

IOWA PREGNANT WORKERS RIGHTS ACT

FACT SHEET: RESTORING LEGAL PROTECTIONS FOR PREGNANT IOWA WOMEN IN THE WORKPLACE

WHY IS THIS NEEDED?

Responsible Iowa businesses already provide reasonable accommodations to their employees during pregnancy.

Under the Iowa Civil Rights Commission's guidance in place since 2013, doing so has been the law under the Iowa Civil Rights Act. To most of us, it's a matter of common sense.

But in 2015, the Iowa Supreme Court ruled in *McQuistion v. City of Clinton* to overturn the Commission's interpretation. It instead adopted a less protective and less straightforward federal rule. Instead of the clear and predictable standard that had been working in Iowa, the rule instead switched to a complicated legal analysis framework called "McDonnell Douglas burden shifting." By doing this, the *McQuistion* decision unnecessarily put employers and families in a state of uncertainty and confusion.

WHAT IS THE IOWA PREGNANT WORKERS RIGHT ACT?

The Iowa Pregnant Workers Rights Act would restore the Iowa Civil Rights Commission's rule, requiring reasonable accommodations for pregnant employees. Iowa women and Iowa employers deserve a straightforward, predictable standard.

What this all means is that for responsible and law-abiding employers (who had been complying with the Iowa Civil Rights Act prior to *McQuistion*) is that they quite likely would not need to make any changes to their current practices. But they and all Iowa families would benefit from an equal playing field that would require reasonable accommodations for pregnant workers.

WHAT IS A REASONABLE ACCOMODATION?

A reasonable accommodation is a modification or allowance in condition of employment—often modest or slight—that allows an employee to continue working by accommodating a condition she is experiencing on account of pregnancy or childbirth.

The accommodation must be reasonable. That means if the accommodation would impose an undue hardship on the ordinary operation of the employer's business, the employer is NOT required, under the Pregnant Workers Rights Act, to provide it.

Employers know how to work with a reasonable accommodation standard because they already use this framework to accommodate employees with disabilities.

WHAT ARE REASONABLE ACCOMODATIONS?

Examples of accommodations that would be provided—unless they would interfere with the employer's ordinary operation—include the following.

- Allow worker to carry a water bottle
- Provide a stool for workers who stand for long periods
- Temporarily reassign a pregnant worker to light duty
- Allow for extra bathroom breaks
- Accommodate necessary doctor appointments

DO OTHER STATES PROVIDE PROTECTIONS?

Yes. Rules requiring reasonable accommodation are successfully in place in 16 states, big and small, plus the District of Columbia and four major cities. These states include neighboring states of Illinois, Minnesota, and Nebraska.

WHAT IS THE IMPACT?

Women make up about half of today's workforce and many are the primary breadwinners in their families. But without legal protections in place, many will be put in an impossible position of having to choose between employment and a healthy pregnancy.

- Two-thirds of women who had their first child between 2006 and 2008 worked during pregnancy; 88 percent of those worked into the last trimester.
- 71 percent of women return to the workforce after pregnancy.
- 39 percent of Iowa working mothers were the primary breadwinners for their families in 2015; 68 percent were either primary or co-breadwinners.

WHAT ARE THE COSTS OF REASONABLE ACCOMODATIONS?

Providing reasonable accommodations is good for the bottom line for employers, for families, and for the economy.

Many temporary accommodations sought by pregnant workers are already provided for workers with disabilities and are likely to be low- or no-cost.

The data show that providing accommodations has bottom line benefits to employers, including increased employee commitment and satisfaction, increased recruitment and retention, increased productivity, increased safety, reduced absenteeism and savings in worker's compensation and other insurance costs.

Over time, providing reasonable accommodations will yield big savings in health care costs. U.S. employers spend more than \$12 billion annually on claims related to premature or complicated births.

For more information, go to www.pregnantiowaworkers.com

Iowa families should not have to choose between earning a livelihood and healthy pregnancies.
And Iowa employers deserve a clear, common-sense rule that is easy to follow.