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COMMENTS IN SUPPORT OF 14-H 7982 – FAIR EMPLOYMENT PRACTICES April 17, 2014

Discrimination on the basis of pregnancy has been illegal under federal law since 1978, and yet across the country pregnant and breastfeeding women are routinely denied employment, forced on to unpaid leave, or otherwise retaliated against solely because of their pregnancy or breastfeeding status, while others are forced to decide between following the instructions of their doctor adhering to the dictates of their employer. The ACLU has in recent years represented a number of women across the country – ranging from police officers and UPS workers to teachers and healthcare workers – who are unfairly penalized by their employers because of their pregnancy status. For this reason, we strongly support this legislation.

Despite a federal prohibition on pregnancy discrimination, federal courts have issued conflicting interpretations as to the law, permitting employers to deny reasonable accommodations to pregnant women even when they have made similar accommodations available to other injured or otherwise impacted employees. This discrepancy is unconscionable, and leaves pregnant and breastfeeding employees penalized in ways unlike any other employee. Unsurprisingly, pregnancy discrimination disproportionately affects low-wage women and women working in male-dominated sectors or in female-dominated caretaker fields, many of whom are women of color. For these women, who are asked to choose between their pregnancy and their employment, the consequences can be long-lasting, including risks to her health and safety, and loss or restriction in wages or benefits right when she needs them the most.

Allowing for reasonable accommodations allows women to maintain a healthy pregnancy or breastfeed while still remaining active, productive employees. Passage of this legislation will enable Rhode Island to explicitly reject such discrimination, and simultaneously advocate for both healthy families and a healthy workforce. The ACLU strongly supports this legislation and recommends its approval.