

FOR IMMEDIATE RELEASE

CONTACT: Erin Macey, Indiana Institute for Working Families | 317-270-0874 | emacey@incap.org

## **Coalition Members Express Disappointment that Reasonable Accommodations for Pregnant Workers Not Selected for Interim Study**

The Indiana General Assembly's Legislative Council announced today that reasonable accommodations for pregnant workers will not be among the topics Indiana lawmakers will study during the 2020 interim session. A broad coalition of health, business, faith, community, and civil rights groups were disappointed in the decision.

Some pregnant women require minor accommodations in their workplace to help them stay healthy, carry their babies to term, and avoid miscarriages. Necessary modifications are often as simple as providing a pregnant worker with more breaks, a place to sit, or a water bottle. Meanwhile, each premature/low birth weight baby costs \$63,000 on average in Indiana in medical care, intervention services, and lost productivity. In short, this is a missed opportunity to study the relative costs and benefits of accommodating pregnant workers.

"Indiana suffers from unacceptably high rates of preterm birth and infant mortality. In 2018, 47.3% of infant deaths in Indiana were due to perinatal risks (i.e. premature birth) and Indiana's rate of premature births has actually increased since last year. Peer-reviewed studies have found that physically demanding work – including prolonged standing, shift or night work, and high cumulative work fatigue - puts women at higher risk for premature birth," said **Jeena Siela, Director of Maternal-Child Health & Government Affairs for March of Dimes**. "Ensuring that all pregnant women are working in conditions that protect their health would provide another step towards helping women carry their pregnancies to term and avert greater complications for the mother, including postpartum health problems."

While some women who ask for accommodations may be protected by federal or state laws intended to prohibit discrimination based on pregnancy and on disability, there is no clear federal or state law specifying when an employer must accommodate a pregnant worker on the job. To clear up this murky issue and to improve maternal and child health, twenty-nine other states have passed legislation requiring reasonable accommodations for pregnant workers.

"The topic of protecting women and unborn children is an important prolife issue for the Church, particularly as this year has been designated as the year of Walking with Moms in Need; a Year of Service," said **Angela Espada, Executive Director of the Indiana Catholic Conference**. "Providing safer environments not only protect the mother and child, it also benefits the employer with a healthier and stable workforce."

During the 2020 legislative session, Senator Ron Alting (R-Lafayette), joined by lawmakers on both sides of the aisle, offered Senate Bill 342 to provide a clear, affirmative right to reasonable accommodations for pregnant workers. Indiana lawmakers filed similar legislation in 2018 and 2019. Governor Holcomb made the legislation part of his 2020 legislative agenda and a broad coalition of health, labor, business, and community groups rallied in support. However, some legislators felt the issue required further study and the substance of the bill was stripped to insert language suggesting an interim study of the topic.

"By declining to study pregnant worker accommodations over the summer, the Indiana General Assembly's Legislative Council has yet again put Hoosier women's rights on the backburner. A pregnancy accommodations law would facilitate healthy pregnancies, healthy babies, promote the economic security of women, and their families, provide clear expectations for employers, and boost our state's economy," said **Katie Blair, Director of Advocacy & Public Policy for the American Civil Liberties Union of Indiana**. "It is disappointing to see this conversation paused during the interim session, but the ACLU of Indiana will continue to push for these accommodations during the 2021 legislative session."

COVID-19 has heightened the need to create clear expectations around health and safety in the workplace, assuring essential and returning workers that they can ask for modifications – especially if they are pregnant. Even before COVID-19, many pregnant workers reported that they were afraid to ask employers for modifications on the job. Others dropped out of the workforce rather than jeopardize their health.

"Post-COVID, it is more paramount that we have pregnancy accommodations," said **Tim Brown, Director of Policy & Legislative Affairs for the IndyChamber**. "The last thing we need to be doing is encouraging women to return to an unsafe environment that could potentially harm them or their newborns. As employers and employees return to work, there needs to be assurances that workplace accommodations will promote health and safety for returning workers. Providing clarity will guard against confusion between the employer and employee as to the standard required to be upheld."

"Now, more than ever, no pregnant worker should have to choose between her job and a healthy pregnancy. Too often, however, women are pushed out of work when all they need is a modest accommodation to stay healthy and working," said **Dina Bakst, Co-Founder and Co-President of A Better Balance**. "Studies have repeatedly shown accommodating pregnant workers reduces poor health outcomes. That is why we need a clear standard in place where pregnant workers can receive accommodations absent undue hardship on the employer. While we are disappointed the General Assembly will not be studying the issue during the interim session, we will continue to advocate for the passage of a pregnancy accommodation law to support pregnant workers in the Hoosier State."

"As our state recovers from this pandemic and the recession it sparked, it is imperative that we rebuild better. That means thinking about how to ensure that Hoosiers have access to high-quality, family-sustaining jobs that support financial stability," said **Jessica Fraser, Director of the Indiana Institute for Working Families**. "Ensuring that pregnant Hoosiers can ask for and receive reasonable accommodations in the workplace would be an excellent step forward, and an interim study would have provided an opportunity to reach consensus on the best approach. However, we will continue to advocate for legislation on this and other topics that matter to Hoosier families in the 2021 session."

###