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**TESTIMONY IN SUPPORT OF 15-H 5674,
RELATING TO FAIR EMPLOYMENT PRACTICES
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The ACLU of Rhode Island strongly supports this bill, which would ensure that pregnant women in the workplace receive the reasonable accommodations that they should be entitled to.

Discrimination on the basis of pregnancy has been illegal under federal law since 1978, and yet across the country pregnant and breastfeeding women are routinely denied employment, forced to go on unpaid leave, or otherwise discriminated against solely because of their pregnancy or breastfeeding status. Some pregnant women find themselves in the untenable position of having to decide between following the instructions of their doctor or adhering to the dictates of their employer.

These situations have arisen because some courts have interpreted the law to mean that while a woman cannot be directly fired for being pregnant, she can be fired for needing a reasonable accommodation in order to safely work while pregnant, even when the employer has made similar accommodations available to injured employees or workers with disabilities. These accommodations can include such things as requiring a temporary light-duty assignment, obtaining added restroom breaks, needing to carry a water bottle while working, or requesting other minor accommodations often provided other employees. Nationally in recent years, the ACLU and others have represented a number of women across the country – ranging from police officers and UPS workers to teachers and healthcare workers – who have been unfairly penalized because of their pregnancy status by employers who have refused to make reasonable accommodations in these ways.

Over the past few decades, Rhode Island has a proud history of amending its Fair Employment Practices Act in response to court decisions at the national level that have weakened the protections available under federal anti-discrimination laws. The state would be continuing in that tradition by making absolutely clear that FEPA provides protections to pregnant women – as it was always intended to do – that some federal courts have managed to eliminate from federal law.

No woman should be forced to choose between a healthy pregnancy and her job. Currently, at least a dozen states recognize that providing reasonable accommodations allows women to maintain a healthy pregnancy while still remaining active, productive employees. Because passage of this legislation will promote both healthy families and a healthy workforce, the ACLU strongly recommends approval of H-5674.