



In Solidarity: Union Support for Pregnant and Breastfeeding Workers

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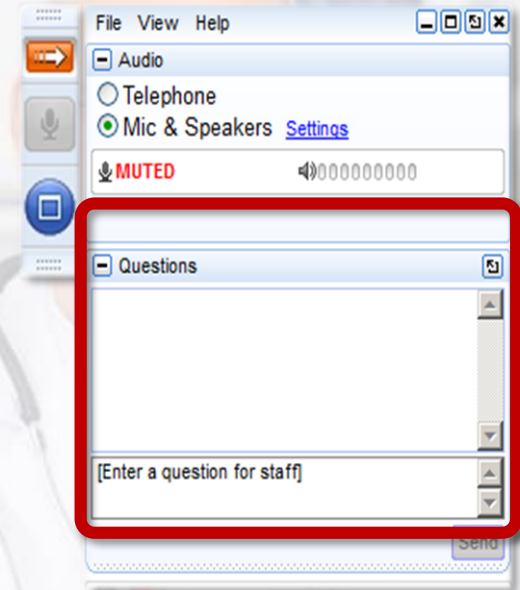
Questions? Comments?

Please type your questions anytime in the questions box on your GoToWebinar screen

-- Or --

Email them to questions@worklifelaw.org

We will answer questions at the end of the webinar.



Where Unions Fit In



Tiffany's Story



Respect the Bump Campaign



The **Pregnancy Discrimination Act** of 1978 and many state laws prohibit discrimination against an employee based on pregnancy, childbirth or related medical conditions. Pregnancy discrimination is discrimination based on sex.

What is Pregnancy Discrimination?

- Based on pregnancy, childbirth or related medical conditions:
 - Employees cannot be fired
 - Employees cannot be demoted
 - Employees cannot be denied a position or a promotion
 - Employees cannot be made to suffer any other negative consequences
- Bottom line is the pregnant worker should not be treated any differently than other non-pregnant workers who are similar in their ability to do their jobs



What is Pregnancy Discrimination?

- Many Collective Bargaining Agreements (CBAs) have a non-discrimination clause which includes discrimination based on sex
 - Such language in the CBA may support a grievance asserting that the employer has violated the contract if the employer fires, demotes, pushes out on leave or otherwise takes negative actions against an employee because of pregnancy, childbirth or related medical conditions
 - In addition, a just cause provision can be relied upon if other employees who are not pregnant but are similar in their ability to do their jobs are being treated more favorably than pregnant workers

Pregnancy Accommodations



- Receiving a stool for sitting
- Carrying a water bottle
- Taking additional breaks for snacks or resting
- Working a modified schedule
- Taking time off for prenatal care appointments
- Receiving assistance with heavy lifting
- Receiving light duty assignments

Pregnancy Discrimination Act:

Employers must treat pregnant workers the same as non-pregnant workers.

Americans with Disabilities Act:

Employers must accommodate workers with pregnancy-related disabilities.



State Pregnancy Accommodation Laws

States with statutes regarding pregnancy accommodation:

Alaska	Minnesota
California	Nebraska
Colorado	New Jersey
Connecticut	New York
Delaware	North Dakota
Hawaii	Rhode Island
Illinois	Texas
Iowa	Utah
Louisiana	West Virginia
Maryland	

Check Your Collective Bargaining Agreement or MOU



Requesting an Accommodation

- 1. Be prepared with a plan**
- 2. Be as specific as possible**
- 3. Emphasize commitment to the job and need for income**



Leave Associated with Pregnancy or Childbirth

- Employees who are pregnant or experiencing childbirth or medical conditions related to pregnancy or childbirth are entitled to use leave under the Family Medical Leave Act (FMLA) and similar state or city statutes
- FMLA leave is unpaid leave
 - Small employers are not covered
 - Employee must have 12 months of employment
 - Can only use 12 weeks of leave in a 12 month period
- Some states have paid or partially paid leave requirements



More on Leave

Can be used to cover doctor's appointments

If too much leave is used pre-childbirth, there may not be enough remaining leave available to cover full post-childbirth recovery period

If more leave is needed beyond the amount required under the FMLA or CBA, additional leave could be a requested accommodation under the ADA

Family Leave Across the Country

	FMLA	CA	NJ	RI	NY	DC
Eff.	1993	2004	2009	2014	2018	TBD
#	200M+	13M	3.7M	392K	6.4M	530K
Wks.	12	6	6	4	12	8/6
Med.	12	52	26	30	26	2
Pay	Unpaid	55%	66.7%	60%	67%	90/50%

Breastfeeding and Lactation



Lactation Accommodations

- **Regular breaks**
- **Private, clean space – not a bathroom**
- **Electrical outlet, running water, refrigerator**
- **Other accommodations as needed**



