

May 12, 2015

The Honorable Mark S. Kirk  
United States Senate  
524 Hart Senate Office Building  
Washington, DC 20510

**RE: Support the Pregnant Workers Fairness Act**

Dear Senator Kirk:

As Illinois organizations deeply concerned about women's economic security and workplace fairness for pregnant workers, we write to urge you to co-sponsor the federal Pregnant Workers Fairness Act and we very much hope that you will lead the Senate campaign in support of this critical legislation.

When Congress enacted the Pregnancy Discrimination Act in 1978, it prohibited employers from discriminating against employees based on pregnancy, childbirth, or related medical conditions. Yet, today, too many pregnant working women are pushed out of their jobs because employers refuse to provide temporary work accommodations – like a stool to sit on, permission to carry a bottle of water, a break from lifting heavy boxes – that would allow them to continue working and maintain a healthy pregnancy. This is wrong. No woman should be forced to choose between a healthy pregnancy and providing for her family. That is why we supported passage of the 2014 Illinois law to provide pregnant workers with temporary and reasonable accommodations. And that is why we urge you to champion the federal Pregnant Workers Fairness Act.

The Pregnant Workers Fairness Act is a measured approach that would make it clear that employers must provide reasonable accommodations for pregnant workers who have a medical need if such an accommodation would not impose an undue burden on the employer. The legislation is about providing pregnant workers the same modifications that are routinely offered to other workers, such as those injured on the job or who are disabled. Additionally, the bill is modeled after the Americans with Disabilities Act, a framework with which employers are very familiar.

This legislation will promote the physical health and economic security of women and their families. When a pregnant worker is forced to quit, coerced into taking unpaid leave, or fired because her employer refuses to provide a temporary job accommodation, the impact on her family can be severe and long-lasting. If she is the sole or primary breadwinner, she will be without an income or health care benefits when she most needs them. PWFA ensures that women and families would not face such devastating circumstances and instead allows them to remain productive members of the workforce and provide for their families.

Additionally, as the U.S. Women's Chamber of Commerce and other business owners noted in their amicus brief to the Supreme Court in *Young v. UPS*, providing accommodations to workers makes good business sense. It increases worker productivity, retention and morale; it decreases retraining costs and reduces health care costs associated with pregnancy complications.

We were extremely pleased when the Supreme Court held, in *Young v. UPS*, that a failure to make accommodations for pregnant workers with medical needs could violate the Pregnancy Discrimination Act of 1978 (PDA). This decision, which reaffirmed the purpose of the PDA, is an important victory for pregnant workers and will ensure that fewer women will be forced out of their jobs unnecessarily.

But the need for the federal Pregnant Workers Fairness Act is as compelling as ever. Under the standard announced by the Court in *Young*, a pregnant worker's rights will often turn on a determination of whether an employer accommodates a large percentage of non-pregnant workers who need it while denying accommodations to a large percentage of pregnant workers. Some individual women and employers will still face uncertainty as they try to apply this standard to determine whether the PDA requires accommodation in particular circumstances. The Pregnant Workers Fairness Act will strengthen and affirm the Supreme Court's decision in *Young*, by providing employers and pregnant workers with a clear, predictable rule: employers must provide reasonable accommodations for limitations arising out of pregnancy, childbirth, or related medical conditions, unless this would pose an undue hardship.

Illinois women and families have already benefitted from our new pregnancy fairness law but the need beyond our state is great and women across the country would be well-served by your leadership on this issue. We very much appreciated your vote, on March 26<sup>th</sup>, in favor of the nonbinding Casey-Shaheen-Murray amendment #632 in support of efforts to provide pregnant workers with workplace accommodations and we hope that is only the beginning.

We stand ready to assist you in any way that we can and look forward to working with you on this important legislation.

Sincerely,

AIDS Foundation of Chicago

American Association of University Women-Illinois

American Civil Liberties Union of Illinois

Arise Chicago

Between Friends

Breastfeed Chicago

Campaign for Better Health Care

Chicago Foundation for Women

Chicago Medical-Legal Partnership for Children

Chicago Jobs Council

Congregation Hakafa Justice For Women Initiative

Equality Illinois

EverThrive Illinois

Heartland Alliance for Human Needs and Human Rights

Illinois Academy of Family Physicians  
Illinois Accountability Initiative  
Illinois NOW  
Illinois Public Health Association  
Illinois Section of the American College of Obstetricians and Gynecologists  
Lutheran Advocacy of Illinois  
Lutheran Social Services of Illinois  
Madonna House (Quincy, IL)  
National Council of Jewish Women Illinois State Policy Advocacy Network  
National Council of Jewish Women South Cook, Illinois Section  
Ounce of Prevention Fund  
Sargent Shriver National Center on Poverty Law  
SEIU Healthcare Illinois and Indiana  
Voices for Illinois Children  
Women Employed  
YWCA Evanston/North Shore  
YWCA Lake County  
YWCA McLean County  
YWCA Metropolitan Chicago  
YWCA of Quincy  
YWCA of the Sauk Valley  
YWCA of the University of Illinois