

November 16, 2022

The Honorable Chuck Schumer
Majority Leader
United States Senate
Washington, DC 20510

Dear Majority Leader Schumer:

On behalf of March of Dimes, the nation's leading nonprofit organization fighting for the health of all moms and babies, **I ask that you bring S. 4431, the bipartisan Pregnant Workers Fairness Act of 2021 (PWFA), to Senate floor for a vote.** If the bill does not receive a vote this Congress, millions of workers will continue to suffer discriminatory treatment and be denied the accommodations they need due to pregnancy, childbirth, and lactation.

The U.S. continues to experience an unprecedented maternal and infant health crisis, with nearly every measure of the health of pregnant women, new mothers, and infants living in the U.S. going in the wrong direction.¹ In many communities, infant mortality rates exceed those in developing nations. Approximately every 12 hours, a woman dies due to pregnancy-related complications and with over 800 dying each year from complications related to pregnancy.² In 2021, preterm birth rates rose to a 15-year high which is very significant due to the fact that rates slightly declined the previous year.³ The U.S. remains one of the most dangerous places to give birth in the developed world, and there are unacceptable disparities in birth outcomes between women and infants of color and their white peers.

We know the health and well-being of mothers and infants are inextricably linked, and it is important that mothers are supported during pregnancy, especially in the workplace. Nearly three-quarters of women will be pregnant and employed at some point in their lives⁴, and health care professionals have routinely recommended that some of these women adjust their work activities to sustain a healthy pregnancy and avoid adverse birth outcomes.⁵ Women who need income but lack these accommodations are often forced to continue working under unhealthy conditions, risking their own health as well as the health of their babies.

While the Pregnancy Discrimination Act of 1978 was a step in the right direction, far too many pregnant workers, especially women of color, face barriers to even the smallest accommodations.⁶ Many Black pregnant workers are disproportionately likely to work in physically demanding jobs that refuse, or ignore, requests for modest accommodations forcing these women to work in unsafe conditions. In addition, Black moms represent one of the highest labor force participation rates and 8 in 10 of them serve as their family's primary source of income.⁷ Unfortunately, these mothers have historically been exploited in the workplace with nearly one-third of pregnancy complaints filed by Black women.⁸ Most of these women who work in low-paying jobs while pregnant receive little to no support from employers with regards to accommodations to pregnancy, and with the threat of termination and loss of health insurance, many Black mothers are forced to keep working and put the health of their pregnancy at-risk.

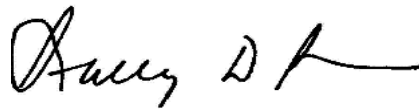
Expecting mothers should not be forced to compromise the health of their pregnancy and continue working or risk being fired. That is why March of Dimes enthusiastically supports the PWFA as a sensible,

and bipartisan, approach to improving workplace conditions for pregnant women and addressing our nation's maternal health crisis. It promotes healthy pregnancies, fair workplaces, and long-term economic security for families. Most importantly, the PWFA would establish a national framework that would require employers to provide reasonable accommodations to workers including avoiding lifting heavy objects, additional bathroom breaks, being given the option to sit during long shifts, and allowed to carry a water bottle. We know protecting pregnant workers is an overwhelmingly popular issue with voters, with a recent poll showing 93% saying it is important for employers to guarantee accommodations to pregnant and postpartum workers.⁹

To date, 30 states and five cities¹⁰ provide protections for pregnant workers, however, the Senate must act to codify these workplace protections nationwide. PWFA has twice passed out of the House of Representatives with overwhelming bipartisan support, the bill was voted out of the Senate Health Education Labor & Pensions (HELP) Committee last year on a strong 19-2 bipartisan vote, and it has the votes to pass on the Senate floor.

You must act now to ensure that pregnant workers do not have to choose between a paycheck and a healthy pregnancy by bringing the PWFA to a vote. I appreciate your consideration and thank you for all you do on behalf of moms and babies. If we can provide further information or otherwise be of assistance, please contact KJ Hertz, Senior Director, Federal Affairs (khertz@marchofdimes.org, 571-969-8655).

Sincerely,



Stacey D. Stewart
President & CEO

CC:

The Honorable Patty Murray
The Honorable Robert Casey

¹ <https://www.cdc.gov/reproductivehealth/maternal-mortality/erase-mm/data-mmrc.html>

² <https://www.cdcfoundation.org/sites/default/files/files/ReportfromNineMMRCs.pdf>

³ National Center for Health Statistics, final natality data, 2007-2021

⁴ <https://www.americanprogress.org/issues/women/reports/2009/08/03/6599/labor-pains/>

⁵ Employment Considerations During Pregnancy and the Postpartum Period (ACOG, April 2018)

⁶ <https://www.abetterbalance.org/wp-content/uploads/2017/03/ItShouldntBeAHeavyLift.pdf>

⁷ Nina Banks, Economic Policy Institute, Black Women's Labor Market History Reveals Deep-Seated Race and Gender Discrimination (Feb. 19, 2019).

⁸ Nora Ellmann and Jocelyn Frye, Center for American Progress, Efforts to Combat Pregnancy Discrimination (November 2, 2019).

⁹ <https://nwlc.org/wp-content/uploads/2022/10/NWLC-Pregnant-Workers-Fairness-Act-Morning-Consult-PPT-10.21.pdf>

¹⁰ https://www.abetterbalance.org/wp-content/uploads/2017/05/PWFA_StateList_7.29.2021.pdf