

March 24, 2021

The Honorable Bobby Scott  
Chairman  
Committee on Education and Labor  
U. S. House of Representatives  
Washington, DC 20515

The Honorable Virginia Foxx  
Ranking Member  
Committee on Education and Labor  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Scott and Ranking Member Foxx:

We urge the Committee to approve H.R. 1065, the Pregnant Workers Fairness Act (PWFA), unchanged during the anticipated markup on Wednesday, March 24. The bill—which passed the House last September by a vote of 329-73 with this same language—represents extensive collaboration between advocates for this bill and the employer community.

Together, we believe this version of the PWFA is a balanced approach to ensuring that pregnant employees have the maximum opportunity to stay in the workplace, which is critical to the economic security of America’s women and families. There is considerable confusion about what employers are required to do to accommodate pregnant workers. The revised PWFA would clarify an employer’s obligation to accommodate a pregnant employee, or applicant, with a known limitation that interferes with her ability to perform some essential functions of her position.

The PWFA takes advantage of the widely known and accepted interactive process associated with the Americans with Disabilities Act (ADA) that is used to find reasonable accommodations for employees covered by the ADA. It specifies that requiring the employee to take leave can only happen after the employer and employee have determined that no other accommodation is appropriate. The bill also carries forward the 15-or-more-employee threshold from the ADA.

This is a strong bill and a reminder that through good faith negotiations, legislative solutions to important questions and problems can be found. We believe strongly that the PWFA deserves to be approved with no changes.

Sincerely,

A Better Balance  
National Partnership for Women & Families  
National Women’s Law Center  
The American Civil Liberties Union  
U.S. Chamber of Commerce

cc: Members of the Committee on Education and Labor