Stephanie Hicks



Legal Rights

Break Time for Nursing Mothers Law

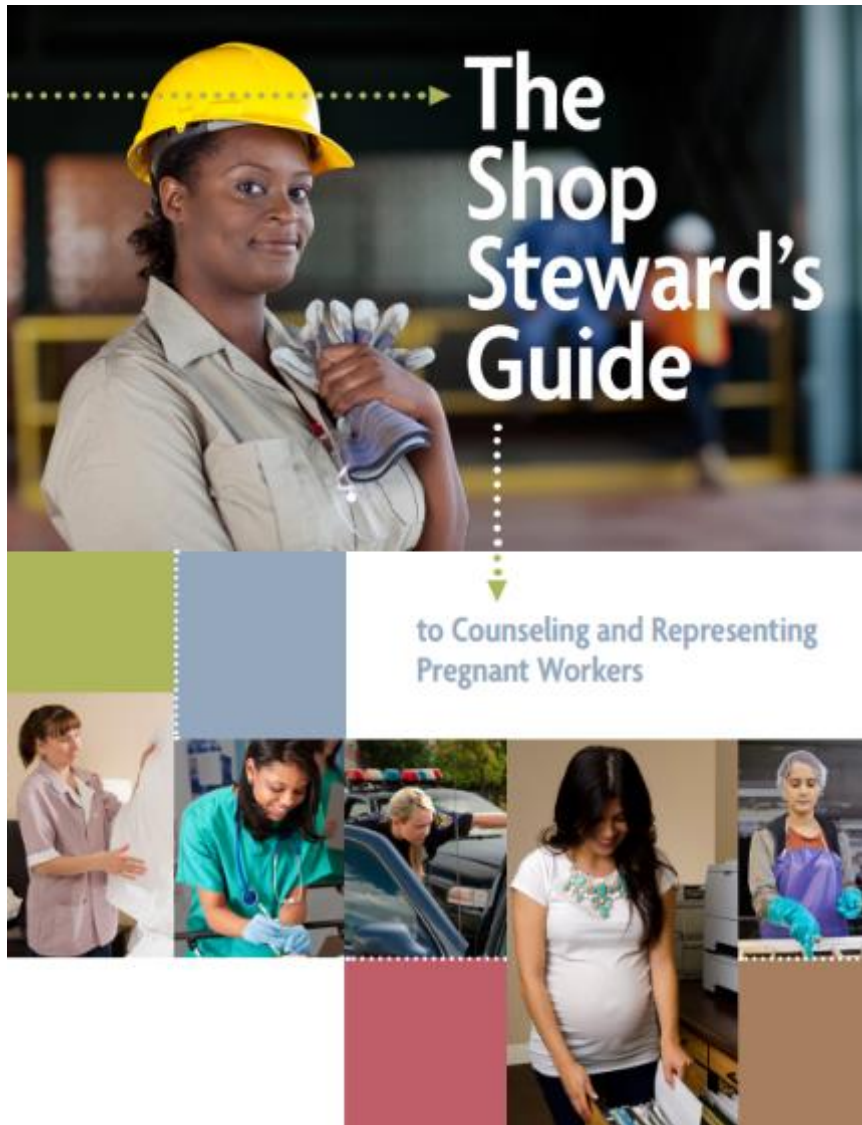
- Break Time & Private, Non-Bathroom Space

Pregnancy Discrimination Act

- Employer must treat breastfeeding workers the same as other employees

State Laws

Take Action!



The Shop Steward's Guide to Counseling and Representing Pregnant Workers is available at:

www.worklifelaw.org/shop-stewards-guide

www.working-families.org

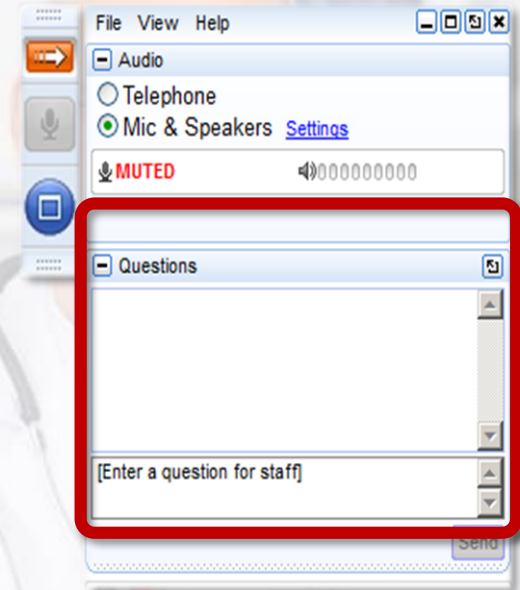
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