

December 23, 2021

ATTORNEY GENERAL RAOUL URGES U.S. SENATE TO STRENGTHEN PROTECTIONS FOR PREGNANT INDIVIDUALS AND FAMILIES

Chicago — Attorney General Kwame Raoul today joined a coalition of 15 attorneys general in calling on the U.S. Senate to protect pregnant individuals and families by passing the Pregnant Workers Fairness Act (PWFA). The PWFA secures the right of pregnant individuals to be provided reasonable accommodations at work without fear of being pushed out of their jobs. In today's letter, Raoul and the coalition urge the U.S. Senate to support the ability for people who are pregnant to thrive in the workforce.

"Pregnant individuals should not have to endure unsafe working conditions or the threat of losing their jobs because they cannot seek accommodations during their pregnancies," Raoul said. "I urge the Senate to pass the Pregnant Workers Fairness Act and ensure pregnant individuals are fully protected under the law."

Currently, despite both the Pregnancy Discrimination Act (PDA) and the Americans with Disabilities Act (ADA), pregnant workers are not fully protected under the law. Reasonable accommodations under the ADA are available only to qualified individuals living with disabilities, including disabilities related to pregnancy. Reasonable accommodations can include, but are not limited to, sitting instead of standing, taking more regular breaks, and temporarily avoiding certain activities, like heavy lifting. Individuals in low-paying jobs are disproportionately people of color and those individuals are also more likely to be denied reasonable accommodations related to pregnancy due to the culture and demands of low-paying workplaces.

[In their letter](#) to U.S. Senate leadership, Raoul and the coalition strongly urge the Senate to pass the PFWA because it is needed to prevent pregnant workers from being forced out of their jobs or forced into taking unwanted leave. The PWFA, which is closely modeled after the ADA, would prohibit employment practices that discriminate against employees making requests for reasonable accommodations related to pregnancy, childbirth, and related medical conditions, and would make it clear to both workers and employers what rights and obligations need to be fulfilled under the law. Additionally, the bill would not require a pregnant employee to prove that another employee in a similar situation had also received accommodations in order to obtain their own accommodation.

Joining Raoul in today's letter are the attorneys general of California, Colorado, Delaware, District of Columbia, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New Mexico, New York, Oregon, Vermont and Washington.



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
28 LIBERTY STREET
NEW YORK, NY 10005

LETITIA JAMES
ATTORNEY GENERAL

(212) 416-8050

December 23, 2021

Hon. Charles E. Schumer
Majority Leader
U.S. Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Hon. Mitch McConnell
Minority Leader
U.S. Senate
317 Russell Senate Office Building
Washington, D.C. 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

The COVID-19 pandemic has resulted in a veritable “she-cession,” with millions of women across the country either losing their jobs or making the difficult choice to step out of the economy in order to provide care for their families and communities. As the United States works to meet the challenges that lie ahead, it is imperative that we use this opportunity to protect pregnant people in the workplace. We strongly urge the Senate to pass S.1486, the Pregnant Workers Fairness Act (PWFA), so that women and pregnant workers can participate in the economy without confusion or concern over their rights at work when they are expecting.

Strengthening these protections for pregnant workers is long overdue. The PWFA would make it clear that pregnant workers are entitled to reasonable accommodations without having to prove that another employee in a similar situation has also received accommodations. It would prevent employers from pushing pregnant workers out of their jobs or forcing them to take unwanted leave if they make minor requests like sitting instead of standing, taking more regular breaks, or temporarily avoiding certain activities like heavy lifting.

Pregnant workers are not adequately protected under current law despite both the Pregnancy Discrimination Act and the Americans with Disabilities Act, which present gaps for these kinds of workers. A new statute is needed to make sure that pregnant workers do not fall through the cracks and are instead able to maintain their jobs. The PWFA will make it clear to both workers and employers what their rights and obligations are under the law. The bill also sets out a clear process for both parties to work together to determine reasonable accommodations, similar to the Americans with Disabilities Act.

It is critical that we pass the PWFA now. These protections are urgently needed, especially by pregnant low-income people and people of color who often face the greatest challenges trying to obtain reasonable accommodations at work. The PWFA will facilitate access to justice for these workers and also have positive implications on other issues that disproportionately affect women of color, such as severe maternal mortality and morbidity.

Women and pregnant people are a crucial part of the American economy. It is paramount that we do everything we can to both facilitate their return to and ability to remain in the workforce, including when they are expecting. Passing the PWFA will help to make this a reality. It is not only the right thing to do for workers but also good for business.

We urge you to prioritize and pass the Pregnant Workers Fairness Act as soon as possible on behalf of working women, pregnant people, and businesses both large and small across the country.

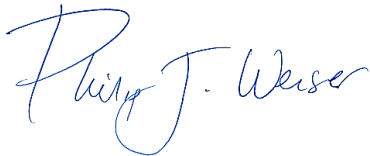
Sincerely,



Letitia James
New York Attorney General



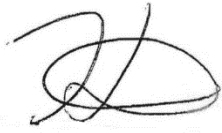
Rob Bonta
California Attorney General



Philip J. Weiser
Colorado Attorney General



Kathleen Jennings
Delaware Attorney General



Karl A. Racine
District of Columbia Attorney General



Kwame Raoul
Illinois Attorney General



Brian Frosh
Maryland Attorney General



Maura Healey
Massachusetts Attorney General



Dana Nessel
Michigan Attorney General



Aaron D. Ford
Nevada Attorney General



Andrew J. Bruck
New Jersey Acting Attorney General



Hector Balderas
New Mexico Attorney General



Ellen F. Rosenblum
Oregon Attorney General



T.J. Donovan
Vermont Attorney General



Bob Ferguson
Washington State Attorney General

cc: Hon. Patty Murray, Hon. Bob Casey