonable accommodations will receive them so they can continue working without jeopardizing their health or the economic security of their families. Today, women comprise about half of the workforce.¹ Yet too often, women, particularly low-income women, are forced to choose between staying on the job to meet the economic needs of their growing families, and their own health and well-being as well as that of the expected child. In 2012, 41 percent of working mothers were their family's primary breadwinner.² A majority of women continue to work while they are pregnant, including into their last trimester,³ and most return to work after pregnancy.⁴ Because of the increased expenses around pregnancy and childbirth, a woman's wages are particularly critical at this time.

Women working in low wage jobs, many of whom are women of color, generally have the least flexibility at their workplaces. An accommodation as simple as having a stool to sit on rather than stand, the ability to take extra bathroom breaks, or carry a water bottle, are often all that is required for a woman to ensure a safe pregnancy. When women are denied such accommodations, and have to choose between their paycheck and healthy childbearing, they often lose their jobs and their families will lose needed income and benefits at this critical time.

The Pregnant Workers Fairness Act will clarify that employers must make reasonable accommodations for pregnant workers affected by a known limitation related to pregnancy, childbirth or related medical conditions. This approach follows decades of successful experience of employers and employees with the reasonable accommodations provision of

¹National Women's Law Center (NWLC), *Factsheet: The Pregnant Workers Fairness Act: Making Room for Pregnancy on the Job*, 2 (May 2015), http://www.nwlc.org/sites/default/files/pdfs/pwfa_making_room_for_pregnancy_on_the_job_may_2015.pdf (last visited June 5, 2015).

² Sarah Jane Glynn, *Breadwinning Mothers, Then and Now*, Center for American Progress, 6 fig.1 (June 2014), <https://cdn.americanprogress.org/wp-content/uploads/2014/06/Glynn-Breadwinners-report-FINAL.pdf> (last visited June 5, 2015).

³ U.S. Census Bureau, *Maternity Leave and Employment Patterns of First-Time Mothers 1961-2008*, 4-6 (Oct. 2011), <https://www.census.gov/prod/2011pubs/p70-128.pdf> (last visited June 5, 2015).

⁴NWLC, *supra*.



the Americans with Disabilities Act (ADA). Similar to the ADA, the PWFA requires an interactive process between employers and pregnant workers to determine appropriate reasonable accommodations and also provides an exemption for businesses if an accommodation imposes an undue hardship on an employer. Employers have been accommodating people with disabilities with little to no cost, and accommodations for pregnant workers are likely as well to be low or no cost⁵ and contribute to less turnover, more employee loyalty, and more job satisfaction, leading to greater productivity.⁶

We urge you to join Senators Casey, Shaheen, Ayotte and Heller, the bipartisan sponsors of S.1512, the Pregnant Workers Fairness Act, as a co-sponsor, so that this critical bill can move forward with strong bipartisan support to promote family economic security, particularly for low-income women and their families. For more information or to become a co-sponsor please contact Sara_Mabry@casey.senate.gov. Thank you for your consideration.

Sincerely,

Wade Henderson
President & CEO

Nancy Zirkin
Executive Vice President

⁵ NWLC, *Factsheet: The Business Case for Accommodating Pregnant Workers*, 1-2 (May 2015), http://www.nwlc.org/sites/default/files/pdfs/the_business_case_for_accommodating_pregnant_workers_may_2015.pdf (last visited June 5, 2015).

⁶ *Id.* 2-3.