

FACTS: PREGNANCY DISCRIMINATION

- ▶ Three-quarters of women entering the workforce will be pregnant and employed at some point.¹ Most pregnant women are in the workforce. Among women who had a child in 2011, 62 percent were in the labor force.²
- ▶ In every single state in 2011, the majority of women who gave birth were also in the labor force.³ The data confirm what tens of millions of women, families, workers and employers throughout the country have long known: A significant number of women in the United States work while pregnant.
- ▶ Discrimination against pregnant workers is on the rise. Over the past decade, the number of pregnancy discrimination charges has increased by 35%.⁴ About one in five charges of discrimination filed by women involve claims of pregnancy discrimination.⁵
- ▶ Plenty of women are able to work through their pregnancies without any alteration to their jobs, but too often pregnant workers are forced out of their jobs unnecessarily when reasonable accommodations would enable them to keep working. For example:
 - ▶ A pregnant retail worker in Salina, Kansas, was fired merely because she needed to carry a water bottle to stay hydrated and prevent bladder infections.⁶
 - ▶ A delivery truck driver in Landover, Maryland, was forced to take unpaid leave because she was denied the same light duty routinely offered to other workers with physical limitations.⁷
 - ▶ An activity director at a nursing home in Valparaiso, Indiana, was terminated because she required a reasonable accommodation for some physical aspects of her job to prevent having another miscarriage.⁸
- ▶ Although the Pregnancy Discrimination Act of 1978 outlawed pregnancy discrimination, employers often refuse to provide reasonable accommodations for pregnant workers, and courts have interpreted existing legal protections narrowly.
- ▶ The Pregnant Workers Fairness Act would prevent employers from forcing pregnant women out of the workplace and help ensure that employers provide reasonable accommodations to pregnant women who want to continue working.
- ▶ The Pregnant Workers Fairness Act would promote family economic security. Pregnancy discrimination causes significant economic harm to millions of pregnant women and their families every year, especially low-income and single mothers. In this difficult economy, workers cannot afford to be unnecessarily and unfairly pushed out of – or terminated from – their jobs because of pregnancy and childbirth.
- ▶ The Pregnant Workers Fairness Act would protect the health of women and children. When pregnant women are denied reasonable accommodations, many have no choice

but to continue in their jobs under unhealthy conditions, risking their own health as well as that of their babies.

- ▶ For women who are forced out of the workforce because of their pregnancies, the stress associated with job loss can be devastating because it increases the risk of having a premature baby and/or a baby with low birth weight.⁹
- ▶ The Pregnant Workers Fairness Act would benefit businesses. Businesses benefit when their pregnant workers can continue in their jobs.
 - ▶ Employers benefit from employee retention, improved morale, increased productivity and reduced training costs.¹⁰ Turnover alone can cost an employer between 50 to 150 percent of an employee's annual pay.¹¹
 - ▶ A majority of employers report no costs associated with providing workplace accommodations.¹²
 - ▶ In California, providing reasonable accommodations for pregnant workers has been the law since 2000. In that state, the majority of accommodations sought are modest and feasible, such as sitting rather than standing, avoiding heavy lifting, and taking breaks to go to the bathroom.¹³ These accommodations are easily met by employers.¹⁴ Pregnancy discrimination charges in California have dropped since the law passed – an indication that the law helps employers and employees resolve issues without litigation.¹⁵

1 Cawthorne, A., & Alpert, M. (2009, August 3). *Labor Pains: Improving Employment and Economic Security for Pregnant Women and New Mothers*. Center for American Progress Publication. Retrieved on 30 April 2012, from http://www.americanprogress.org/issues/2009/08/pregnancy_support.html

2 U.S. Census Bureau. (2012). *American Community Survey 3-Year Estimates 2009-2011, Geographies: All States within United States, Table B13012: WOMEN 16 TO 50 YEARS WHO HAD A BIRTH IN THE PAST 12 MONTHS BY MARITAL STATUS AND LABOR FORCE STATUS Universe: Women 16 to 50 years*, Retrieved 11 January 2013, from http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_3YR_B13012&prodType=table. National Partnership for Women & Families calculation based on the total number of unmarried and married women who have had a birth in the past 12 months who are in the labor force divided by the total number of women who have had a birth in the past 12 months.

3 Ibid.

4 E.E.O.C. Charge Statistics, <http://eeoc.gov/eeoc/statistics/enforcement/charges.cfm> (last visited, Feb. 2, 2012); E.E.O.C. Pregnancy Discrimination Charges, <http://eeoc.gov/eeoc/statistics/enforcement/pregnancy.cfm> (last visited, Feb. 2, 2012).

5 Ibid.

6 *Wiseman v. Wal-Mart Stores, Inc.*, No. 08-1244-EFM, 2009 WL 1617669 (D. Kan. June 9, 2009).

7 *Young v. United Parcel Service, Inc.*, No. DKC 08-2586, 2011 WL 665321 (D. Md. 2011).

8 *Serednyj v. Beverly Healthcare*, 656 F.3d 540 (7th Cir. 2011).

9 March of Dimes. (2012, January). *Stress and Pregnancy*. Retrieved on 5 May 2012, from http://www.marchofdimes.com/pregnancy/lifechanges_indepth.html

10 Loy, B. (2012, September 1). *Workplace Accommodations: Low Cost, High Impact*. Job Accommodation Network Publication. Retrieved 1 March 2013, from <http://askjan.org/media/lowcosthighimpact.html>. The Job Accommodation Network is a service of the U.S. Department of Labor's Office of Disability Employment Policy (ODEP).

11 Hochschild, A.R. (1997). *The Time Bind: When Work Becomes Home and Home Becomes Work*, 31 (1997). New York, NY: Holt Paperbacks. Employees who quit cost their employers \$40,000 each, on average, in hiring and training expenditures.

12 See note 10.

13 Farrell, N., Dolkas, J., and Munro, M. *Expecting a Baby, Not a Layoff* (pp. 17-18). Equal Rights Advocates. Retrieved 1 March 2013, from <http://www.equalrights.org/media/2012/ERA-PregAccomReport.pdf>

14 Ibid.

15 Ibid at 15.