



FACT SHEET:

Pregnancy Discrimination in Tennessee

No woman in Tennessee should have to choose between the health of her pregnancy and her job. Yet, this is happening all too often in our state. The Tennessee Pregnant Workers Fairness Act (TN PWFA) would ensure that pregnant workers can stay safe and healthy while earning paychecks to support their families.

Tennessee's Economy & Families Need Stronger Legal Protections

- Three-quarters of women entering the workforce in our country will be pregnant and employed at some point in their lives.¹ Some of these women—especially those in physically strenuous jobs—will face a conflict between their duties at work and the demands of pregnancy.
- It is estimated that **more than one quarter million** pregnant workers are denied requests for accommodations to their job duties each year, and many more do not even request changes at work, likely because of fear of retaliation.²
- Pregnant women are pushed out of their jobs because the law does not explicitly guarantee reasonable accommodations for pregnancy and recovery from childbirth.
 - In Tennessee, a truck driver was fired because she needed light work while pregnant, but her company only provided light work for employees injured on-the-job.³
 - A pregnant retail worker was rushed to the emergency room when she fainted on the job because her boss would not let her drink water.⁴

Proposed Tennessee Legislation Would Clarify that Tennessee Law Protects Pregnant Women Who Need Minor Assistance at Work

- The TN PWFA (HB974/SB1159) would explicitly require employers to reasonably accommodate employees with conditions related to pregnancy when necessary to keep a worker safe, healthy, and employed.
- The proposed law would provide certainty and clarity for employees and employers alike.

TN PWFA is an Important Public Health Measure, Promoting Healthier Pregnancies and Babies Statewide

- Women who need income but lack accommodations are often forced to continue working under unhealthy conditions, risking their own health as well as the health of their babies.⁵
- Physically demanding work, where accommodations are more often necessary but too often unavailable, has been associated with an increased risk for preterm birth and low birth weight.⁶ Tennessee has the third highest infant mortality rate in the country⁷--we must fight to reduce this number.

Proposed Legislation Will Save the State of Tennessee Money

- Proposed legislation will promote family economic security⁸ during a critical time that is often filled with financial hardship, and would save taxpayers money in the form of unemployment insurance and other public benefits.



the work and family legal center

P.O. Box 60565, Nashville, TN 37206 | 615.915.2417 | info@abetterbalance.org | abetterbalance.org

- The March of Dimes New York chapter, in a fact sheet supporting a similar bill, estimated that encouraging healthy pregnancies could save that state \$1 billion annually in healthcare costs.⁹ Tennessee could expect similar savings.
- Employers also benefit,¹⁰ from reduced turnover and increased productivity.¹¹ Legislation would provide clarity so employers can anticipate their responsibilities and avoid costly litigation. The March of Dimes New York has noted that employers spend more than \$12 billion annually on claims related to prematurity and complicated births nationwide.¹²
- After California passed similar legislation, litigation of pregnancy cases decreased, even as pregnancy discrimination cases around the country were increasing.¹³ The Hawaii Civil Rights Commission reported a similar reduction in pregnancy discrimination complaints and litigation after enactment.

Need for Greater Legal Clarity Has Been Recognized Across the Country

- Alaska, California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Louisiana, Maryland, Minnesota, New Jersey, Texas, West Virginia, New York City, NY, Philadelphia, PA, Providence, RI and Central Falls, RI all explicitly require certain employers to provide some form of accommodations to pregnant employees.¹⁴

For more information on this legislation, please contact A Better Balance Director of the Southern Office, Elizabeth Gedmark, at 615-915-2417 or egedmark@abetterbalance.org.

¹ Alexandra Cawthorne & Melissa Alpert, *Labor Pains: Improving Employment and Economic Security for Pregnant Women and New Mothers*, (Aug. 2009), <https://www.americanprogress.org/issues/women/report/2009/08/03/6599/labor-pains/>.

² Bryce Covert, "Why Are Workplaces Still Not Ready for Pregnant Workers?," January 31, 2014, available at: <http://thinkprogress.org/economy/2014/01/31/3235471/pregnant-workers-survey/>.

³ *Reeves v. Swift Transp. Co., Inc.*, 446 F.3d 637 (6th Cir. 2006).

⁴ National Women's Law Center & A Better Balance, *It Shouldn't Be A Heavy Lift: Fair Treatment for Pregnant Workers*, (June 2013), <http://www.abetterbalance.org/web/images/stories/ItShouldntBeAHeavyLift.pdf>.

⁵ Renee Bischoff & Wendy Chavkin, *The Relationship between Work-Family Benefits and Maternal, Infant and Reproductive Health: Public Health Implications and Policy Recommendations*, (June 2008), pg. 13-17, http://otrans.3cdn.net/70bf6326c56320156a_6j5m6fupz.pdf; see also Mayo Clinic Staff, *Working During Pregnancy: Do's and Don'ts*, <http://www.mayoclinic.com/health/pregnancy/WL00035>; see also Joanna L. Grossman, *Pregnancy, Work, and the Promise of Equal Citizenship*, 98 Geo. L.J. 567, 582-84 (March 2010); Brief amici curiae of Health Care Providers, et al., *Young v. UPS*, (September 11, 2014), available at: http://www.americanbar.org/content/dam/aba/publications/supreme_court_preview/BriefsV4/12-1226_pet_amcu_hcp-etal.authcheckdam.pdf.

⁶ See, e.g. Monique van Beukering et al., *Physically Demanding Work and Preterm Delivery: A Systematic Review and Meta-Analysis*, Int'l Archives of Occupational & Env'tl. Health (2014) (discussing association of prolonged standing, lifting and carrying, physical exertion, and a combination of those tasks with preterm birth).

⁷ Centers for Disease Control, "Infant Deaths Per 1,000 Live Births, By State: 2010," available at: http://www.cdc.gov/nchs/pressroom/states/INFANT_MORTALITY_RATES_STATE_2010.pdf.

⁸ Brief amici curiae of American Civil Liberties Union and A Better Balance, et al., *Young v. UPS*, (September 11, 2014), available: http://sblog.s3.amazonaws.com/wp-content/uploads/2014/09/12-1226_tsac_aclu.pdf.

⁹ March of Dimes—New York Chapter, *Protect New York's Moms From Pregnancy Discrimination*, http://www.marchofdimes.org/pdf/newyork/Pregnancy_Discrimination_Fact_Sheet.pdf.

¹⁰ Brief amici curiae of U.S. Women's Chamber of Commerce, et al., *Young v. UPS*, (September 11, 2014), available at:

http://www.americanbar.org/content/dam/aba/publications/supreme_court_preview/BriefsV4/12-1226_pet_amcu_uswcoc-etal.authcheckdam.pdf.

¹¹ Job Accommodation Network, *Workplace Accommodations: Low Cost, High Impact*, pg. 3, <http://www.jan.wvu.edu/media/LowCostHighImpact.doc>.

¹² March of Dimes—New York Chapter, *Protect New York's Moms From Pregnancy Discrimination*, http://www.marchofdimes.org/pdf/newyork/Pregnancy_Discrimination_Fact_Sheet.pdf.

¹³ Equal Rights Advocates, *Expecting A Baby, Not A Lay-Off*, pg. 25, <http://www.equalrights.org/wp-content/uploads/2013/02/Expecting-A-Baby-Not-A-Lay-Off-Why-Federal-Law-Should-Require-the-Reasonable-Accommodation-of-Pregnant-Workers.pdf>.

¹⁴ A Better Balance, "State and Local Laws Protecting Pregnant Workers," available at: <http://www.abetterbalance.org/web/ourissues/fairness-for-pregnant-workers/310>.