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Interim President & CEO  
Wade Henderson

May 11, 2021



## **Vote YES on H.R. 1065, 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 220 national organizations to promote and protect the civil and human rights of all persons in the United States, we write to urge you to **vote YES on H.R. 1065, the Pregnant Workers Fairness Act**. The Pregnant Workers Fairness Act is a priority of The Leadership Conference, and we will include your vote on final passage in our Voting Record for the 117<sup>th</sup> Congress.

The Pregnant Workers' Fairness Act is critical to promoting economic security for pregnant workers and their families. The current global health pandemic has made clear that civil and human rights are inextricably linked to economic security. Ensuring that every person is able to fully contribute to the economy and reap its benefits, live and work with dignity, and stay safe and healthy are all priorities for The Leadership Conference and are essential for the protection and advancement of civil and human rights for all.

Three-quarters of women entering the workforce will be pregnant while employed at some point in their lives.<sup>i</sup> Many will never require an accommodation to perform their jobs, but the reality is that some pregnant workers will need a temporary, job-related accommodation to maintain a healthy pregnancy. Too often, however, pregnant workers have been denied simple accommodations — such as a stool to sit on, a schedule change, or a break from heavy lifting — sometimes with tragic consequences for their health and the health of their pregnancies. Pregnant workers who request accommodations have also been fired or pushed onto unpaid leave, cutting off both a paycheck and health insurance just when pregnant workers need them the most.

The health and economic consequences of this form of discrimination are even greater during the current pandemic. Millions of families have experienced job loss during this period. Nearly 10 million people remain unemployed, and an additional 4.6 million people are experiencing a cut in pay and hours.<sup>ii</sup> The financial impact of the crisis has been devastating, and for working people of color — who are less likely to have the resources to withstand a financial emergency due to decades of systemic racism and discrimination — the consequences can be particularly severe. A pregnant worker who loses a job and potentially their health insurance, or who must put their health in danger, risking a medical emergency, to keep a job, would face a destabilizing situation even before the pandemic. However, during this time of economic crisis, these circumstances could be financially catastrophic, especially as more women are key breadwinners in their families. This is especially true for

women of color: more than two-thirds of Black women, 55 percent of Native American women, and 41 percent of Latina women are the sole or primary breadwinners for their families.<sup>iii</sup>

Women of color are also more likely to work in jobs that lack flexibility or are physically demanding. The 10 most common occupations for pregnant workers, for example, include jobs in education, health care, and retail, including restaurant servers, cashiers, and salespeople.<sup>iv</sup> These industries also employ high concentrations of women of color<sup>v</sup> and can present challenges for some pregnant workers, including standing for long periods of time, lifting or transporting patients, moving or lifting heavy objects, and lack of control over breaks and rest periods.

Without access to reasonable accommodations, pregnant workers can face serious health risks, including premature labor and miscarriage. Black women, for example, are at higher risk for pregnancy-related complications, many of which may require modest, workplace accommodations. Black women are also particularly vulnerable to pregnancy discrimination. According to the National Partnership for Women & Families, between 2011 and 2015, Black women filed nearly 30 percent of all pregnancy discrimination charges with the Equal Employment Opportunity Commission, even though Black women made up only 14 percent of women in the workforce ages 16 to 54.<sup>vi</sup>

Loss of a paycheck and health insurance can be dire for Black women. Already, structural racism in health care puts Black women at risk for a range of negative health outcomes, including higher risk of maternal death.<sup>vii</sup> Black women are up to four times more likely to die from pregnancy-related conditions than non-Hispanic white women, and the death rate for Black infants is twice that of infants born to non-Hispanic white mothers.<sup>viii</sup> Depriving women of both their wages and access to health insurance during pregnancy does nothing to alleviate the Black maternal health crisis.

The Pregnant Workers Fairness Act would clarify employers' obligation to provide reasonable accommodations to pregnant workers so pregnant workers can continue to work without jeopardizing either their health or the economic security of their families. The bill would:

- Clarify that employers must make reasonable accommodations for employees who have limitations related to pregnancy, childbirth, or a related medical condition, unless the accommodation would impose an undue hardship on the employer;
- Protect pregnant workers from being fired, forced to take paid or unpaid leave, or retaliated against if they request or use an accommodation; and
- Require an interactive process between employers and pregnant workers to determine appropriate reasonable accommodations, similar to the Americans with Disabilities Act, which is already familiar to employers and employees.

By providing a clear rule for pregnancy accommodations, the Pregnant Workers Fairness Act supports pregnant workers and promotes economic security, workplace fairness, and healthy families. We urge you

to vote YES on H.R. 1065, the Pregnant Workers Fairness Act. If you have any questions, please contact Gaylynn Burroughs, senior policy counsel, at [burroughs@civilrights.org](mailto:burroughs@civilrights.org).

Sincerely,



Wade Henderson  
Interim President and CEO



LaShawn Warren  
Executive Vice President for Government Affairs

<sup>i</sup> A Better Balance, Fact Sheet: The Pregnant Workers Fairness Act (Feb. 18, 2021),  
<https://www.abetterbalance.org/resources/fairness-for-pregnant-workers-bill-factsheet/>.

<sup>ii</sup> Elise Gould, Economic Policy Institute, *April Jobs Report: While a Disappointing Jobs Report, Job Gains in Leisure and Hospitality Respond to Increased Demand in April* (May 7, 2021),  
<https://www.epi.org/indicators/unemployment/>

<sup>iii</sup> Sarah Jane Glynn, Center for American Progress, *Breadwinning Mothers Are Critical to Families' Economic Security*, Mar. 29, 2021, <https://www.americanprogress.org/issues/women/news/2021/03/29/497658/breadwinning-mothers-critical-familys-economic-security/>.

<sup>iv</sup> Morgan Harwood and Sarah David Heydemann, National Women's Law Center, *By The Numbers: Where Do Pregnant Women Work?* (Aug. 2019), <https://nwlc.org/wp-content/uploads/2019/08/Pregnant-Workers-by-the-Numbers-v3-1.pdf>.

<sup>v</sup> See Diana Boesch, Center for American Progress, *When Women Lose All the Jobs: Essential Actions for a Gender-Equitable Recovery* (Feb. 1, 2021),  
<https://www.americanprogress.org/issues/women/reports/2021/02/01/495209/women-lose-jobs-essential-actions-gender-equitable-recovery/>.

<sup>vi</sup> National Partnership for Women & Families, *By the Numbers: Women Continue to Face Pregnancy Discrimination in the Workplace* (Oct. 2016), <http://www.nationalpartnership.org/our-work/resources/economic-justice/pregnancy-discrimination/by-the-numbers-women-continue-to-face-pregnancy-discrimination-in-the-workplace.pdf>.

<sup>vii</sup> See Jamila Taylor et al., *Eliminating Racial Disparities in Maternal and Infant Mortality: A Comprehensive Blueprint* (May 2, 2019), <https://www.americanprogress.org/issues/women/reports/2019/05/02/469186/eliminating-racial-disparities-maternal-infant-mortality/>.

<sup>viii</sup> *Id.*