



October 18, 2019

Subcommittee Chairwoman Bonamici and Ranking Member Comer
Civil Rights and Human Services Subcommittee
House Education and Labor Committee
2176 Rayburn House Office Building
Washington, DC 20515

Re: National Employment Lawyers Association Supports The Pregnant Workers Fairness Act

Dear Member of Congress:

On behalf of the National Employment Lawyers Association (NELA), and its 4,000 circuit, state, and local affiliate members across the country, we write to express our strong support for passage of the Pregnant Workers Fairness Act (PWFA) (H.R. 2417).

NELA is the largest professional membership organization in the country comprised of lawyers who represent workers in labor, employment, and civil rights disputes. Founded in 1985, NELA advances employee rights and serves lawyers who advocate for equality and justice in the American workplace. Our members have first-hand experience with the challenges faced by pregnant women who want nothing more than to keep working through a pregnancy and who often *must* keep working because they and their families need the income.

We urge you to support the Pregnant Workers Fairness Act, which is crucial to protecting working women who are pregnant. This bipartisan legislation is long overdue for the well-being and economic security of workers and the well-being of women and families, in particular. For many working women what is needed to be able to safely work through many months of pregnancy, is a reasonable accommodation.

There has been a dramatic shift in the demographic make-up of the workforce in the past few decades. Women now comprise almost half of the workforce. There are more pregnant workers than ever before and pregnant women are working later into their pregnancies. Some working women—especially those in physically demanding jobs—will have a medical need for a temporary job-related accommodation in order to maintain a healthy pregnancy. Yet, today, in 2019, it is all-too-common that instead of providing a pregnant worker with an accommodation, her employer will fire her or push her onto unpaid leave, and thereby deprive her of a paycheck and health insurance at a time when she needs them most. Equally problematic, is the fact that some women, because of the necessity of income and insurance, will continue to work in ways that are dangerous to her and to her pregnancy.

Pregnancy discrimination affects women across race and ethnicity, but women of color and immigrants are at particular risk. Latinas, Black women and immigrant women are more likely to

hold low wage, physically demanding jobs that involve daily physical labor. Cashiers, food service workers, home health aides, and other domestic workers must do physically challenging work and the prevalence of women in these jobs is significant. Physically demanding jobs heighten the importance and urgency of a woman's ability to get a reasonable accommodation. Because many of these positions are low-wage jobs, *any* loss of wages and potential loss of health insurance due to pregnancy discrimination are likely to pose a serious economic threat to the worker and her family. American families and the American economy depend on women's income. We cannot afford to force pregnant women out of work.

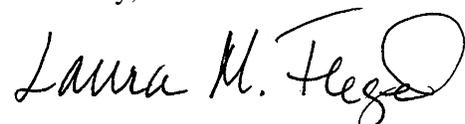
In 2015, in *Young v. United Parcel Service*, the Supreme Court held that a failure to make accommodations for pregnant workers with medical needs will *sometimes* violate the Pregnancy Discrimination Act of 1978 (PDA). Even after *Young*, pregnant workers continue to be denied the accommodations they need and employers lack clarity as to their obligations under the law. The Pregnant Workers Fairness Act will provide a clear, predictable rule: employers *must* provide reasonable accommodations for limitations arising out of pregnancy, childbirth, or related medical conditions, unless this would pose an undue hardship. If this bill is passed, pregnant workers *and* their employers, will fare better. For pregnant women the bill will improve their working conditions and certainty of retaining income. For businesses that want to do the right thing, the clarity and streamlined process for providing a reasonable accommodation will simplify the decisions with which employers are faced.

The need for this legislation is recognized across ideological and partisan lines. Twenty-seven states have adopted pregnant worker fairness measures with broad, and often unanimous, bipartisan support. Twenty-two of those laws have passed within the last six years. These states include: Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Minnesota, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, Texas, Utah, West Virginia, Vermont, and Washington. Lawmakers have concluded that accommodating pregnant workers who need it is a measured approach grounded in family values and basic fairness.

The Pregnant Workers Fairness Act promotes long-term economic security and workplace fairness. The bill also promotes healthy women and babies. All of these should be considered vital goals.

The choice between risking a job and risking the health of a pregnancy is one no one should have to make. For all of these reasons, we urge you to co-sponsor the Pregnant Workers Fairness Act. If you have questions or cannot access this attachment, please feel free to reach out to me at lflegel@nelahq.org (202) 898-2880 ext. 115.

Sincerely,



Laura Flegel
Legislative & Public Policy Director
National Employment Lawyers Association
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CC: Chairman Scott and Ranking Member Foxx