

Adopt Reasonable Workplace Accommodations for Pregnant Employees

Supporting pregnant workers reduces infant mortality, improves maternal and infant health, and reduces doctor and hospital visits. When pregnancies are healthy and result in good birth outcomes, children are more likely to have good physical health and on-track development during childhood and throughout life. While all pregnant workers will not 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 workers 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

Minimal accommodations for pregnant employees were included in the Pregnancy Discrimination Act passed by the U.S. Congress in 1978. The Act guaranteed the right of pregnant workers to be treated at least as well as other employees and not to be treated adversely because of pregnancy, childbirth, or related medical conditions. In addition, the Americans with Disabilities Act, requires employers to make reasonable accommodations for employees with disabilities.² However, neither of these federal laws guarantee accommodations in the workplace, and court decisions interpreting their requirements have confused both employers and employees. That is why 30 states – including South Carolina, Tennessee, Kentucky, Virginia, and West Virginia – have passed laws that ensure accommodations will be made available to pregnant workers.³ 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 state employees under his purview through Executive Order No. 82: Promoting Health and Wellness by Clarifying Protections Afforded to Pregnant State Employees.⁴

Despite this policy change for some state employees, there are still pregnant workers in North Carolina who are forced to choose between their job and the health of their pregnancy. The Think Babies™ NC Alliance endorses adopting reasonable pregnancy accommodations in the workplace to enable employees 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.

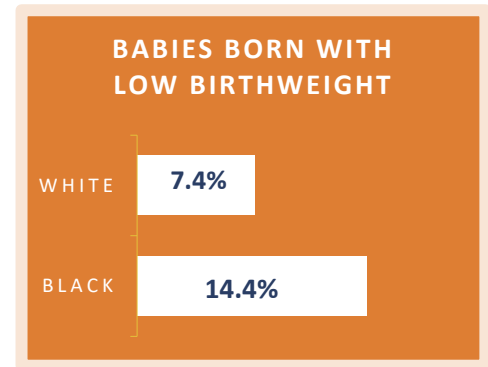
Eighty-five percent of women in the United States will be pregnant and employed simultaneously over the course of their lives.⁵ More and more women are continuing to work into their second and third trimesters of pregnancy and are returning to work within days or weeks of giving birth. In North Carolina, 66% of women with children under the age of five are in the labor force⁶, and research has shown that 66% of women also worked while they were pregnant.⁷ The

85% of women will be pregnant and employed simultaneously over the course of their lives.

American College of Obstetricians and Gynecologists published an opinion in April 2018 stating, “Working during pregnancy is generally safe. For those in high-risk occupations or with medically complicated pregnancies, work accommodations often can allow for continued safe employment.”⁸ Given the increase in people working throughout their pregnancies, implementing pregnancy accommodations is crucial to support working mothers and ensure 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 10.4% of babies in North Carolina are born preterm⁹ and 9.2% of infants are born at a low weight, it is critical that we address this problem that disproportionately impacts Black babies¹⁰. 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.¹¹



Pregnancy accommodations promote family economic security.

In North Carolina, 65% of children under age six have all available parents working,¹² and most pregnant people continue to work while pregnant. When pregnant employees have to stop working, their families lose critical income at the time they can least afford it. They may also lose health coverage and/or opportunities for career advancement, especially if they struggle to re-enter the job market after giving birth.¹³ Implementing pregnancy accommodations fights these impacts by increasing workforce retention and allowing 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.¹⁴ After implementing pregnancy accommodations, 40% of employers in the United States reported reduced worker’s compensation and insurance costs.¹⁵ This can dramatically reduce spending, since each prematurely born baby costs employers an average of \$49,760 in healthcare costs.¹⁶ 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.¹⁷ These additional costs can be avoided by temporary, reasonable accommodations during pregnancy.



Think Babies™ NC Alliance

The Think Babies™ NC Alliance seeks to ensure that North Carolina’s youngest children, prenatal to age 3, benefit from effective and equitable public policies, programs, and funding so that all children have what they need to thrive: healthy beginnings, supported families, and quality early care and learning experiences.

For more information:

Think Babies™ NC Alliance: Info@ThinkBabiesNC.org

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- ¹ National Partnership for Women & Families. (2017). The Pregnant Workers Fairness Act.
- ² National Women’s Law Center. (2018). The Pregnant Workers Fairness Act: Making Room for Pregnancy on the Job.
- ³ A Better Balance. (2020) State Pregnant Workers Fairness Laws. <https://www.abetterbalance.org/resources/pregnant-worker-fairness-legislative-successes/>
- ⁴ Executive Order 82 can be read at: <https://governor.nc.gov/documents/executive-order-no-82-promoting-health-and-wellness-clarifying-protections-afforded>
- ⁵ U.S. Census Bureau. (2017, May). Fertility of Women in the United States: 2016. Table 6. Completed Fertility for Women age 40 to 50 Years Old – Selected Characteristics: June 2016
- ⁶ The Institute for Women’s Policy Research (2018). *The Status of Women in North Carolina: Employment & Earnings*
- ⁷ Laughlin L. Maternity Leave and Employment Patterns of First-Time Mothers: 1961-2008 Current Population Reports.; 2011. www.census.gov/population.
- ⁸ American College of Obstetricians and Gynecologists. (2018) ACOG Committee Opinion: Employment considerations during pregnancy and the postpartum period.
- ⁹ National Center for Health Statistics. (2020). Retrieved from www.marchofdimes.org/
- ¹⁰ ZERO TO THREE (2020), State of Babies Yearbook: 2020. Retrieved from stateofbabies.org/state/north-carolina
- ¹¹ National Partnership for Women & Families, 2017.
- ¹² NC Council for Women and Youth Involvement and Institute for Women’s Policy Research. (June, 2018). Status of Women in NC: Employment and Earnings. North Carolina Department of Administration. <https://ncadmin.nc.gov/advocacy/women/status-women-north-carolina>.
- ¹³ National Women’s Law Center, 2018
- ¹⁴ National Women’s Law Center. (2020). Accommodating Pregnant Workers Is Good for Business.
- ¹⁵ ACLU, 2017.
- ¹⁶ A Better Balance: The Work and Family Legal Center. (2018). Fact Sheet: Why Pregnant Workers Fairness Laws are Good for Business.
- ¹⁷ ACLU, 2017.