

May 11, 2021

Hon. Bobby Scott
Chairman
Committee on Education and Labor
U.S. House of Representatives
1201 Longworth House Office Bldg.
Washington DC 20515

Hon. Virginia Foxx
Ranking Member
Committee on Education and Labor
U.S. House of Representatives
2462 Rayburn House Office Bldg.
Washington DC 20515

Re: Support for Pregnant Workers Fairness Act, H.R. 1065

Dear Chairman Scott and Ranking Member Foxx:

As co-chairs of the Consortium for Citizens with Disabilities (CCD) Rights Task Force, we write in strong support of the Pregnant Workers Fairness Act, H.R. 1065. CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

The Americans with Disabilities Act (ADA)'s mandate that covered employers make reasonable accommodations to ensure equal opportunity for applicants and employees with disabilities has been tremendously important in helping people with disabilities secure and maintain employment. While the ADA does not cover pregnancy itself as a disability, in light of the ADA Amendments Act, which lowered the standard for demonstrating a disability from what the courts had previously applied, many pregnant workers who experience pregnancy-related complications should be covered as people with disabilities and entitled to reasonable accommodations under the ADA. Yet many courts have continued to interpret the ADA's coverage narrowly, and in practice, large numbers of pregnant workers are not offered reasonable accommodations. Furthermore, a clear pregnancy accommodation standard will help prevent pregnancy-related complications before they arise. Such accommodations should be provided to pregnant workers so that they can remain in the workforce and not lose their employment simply because they experience pregnancy-related limitations.

The accommodation requirement of H.R. 1065 is limited, as is the ADA's accommodation requirement, to those accommodations that are reasonable and would not impose an undue hardship. That standard takes into account the needs of employers while also ensuring that pregnant workers can stay on the job with reasonable accommodations. This protection is critical not only for pregnant workers but for our national economy.

The Pregnant Workers Fairness Act is particularly important to people with disabilities. Many people with disabilities who did not require accommodations before becoming pregnant experience new complications due to how pregnancy impacts their disabilities, and need accommodations once they become pregnant. These workers are sometimes told that they are not entitled to accommodations because the employer views the need for accommodation as related to pregnancy rather than to the worker's underlying disability.

We thank the Committee for moving the bill forward and urge all members of the House of Representatives to vote for the Pregnant Workers Fairness Act and oppose any motion to recommit.

Sincerely,

/s/
Jennifer Mathis
Bazelon Center for Mental Health Law

/s/
Kelly Buckland
National Council on Independent Living

/s/
Stephen Lieberman
United Spinal Association

/s/
Samantha Crane
Autistic Self Advocacy Network

/s/
Allison Nichol
Epilepsy Foundation

/s/
Molly Burgdorf
The Arc of the United States

Co-chairs, CCD Rights Task Force

CC: Members of the House of Representatives