

STATE LEGISLATIVE FACT SHEET:

MA Pregnant Workers Fairness Act: Pregnancy Discrimination in Massachusetts

Pregnant women should not have to fear losing their jobs when they can continue working with a reasonable adjustment. The MA Pregnant Workers Fairness Act would ensure that pregnant workers are treated fairly on the job. At a time when families are struggling to make ends meet, Massachusetts must promote equal opportunity in the workplace by leveling the playing field for women workers, including pregnant employees.

Massachusetts Needs Strong Measures to Support Women in the Workforce

- Over half of all pregnant women and new mothers in Massachusetts are in the labor force and earning income to support their families.
- Three-quarters of women entering the workforce in our country will be pregnant and employed at some point in their lives. Some of these women—especially those in physically strenuous jobs—will face a conflict between their duties at work and the demands of pregnancy.
- Pregnant women are pushed out of their jobs and often treated worse than other employees with similar limitations because the law does not guarantee reasonable accommodations for pregnancy and childbirth.

MA PWFA Would Ensure that Pregnant Workers Can Receive Minor Adjustments at Work

- Proposed legislation would explicitly require that employers reasonably accommodate conditions related to pregnancy or childbirth, including the need to express breast milk for a nursing child, unless the accommodation would pose an undue hardship on the employer.
- Workers with disabilities, including temporary impairments, must already be accommodated, so this law will ensure equal treatment.
- The proposed law would provide certainty for employees and employers alike.

Legislation Will Benefit Working Women, their Families, their Employers and the Public

- Women who need income but lack accommodations are often forced to continue working under unhealthy conditions, risking their own health as well as the health of their babies.
- Stress from job loss can increase the risk of a premature baby and/or a baby with low birth weight; risks that may be avoided with a simple modification to keep a woman on the job.
- Proposed legislation will promote women's economic security during a critical time that is often filled with financial hardship, and would save taxpayers money in the form of unemployment insurance and other public benefits.
- Employers benefit too, from reduced turnover and increased productivity. Legislation would provide clarity so employers can anticipate their responsibilities and avoid costly litigation.



What the MA Pregnant Workers Fairness Act does: The MA PWFA amends Section 4 of chapter 151B of the General Law, preventing discrimination based on pregnancy and requiring employers to make reasonable accommodations, like allowing pregnant women to use a stool while working at a cash register or carry a bottle of water while on the job without repercussions to the pregnant worker.

“This bill ensures healthy work conditions for women in low wage jobs who require simple accommodating measures. Rather than requiring women with pregnancy and childbirth related conditions to take an unpaid leave, it obligates employers to explore other reasonable accommodations that may be required without causing undue hardship to the employer. By encouraging flexibility and dialogue between employers and employees, this bill increases the likelihood that women will be able to stay on the job throughout their pregnancy and return to work, resulting in a more productive workforce, with less employee turnover.”

—Jamie R. Williamson, Chairwoman; Sunila Thomas George, Commissioner; and Charlotte Golar Richie, Commissioner, *Massachusetts Commission Against Discrimination*

¹National Partnership for Women and Families, Pregnant Workers Need the Pregnant Workers Fairness Act, (May 2013), <http://www.nationalpartnership.org/research-library/workplace-fairness/pregnancy-discrimination/pregnant-workers-need-pregnant-workers-fairness-act.pdf>.

²Alexandra Cawthorne & Melissa Alpert, Labor Pains: Improving Employment and Economic Security for Pregnant Women and New Mothers, (Aug. 2009), http://www.americanprogress.org/issues/2009/08/pregnancy_support.html.

³Renee Bischoff & Wendy Chavkin, The Relationship between Work-Family Benefits and Maternal, Infant and Reproductive Health: Public Health Implications and Policy Recommendations, (June 2008), pg. 13-17, http://otrans.3cdn.net/70bf6326c56320156a_6j5m6fupz.pdf; see also Mayo Clinic Staff, Working During Pregnancy: Do's and Don'ts, <http://www.mayoclinic.com/health/pregnancy/WL00035>; see also Joanna L. Grossman, Pregnancy, Work, and the Promise of Equal Citizenship, 98 Geo. L.J. 567, 582-84 (March 2010).

⁴March of Dimes, Stress and Pregnancy (January 2008/January 2010), http://www.marchofdimes.com/pregnancy/lifechanges_indepth.html.

⁵Almost half of all babies born in the United States are born to families receiving WIC food supplements. See Kimberly Brown, Shocking Need: American Kids Go Hungry, ABC News, (August 24, 2011),

http://abcnews.go.com/US/hunger_at_home/hunger-home-american-children-malnourished/story?id=14367230#.Tu-55mC4Iy4.

⁶Job Accommodation Network, Workplace Accommodations: Low Cost, High Impact, pg. 3, <http://www.jan.wvu.edu/media/LowCostHighImpact.doc>.

Presented by:

The Pregnant Workers Fairness Coalition

A Better Balance, ACOG-MA, MA AFL-CIO, ACLU of MA, ARISE, Boston Women's Fund, Center for Women and Business, College Dems of MA, Crittendon Women's Union, Greater Boston Labor Council, Jewish Community Relations Council, League of Women Voters of MA, MA Jobs with Justice, MassCOSH, MELA, MA Nurses Association, MA Women's Bar Association, MataHari, MotherWoman, Women's Fund of Western MA, Women's Institute for Leadership Development, MA, Planned Parenthood of MA, Unite Here Local 26, Unity of Minority Neighborhoods

FOR MORE INFORMATION ON THIS LEGISLATION:

**MOTHERWOMAN · 220 RUSSELL ST, HADLEY, MA 01035 · (413) 387-0703 · LIZ@MOTHERWOMAN.ORG
WWW.MOTHERWOMAN.ORG**