



Adopt Reasonable Workplace Accommodations for Pregnant Employees

Introduction

Supporting pregnant women at work reduces infant mortality, improves maternal and infant health, and reduces doctor and hospital visits. When children have good health in utero and good birth outcomes, they are more likely to have good physical health and on-track development during childhood and throughout life.

While not all women will require pregnancy accommodations, some will need small, temporary adjustments to work safely through their pregnancies. These small adjustments may include more frequent water or bathroom breaks, an option to work while seated instead of standing, uniform modifications, or relief from heavy lifting. Despite the medical need, more than 250,000 women nationally are denied their requests for pregnancy accommodations each year, and many more do not request modifications due to fear of losing their jobs.¹

Accommodations for pregnant employees are addressed by the Pregnancy Discrimination Act passed by the U.S. Congress in 1978, which guaranteed the right not to be treated adversely because of pregnancy, childbirth, or related medical conditions and to be treated at least as well as other employees, and by the Americans with Disabilities (ADA) Act which requires employers to make reasonable accommodations for employees with disabilities.² But neither of these federal laws guaranteed accommodations in the workplace and the court decisions interpreting those laws have confused both employers and employees about what is required. That is why 23 states, including South Carolina and West Virginia, have passed laws that address this existing gap in the law. However, North Carolina has not. Currently, North Carolina's anti-discrimination law does not specifically include pregnancy and there are no other protections in North Carolina law. In December 2018, Governor Roy Cooper extended pregnancy accommodations to all state employees through Executive Order No. 82: Promoting Health and Wellness by Clarifying Protections Afforded to Pregnant State Employees.³

Despite this recent policy change for some state employees, there are still pregnant women in North Carolina who are forced to choose between their job and the health of their pregnancy. Adopting reasonable pregnancy accommodations in the workplace will enable women to continue working throughout their pregnancies while ensuring their health and safety.

Why Is This Important to Do Now?

More North Carolina women are working throughout their pregnancies.

Seventy-five percent of women will be pregnant and employed simultaneously over the course of their lives.⁴ More and more women are continuing to work into their second and third trimesters of pregnancy and are returning to work within days or weeks of giving birth. In North Carolina, 62% of pregnant and

new moms are in the labor force.⁵ Given the increase in women working throughout their pregnancies, implementing pregnancy accommodations is crucial to support working mothers and ensuring their continued participation in the labor force.

Pregnancy accommodations improve maternal and child health.

Pregnant workers who are denied accommodations and are unable to leave their jobs risk their own health and the health of their pregnancies. Physically demanding, stressful, or exhausting work increases the risk for preterm birth and low birth weight. Since 13% of babies in North Carolina are born preterm and 9.2% of infants are born at a low weight, it is critical that we address this problem.⁶ Adopting pregnancy accommodations is a research-based solution that has been shown to promote physical and mental health and reduce the risk of poor birth outcomes.⁷

Pregnancy accommodations promote family economic security.

In North Carolina, 67% of children under age six have all available parents working,⁸ and most women continue to work while pregnant. When pregnant women have to stop working, their families lose critical income at the time they can least afford it. In addition to loss of income they may lose health coverage and/or opportunities for career advancement, especially if they struggle to re-enter the job market after giving birth.⁹ Implementing pregnancy accommodations increases workforce retention and allows mothers to provide financially for their growing families.

Employers, employees, and the economy benefit from pregnancy accommodations.

Pregnancy accommodations have been shown to improve workplace retention, increase employee productivity, reduce absenteeism, and improve job satisfaction, in addition to saving money for employers.¹⁰ After implementing pregnancy accommodations, 40% of employers reported reduced worker's compensation and insurance costs.¹¹ This can dramatically reduce spending, since each prematurely born baby costs employers an average of \$49,760 in healthcare costs.¹² If a pregnant employee is forced to leave the workforce altogether costs are even higher. The hiring, turnover, and training costs of replacing an employee can cost as much as five times the employee's yearly salary.¹³ These additional costs can be avoided by temporary, reasonable accommodations during pregnancy.



-
- ¹ National Partnership for Women & Families. (2017). The Pregnant Workers Fairness Act.
- ² National Women’s Law Center. (2018a). The Pregnant Workers Fairness Act: Making Room for Pregnancy on the Job.
- ³ Executive Order 82 can be read at: <https://governor.nc.gov/documents/executive-order-no-82-promoting-health-and-wellness-clarifying-protections-afforded>
- ⁴ American Civil Liberties Union (ACLU). (2017). Safe Pregnancy Act Infographic.
- ⁵ National Partnership for Women & Families. (2013). Pregnant Workers Need the Pregnant Workers Fairness Act.
- ⁶ Annie E. Casey Foundation Kids Count Data Center. (2018). North Carolina. *Data*.
- ⁷ National Partnership for Women & Families, 2017.
- ⁸ NC KidsCount. (2017). Children Under Age 6 With All Available Parents in the Labor Force.
- ⁹ National Women’s Law Center, 2018
- ¹⁰ National Women’s Law Center. (2018b). Ensure Healthy Pregnancies and Job Security: Treat Pregnant Workers Fairly.
- ¹¹ ACLU, 2017.
- ¹² A Better Balance: The Work and Family Legal Center. (2018). Fact Sheet: Why Pregnant Workers Fairness Laws are Good for Business.
- ¹³ ACLU, 2017.

About Think Babies™ NC:

Think Babies™ NC seeks to advance policies that support the healthy development of North Carolina’s babies and toddlers. It is aligned with the NC Pathways to Grade-Level Reading initiative and the NC Early Childhood Action Plan. Think Babies™ NC is led by the NC Early Education Coalition with support from the NC Early Childhood Foundation and a Leadership Team of state and local organizations focused on advancing public awareness and policy solutions for infants, toddlers, and their families.