



May 16, 2022

Dear Senator,

The National Partnership for Women & Families is a non-profit, non-partisan advocacy organization committed to improving the lives of women and families by achieving equity for all women. Since our creation as the Women's Legal Defense Fund in 1971, we have fought for every significant advance for equal opportunity in the workplace, including the Pregnancy Discrimination Act of 1978 and the Family and Medical Leave Act of 1993 (FMLA). **We write in strong support of S. 1486, the Pregnant Workers Fairness Act.** This bipartisan legislation will support pregnant workers on the job, improving women's and families' economic security and promoting healthier pregnancies.

More than 40 years ago, Congress passed the Pregnancy Discrimination Act of 1978, outlawing discrimination on the basis of pregnancy, childbirth or related medical conditions, yet pregnancy discrimination is still widespread and impacts pregnant workers across industry, race, ethnicity and jurisdiction. Nearly 31,000 pregnancy discrimination charges were filed with the U.S. Equal Employment Opportunity Commission (EEOC) and state-level fair employment practice agencies between 2010 and 2015,<sup>1</sup> and the reality of pregnancy discrimination is likely much worse than illustrated by EEOC charges.<sup>2</sup> As a result of this discrimination, too many women must choose between their paychecks and a healthy pregnancy – a choice that no one should have to make.

The Pregnant Workers Fairness Act would create a clear policy standard requiring employers to provide reasonable accommodations to pregnant workers. Support for a law like this is nearly universal and bipartisan. Eighty-nine percent of voters favor this bill, including 69 percent of voters who strongly favor it.<sup>3</sup> Just this Congress, forty-five leading private sector employers endorsed the Pregnant Workers Fairness Act in [an open letter to Congress](#).

More than 85 percent of women will become mothers at some point in their working lives.<sup>4</sup> And sometimes, an accommodation is needed in order for a pregnant worker to continue performing their job. Those accommodations are often small changes to their work environment such as additional bathroom breaks, a stool to sit on or the ability to have a water bottle at their work station. Although minor, these accommodations allow pregnant workers to stay in the workforce and continue to provide for themselves and their families. When pregnant workers are fired, demoted, or forced into unpaid leave, they and their families lose critical income, and they may struggle to re-enter a job market that is particularly harsh for people who are currently or were recently pregnant.

Pregnancy discrimination affects women across race and ethnicity, but women of color and immigrants are at particular risk. They are disproportionately likely to work in jobs and industries where accommodations during pregnancy are not often provided (such as home health aides, food service workers, package handlers and cleaners).<sup>5</sup> Black women are much more likely than white women to file pregnancy discrimination charges;<sup>6</sup> they are also at a higher risk for pregnancy-related complications like pre-term labor, preeclampsia and hypertensive disorders,<sup>7</sup>

making reasonable accommodations on the job even more important, and loss of wages and health insurance due to pregnancy discrimination especially challenging.

To date, thirty-one states including the District of Columbia and four cities have passed laws requiring employers to provide reasonable accommodations to pregnant workers.<sup>8</sup> But the ability to maintain a healthy pregnancy and keep a job should not depend on where a pregnant person works. Women are a crucial part of the workforce and their participation matters for the growth of our economy and for the stability and wellbeing of families nationwide.

The COVID-19 pandemic has exacerbated the conditions of pregnant workers. Pregnant people are at a higher risk of falling ill from COVID-19 and experiencing complications, and thus require increased protections against the virus. Since the beginning of the pandemic, pregnant workers have experienced [increased levels of workplace discrimination](#) by being denied accommodations and leave. The Pregnant Workers Fairness Act would ensure that pregnant workers have access to the accommodations they need in order to have a safe workplace experience.

The Pregnant Workers Fairness Act would strengthen existing federal protections, ensure more equitable workplaces and allow women to remain in the workforce and maintain their economic stability while having the accommodations necessary for healthy pregnancies. **It is time to clarify and strengthen existing federal protections for pregnant workers by passing the Pregnant Workers Fairness Act.**

Sincerely,



Jocelyn C. Frye  
President, National Partnership for Women & Families

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1 National Partnership for Women & Families. (2016, October). By the Numbers: Women Continue to Face Pregnancy Discrimination in the Workplace. Retrieved 10 May 2022, from <http://www.nationalpartnership.org/our-work/resources/economic-justice/pregnancy-discrimination/by-the-numbers-women-continue-to-face-pregnancy-discrimination-in-the-workplace.pdf>

2 National Partnership for Women & Families. (2014, January). Listening to Mothers: The Experiences of Expecting and New Mothers in the Workplace. Retrieved 10 May 2022, from <http://www.nationalpartnership.org/our-work/resources/economic-justice/pregnancy-discrimination/listening-to-mothers-experiences-of-expecting-and-new-mothers.pdf>

3 The Tarrance Group. (2020, February). Key findings from a national survey of voters [Memo]. Retrieved 10 May 2022, from [https://www.aclu.org/sites/default/files/field\\_document/pwfa\\_survey\\_memo\\_2-20-20\\_1\\_1\\_2.pdf](https://www.aclu.org/sites/default/files/field_document/pwfa_survey_memo_2-20-20_1_1_2.pdf)

4 U.S. Census Bureau. (2017, May). Fertility of Women in the United States: 2016, Table 6, Completed Fertility for Women age 40 to 50 Years Old – Selected Characteristics: June 2016. Retrieved 18 October 2019, from [https://www.census.gov/data/tables/2016/demo/fertility/women-fertility.html#par\\_list\\_62](https://www.census.gov/data/tables/2016/demo/fertility/women-fertility.html#par_list_62) (Unpublished calculation. The reported percentage of women who had become mothers by age 40 to 44 as of 2014 is 85.6 percent.)

5 National Latina Institute for Reproductive Health and National Women's Law Center. (2014, May). Accommodating Pregnancy On the Job: The Stakes for Women of Color and Immigrant Women. Retrieved 10 May 2022, from [https://www.nwlc.org/wp-content/uploads/2015/08/the\\_stakes\\_for\\_woc\\_final.pdf](https://www.nwlc.org/wp-content/uploads/2015/08/the_stakes_for_woc_final.pdf)

6 See note 1.

7 Creanga, A. A., Bateman, B. T., Kuklina, E. V., & Callaghan, W. M. (2014, May). Racial and ethnic disparities in severe maternal morbidity: a multistate analysis, 2008-2010. *American Journal of Obstetrics & Gynecology*, 210(5), 435.e1–435.e8. Retrieved 10 May 2022, from [http://www.ajog.org/article/S0002-9378\(13\)02153-4/fulltext](http://www.ajog.org/article/S0002-9378(13)02153-4/fulltext)

8 For a list, see: National Partnership for Women & Families. (2020, September). Reasonable Accommodations for Pregnant Workers: State and Local Laws. Retrieved 10 May 2022, from <http://www.nationalpartnership.org/our-work/resources/workplace/pregnancy-discrimination/reasonable-accommodations-for-pregnant-workers-state-laws.pdf>