

SENATE RESOLUTION No. 72

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 8, 2020

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Urges Congress to pass “Pregnant Workers Fairness Act.”

CURRENT VERSION OF TEXT

As introduced.



1 **A SENATE RESOLUTION** respectfully urging the United States
2 Congress to pass the “Pregnant Workers Fairness Act.”

3
4 **WHEREAS**, Pregnancy discrimination is an insidious form of
5 employment discrimination that occurs due to a woman suffering
6 negative consequences at her job after becoming pregnant; and

7 **WHEREAS**, Efforts to reduce pregnancy discrimination have been
8 slow, with 62 percent of Americans having personally seen
9 pregnancy discrimination in the workplace; and

10 **WHEREAS**, The federal “Pregnancy Discrimination Act” (PDA) does
11 not adequately address the issue of employer intransigence to make
12 reasonable accommodations for pregnant women; and

13 **WHEREAS**, This weakness in the law allows an employer to refuse a
14 work accommodation to a pregnant worker, even if the woman has
15 a doctor’s note; and

16 **WHEREAS**, Attempts by pregnant workers to seek relief in court often
17 end in frustration, with many courts construing the PDA narrowly;
18 and

19 **WHEREAS**, As a result of these unnecessarily high barriers, over
20 250,000 pregnant workers are denied requests for accommodations
21 each year, with many being terminated from their employment as a
22 consequence; and

23 **WHEREAS**, The proposed “Pregnant Workers Fairness Act” (PWFA)
24 addresses this flaw of the PDA by requiring employers to allow
25 reasonable accommodation for workers experiencing a limitation
26 due to pregnancy, childbirth, or related medical conditions; and

27 **WHEREAS**, The PWFA would allow pregnant workers to continue
28 working without fear of health risks or cuts in pay and benefits; and

29 **WHEREAS**, The guidance provided under the PWFA would allow
30 employers to understand their obligations toward pregnant workers,
31 which would help increase employee retention and reduce the risk
32 of litigation; and

33 **WHEREAS**, Twenty-seven states, including New Jersey, have laws in
34 place requiring employers to provide reasonable accommodations
35 to pregnant workers; the federal government should nonetheless
36 establish a national standard to better protect pregnant women from
37 workplace discrimination; now, therefore,

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39 **BE IT RESOLVED** *by the Senate of the State of New Jersey:*

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41 1. This House respectfully urges the United States Congress to
42 pass the “Pregnant Workers Fairness Act.”

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44 2. Copies of this resolution, as filed with the Secretary of State,
45 shall be transmitted by the Secretary of the Senate to the Majority
46 and Minority Leaders of the United States Senate, the Speaker and
47 Majority and Minority Leaders for the United States House of

1 Representatives, and each member of the United States Congress
2 elected from this State.

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STATEMENT

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7 This resolution respectfully urges the United States Congress to
8 pass the “Pregnant Workers Fairness Act” (PWFA), which would
9 allow pregnant workers to seek reasonable accommodations in the
10 workplace.

11 Pregnancy discrimination is an insidious form of employment
12 discrimination that occurs when a woman suffers negative
13 consequences at her job after becoming pregnant. It is an
14 unfortunately common form of employment discrimination, with 62
15 percent of American workers having witnessed such discrimination
16 at some point in their lives. While the federal “Pregnancy
17 Discrimination Act” (PDA) mandates equal treatment for pregnant
18 workers, the PDA does not adequately address the issue of
19 employer intransigence to make reasonable work accommodations
20 for pregnant women. As a consequence, over 250,000 pregnant
21 workers are denied requests for accommodations each year by their
22 employers.

23 Under the proposed “Pregnant Workers Fairness Act,” (PWFA)
24 employers will be required to reasonably accommodate workers
25 experiencing a limitation due to pregnancy, childbirth, or related
26 medical conditions. This will address the PDA’s flaw regarding
27 accommodations and will allow pregnant workers to continue
28 working without fear of health risks or cuts in pay and benefits.
29 The PWFA will also provide guidance to employers on their
30 obligations toward pregnant workers, which will help increase
31 employee retention and reduce the risk of litigation. While 27
32 states, including New Jersey, have laws in place that require
33 employers to provide reasonable accommodations for pregnant
34 workers, a national law to provide these protections would be a
35 logical step towards ensuring an equal workplace for all pregnant
36 workers.