



Chapter 8

Illegal Pregnancy Discrimination Is a Severe Business, Legal, and Public Health Issue


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ABSTRACT

Pregnancy discrimination in the workplace is a pervasive business legal issue that harms the health and well-being of women who experience it. It refers to the adverse treatment of employees, applicants, and independent contractors based on pregnancy, childbirth, or related medical conditions, including lactation. This type of illegal discrimination is a public health issue. It can lead to economic insecurity, adverse physical and mental health outcomes, and decreased access to quality healthcare for affected women. This chapter explores the literature to develop recommendations and practical, real-world organizational solutions.

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INTRODUCTION

Pregnancy in the workplace is a global phenomenon. In the United States, the rate of pregnancies among women aged 15 to 44 in 2019 was estimated to be 101.6 per 1,000 women (Centers for Disease Control and Prevention, 2020). This rate is significantly higher than in other developed countries, such as Canada (76.3 per 1,000) and the United Kingdom (67.4 per 1,000) (International Planned Parenthood Federation, 2020). In addition, the rate of pregnancies in the United States is disproportionately higher among specific populations such as low-income earners, women of color, and immigrant women (Federico, 2020).

The United States is one of the few countries that does not provide paid maternity leave for women (Petts, Knoester, & Li, 2020). Therefore, it is unsurprising that many working women in the U.S. face illegal discrimination due to their pregnancies or pregnancy-related conditions (Mauro, 2013).

Pregnancy discrimination is a form of gender-based discrimination still pervasive in the healthcare workplace. Despite the passage of various laws that protect pregnant workers, pregnant workers still face various obstacles in their workplace. Pregnancy discrimination can take several forms, from direct discrimination to indirect discrimination (Starkman & Cooper, 2018). Direct discrimination occurs when pregnant workers are explicitly denied job opportunities, promotions, or pay raises because of their pregnancy. Indirect discrimination, on the other hand, occurs when employers set rules or policies that appear neutral but disproportionately disadvantage pregnant workers (Starkman & Cooper, 2018). For example, requiring a certain number of years of experience or the ability to lift a certain amount of weight may disproportionately disadvantage pregnant workers and can be considered indirect discrimination.

Pregnancy discrimination in the workplace is a pervasive problem that has detrimental effects on the health and well-being of women who experience it. It refers to the adverse treatment of employees, applicants, and independent contractors based on pregnancy, childbirth, or related medical conditions, including lactation (U.S. Equal Employment Opportunity Commission, 2017). This discrimination is a public health issue because it can lead to economic insecurity, adverse physical and mental health outcomes, and decreased access to quality healthcare for affected women.

Pregnancy discrimination can have severe financial and career repercussions for pregnant workers. Research conducted by the NPWF (2019) found that pregnancy discrimination can cost pregnant workers and their families an estimated \$16 billion in lost wages yearly. Additionally, the ACOG (2017) survey found that nearly half of the participants reported having to leave their job due to pregnancy discrimination.

There are numerous implications of employers not taking adequate measures to protect their female employees from discrimination (Pineiro & Kitada, 2020). Discrimination can lead to a hostile work environment, negatively impacting employee morale, productivity, and job satisfaction. Additionally, discrimination can lead to costly lawsuits and penalties, which can financially damage employers. Finally, discrimination can lead to a loss of credibility and reputation for employers, negatively impacting their business.

PROBLEM SIGNIFICANCE AND RESEARCH APPROACH

Pregnancy discrimination in the workplace is a public health and significant legal issue that can have significant negative consequences on the health and well-being of affected women. This discrimination is a public health issue because it can lead to economic insecurity, adverse physical and mental health outcomes, and decreased access to quality healthcare for affected women.

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