

LABOR AND WORKFORCE DEVELOPMENT

Resolution LWD-17-29

A RESOLUTION URGING WORKER PROTECTION FOR PREGNANT WOMEN IN THE WORKPLACE

WHEREAS, the Pregnancy Discrimination Act was passed in 1978 as an amendment to the Civil Rights Act of 1964;

WHEREAS, the Pregnancy Discrimination Act forbids discrimination based on pregnancy when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment;

WHEREAS, in March 2015, the U.S. Supreme Court ruled in favor of Peggy Young in a pregnancy discrimination case, *Young v. United Parcel Service*, holding that employers may not burden pregnant workers while accommodating most other groups of workers, including workers with disabilities and those temporarily unable to perform their normal duties;

WHEREAS, the National Black Caucus of State Legislators (NBCSL) firmly believes that no worker should live in fear that her job is at risk simply because she is pregnant;

WHEREAS, women are nearly half of the workforce in the United States, and their income is increasingly important to their families and our economy;

WHEREAS, nearly three in ten charges of pregnancy discrimination filed with the U.S. Equal Employment Opportunity Commission were from black women;

WHEREAS, pregnant women throughout the country work hard to make ends meet, but too often, they are forced out of their jobs or denied minor job modifications that would allow them to continue providing for their families while protecting their health and the health of their babies; and

WHEREAS, eighteen states and the District of Columbia have laws that give a pregnant employee the right to reasonable accommodations at work.

THEREFORE, BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports and call upon Congress and State Governments to promulgate, and pass into law legislation that strengthens and affirms the court's decision in *Young v. UPS* that would ensure that pregnant women are treated fairly;

BE IT FURTHER RESOLVED, NBCSL calls on Congress to pass the Pregnancy Workers Fairness Act, which would require employers to make reasonable accommodations for pregnant employees, prohibit discrimination against pregnant employees, and prohibit employers from forcing pregnant employees to take paid or unpaid leave;

BE IT FURTHER RESOLVED, NBCSL supports legislation that would provide workers with a clear,

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predictable rule and will prevent employers from placing pregnant workers on unpaid leave, firing them or forcing them to quit when they seek a temporary and reasonable accommodation;

BE IT FURTHER RESOLVED, that NBCSL supports legislation that ensure pregnant women workers are not forced out their jobs or denied reasonable accommodations that would enable them to continue working and supporting their families; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States; the Vice President of the United States, members of the United States House of Representatives and United States Senate; and other federal and state government officiates as appropriate.

SPONSOR: Senator Ron Rice (NJ)

Committee of Jurisdiction: Labor and Workforce Development Policy Committee

Certified by Committee Co-Chair: Senator Ron Rice (NJ)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President