



**Statement for the Record Submitted by
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House Education and Labor, Civil Rights and Human Services Subcommittee Hearing
"Long Over Due: Exploring the Pregnant Workers' Fairness Act (H.R. 2694)"
Tuesday, October 22, 2019**

March of Dimes, a unique collaboration of scientists, clinicians, parents, members of the business community, and other volunteers representing every state, the District of Columbia and Puerto Rico, appreciates this opportunity to submit a statement for the record. March of Dimes commends you for holding today's hearing on H.R. 2694, the *Pregnant Workers' Fairness Act*, legislation that is long overdue. This important bipartisan legislation would ensure that pregnant workers have the reasonable accommodations they need to work safely while having healthy pregnancies.

The Pregnancy Discrimination Act, passed in 1978, mandated that pregnant workers must be able to participate fully and equally in the workplace. The law prohibits discriminating against women due to pregnancy and childbirth, however, the law left out a requirement for pregnancy accommodations. As a result, employers continue to deny pregnant workers the basic and reasonable accommodations they need to continue working safely during their pregnancies, such as keeping water bottles on hand, restricting the weight a worker can lift, or allowing for more frequent water and restroom breaks.

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. Physically demanding work, where accommodations are more often necessary but too often unavailable, has been associated with an increased risk for preterm birth and low birth weight.

Our nation is the midst of a Maternal Mortality and Severe Morbidity Public Health Crisis

Workplace accommodations for pregnant women are more important now than ever before with the maternal mortality crisis our nation is facing. Women across the United States are tragically dying or suffering serious consequences from pregnancy-related causes. Of the 700 pregnancy-related deaths in the United States, approximately one-third occur during pregnancy, another third happen during delivery and up to one week afterward, and the final third come in the year following delivery. The Centers for Disease Control and Prevention (CDC) estimates that up to 60 percent of these deaths are preventable. For every maternal death,

there are about 100 episodes of severe maternal morbidity (SMM) affecting more than 50,000 women in the United States every year. Black women are 27 percent more likely to experience severe pregnancy complications than white women.

This makes it all that more critical we protect pregnant women in the workplace

March of Dimes is committed to a future where every mom is able to have a healthy pregnancy and delivery. To that end, we must ensure that pregnant workers can have the healthiest pregnancies without fear of discrimination, and being in an unsafe workplace. Unfortunately, that is just not the case today.

Despite the Pregnancy Discrimination Act declaring that discrimination on the basis of pregnancy and childbirth is illegal sex discrimination, nearly 31,000 pregnancy discrimination charges were filed between 2010 and 2015 with the U.S. Equal Employment Opportunity Commission (EEOC). Pregnant workers are forced out of their jobs and denied reasonable accommodations, jeopardizing their health and the health of their baby. One study found that 250,000 pregnant workers are denied reasonable accommodations per year.

Pregnant workers are further discriminated against according to their race, ethnicity, immigrant and income status putting their employee rights and health at risk. Latinas, Black women, immigrant and low-income women are more likely to work in labor-intensive occupations. White women file pregnancy discrimination charges at higher rates of 46%, whereas Black women file at lower rates of 29% despite their poor working conditions. Yet, black women are at higher risk for pregnancy related complications and have the highest infant mortality rate in the United States.

It is clear that there are health consequences to women being pushed out the workplace. Stress from job loss can increase the risk of a premature baby and baby with low birthweight. In addition, women who are not forced to use their leave during pregnancy may have more leave available to take following childbirth, which facilitates breastfeeding, bonding with and caring for a new child, and recovering from childbirth.

I would like to share with you one story from a March of Dimes' advocate who experienced workplace discrimination:

During my first pregnancy, I had extreme morning sickness and found myself vomiting every hour. My job made me utilize my paid family medical leave. When I came back after my pregnancy, I was given the run around as I tried desperately to get my job back. I finally got a new job, however there was no place for me to pump. I often went to my car or used one of the restroom stalls to pump; and was told that I needed to clock out. I am advocating for pregnancy accommodations, because I know how discouraging these conditions can be for new mothers. I hope that one day no mother will ever have to pump her child's meal in a restroom stall. – Victoria J.

Victoria's story is not uncommon. Clearing up the law will not only prevent the type of discrimination that happened to Victoria, but also ensure better health outcomes for women and babies, and reduce health care costs, supporting our economy. We can and we must do more to address this issue. The *Pregnant Workers Fairness Act* is a crucial maternal and infant health measure that will promote healthy pregnancies and economic security for women and their families.

March of Dimes would like to thank the bill's lead sponsors for their leadership. We stand ready to assist the Committee as it works to advance this critically important workplace safety and maternal health measure in an expeditious manner this Congress.