

## **Testimony in Support of the Pregnant Workers Fairness Act (H.R. 1065)**

Civil Rights and Human Services Subcommittee  
Workforce Protections Subcommittee  
House Education and Labor Committee  
March 18, 2021

Physicians for Reproductive Health (PRH) unites the medical community and concerned supporters. Together, we work to improve access to comprehensive reproductive health care, especially to meet the health needs of those who face the most barriers to care. Physicians for Reproductive Health supports the Pregnant Workers Fairness Act and urges Congress to strengthen protections for pregnant workers and advance this critical legislation.

Currently, thirty-one states, the District of Columbia, and four cities have laws that require reasonable accommodations for pregnant workers as a means to strengthen a narrow interpretation of the Pregnancy Discrimination Act of 1978.<sup>1</sup> No person should have to choose between a healthy pregnancy and their economic stability or that of their family and this protection should not depend on a person's zip code.

As health care providers we know that federal protections for pregnant workers need to be strengthened as discrimination and harassment against them persists. Healthcare providers see the consequences when patients are not provided these necessary protections in the form of poorer health outcomes for the individual and their families. Our patients share with us that they feel discomfort and even fear of their employers' reactions to simple, no-cost or low-cost recommendations or temporary adjustments to their work settings or activities in order to sustain a healthy pregnancy. These medically necessary accommodations can include simple measures such as permitting more frequent bathroom and hydration breaks, lifting restrictions, or access to a seat and decreasing time spent standing.

Unfortunately, too many pregnant workers face barriers to medical accommodations in the workplace. The denial of temporary adjustments, threats of job loss, or forced unpaid leave can have critical, long-lasting, and even severe effects on pregnant workers and their pregnancies. One of the basic conditions of a healthy pregnancy is early and consistent prenatal care. Loss of employment and health benefits impact family resources, threatening the ability of patients to access vital health care when they need it the most.

Today, women<sup>2</sup> make up about half of the workforce and pregnant people are continuing to work out of necessity into later stages of their pregnancies.<sup>3</sup> This is directly correlated to the need to prepare for increased expenses and financial security when parental leave for a growing family is not consistently offered. The absence of legislation like the Pregnant Workers Fairness Act disproportionately impacts pregnant people with low-incomes and migrant workers

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<sup>1</sup> Reasonable Accommodations for Pregnant Workers: State and Local Laws, National Partnership for Women and Families, Sept 2020 (available at <https://www.nationalpartnership.org/our-work/resources/economic-justice/pregnancy-discrimination/reasonable-accommodations-for-pregnant-workers-state-laws.pdf>).

<sup>2</sup> It is important to note that not all pregnant people identify as women.

<sup>3</sup> The Pregnant Workers Fairness Act: Making Room for Pregnancy on the Job, National Women's Law Center, July 2019 (available at <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2018/10/PWFA-Making-Room-for-Pregnancy-2019-v1.pdf>).

who are more likely to work in arduous settings. These are the same communities that are also most at risk of experiencing increased maternal mortality.<sup>4</sup>

These basic accommodations are even more critical during the pandemic. [A study published in the American Journal of Obstetrics and Gynecology](#) on Feb 16, 2021 found that the COVID-19 infection rate in pregnant people was seventy percent higher than similarly aged adults. During this time, an accommodation could be as simple as working in a non-COVID wing of a hospital or providing additional personal protective equipment. A lack of basic accommodations during pregnancy puts patients in an impossible situation – continue working without accommodations or put their health at risk.

As public health professionals, we understand the importance of reasonable workplace accommodations to ensure that people can continue to care for their families and have safe and healthy pregnancies and are not forced to choose between their health and a paycheck. PRH urges support of the Pregnant Workers Fairness Act.

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<sup>4</sup> Pregnancy Mortality Surveillance System, Centers for Disease Control and Prevention (available at [https://www.cdc.gov/reproductivehealth/maternalinfanthealth/pregnancy-mortality-surveillance-system.htm?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Freproductivehealth%2Fmaternalinfanthealth%2Fpmss.html#how](https://www.cdc.gov/reproductivehealth/maternalinfanthealth/pregnancy-mortality-surveillance-system.htm?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Freproductivehealth%2Fmaternalinfanthealth%2Fpmss.html#how)).