



To: The Honorable Chair, Delegate Maggie McIntosh  
From: Melissa S. Rock, Birth to Three Strategic Initiative Director  
Re.: **HB 523: State Personnel – Employee Accommodations—Pregnancy and Childbirth**  
Date: February 11, 2020  
Position: **SUPPORT**

There are several ways moderate-intensity, rather than light-intensity jobs can lead to increased pregnancy and birth complications. One recent study found that it increases the likelihood of “fetal macrosomia (or having a birth weight of more than 8 pounds, 13 ounces) by 1.5 percentage points.”<sup>i</sup> For a mother, fetal macrosomia can lead to “labor difficulties, post-delivery bleeding and uterine rupture, while risks to the child include childhood obesity and lower-than normal blood sugar.”<sup>ii</sup> Moderate-intensity jobs are also associated with higher risks of gestational diabetes, which can also lead to having an extra large baby.<sup>iii</sup>

While the federal Pregnancy Discrimination Act (PDA) from 1978 outlaws discrimination against pregnant individuals by including this discrimination under the prohibitions against sex discrimination, there are not specific provisions to protect pregnant employees in the workplace. According to the National Partnership for Women and Families, “despite the longstanding protection of the PDA, nearly 31,000 pregnancy discrimination charges were filed with the U.S. Equal Employment Opportunity Commission (EEOC) and state-level fair employment practice agencies between October 2010 and September 2015.”<sup>iv</sup> One study from 2013 estimates that each year 250,000 pregnant individuals are denied the reasonable pregnancy accommodations they request.<sup>v</sup>

Women of color and immigrant women experience the negative affects of this discrimination because they are more likely than white women to “hold certain inflexible and physically demanding jobs that can present specific challenges for pregnant workers, such as home health aides, food service workers, package handlers and cleaners.”<sup>vi</sup> **We urge this committee to issue a favorable report on HB 523 which requires all state government jobs include the right to reasonable accommodations for pregnancy employees to help protect pregnant state employees from having to make the decision between protecting their health and retaining their job and minimize the rate of avoidable pregnancy complications.**

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<sup>i</sup> <https://www.marketwatch.com/story/working-in-a-strenuous-job-while-pregnant-can-lead-to-a-range-of-health-risks-during-and-after-childbirth-2019-10-08>

<sup>ii</sup> Id.

<sup>iii</sup> Id.

<sup>iv</sup> <https://www.nationalpartnership.org/our-work/resources/economic-justice/pregnancy-discrimination/fact-sheet-pwfa.pdf>

<sup>v</sup> <https://www.nationalpartnership.org/our-work/resources/economic-justice/pregnancy-discrimination/listening-to-mothers-experiences-of-expecting-and-new-mothers.pdf>

<sup>vi</sup> [https://www.nwlc.org/wpcontent/uploads/2015/08/the\\_stakes\\_for\\_woc\\_final.pdf](https://www.nwlc.org/wpcontent/uploads/2015/08/the_stakes_for_woc_final.pdf)