Pass HB 1438: The Colorado Pregnant Worker’s Fairness Act
Sponsored by Representative Faith Winter (D) & Senator Beth Martinez Humenik (R)

The Colorado Pregnant Worker’s Fairness Act would ensure that pregnant workers can stay safe and healthy while earning paychecks to support their families.

Why We Need the Colorado Pregnant Workers Fairness Act

- Pregnant women across Colorado are being pushed out of their jobs or forced to risk their health when they just need a modest accommodation on the job, like a stool to sit on or the ability to drink water to stay hydrated.
- Pregnancy discrimination is a growing problem in Colorado. The Denver EEOC field office reports a 45% increase in these types of claims.\(^1\)
- There is currently no pregnancy accommodation law in Colorado. Discrimination against pregnant women still occurs despite laws such as the Colorado Anti-Discrimination Act which outlaws discrimination based on sex.
- When women are pushed out of the workplace because of pregnancy-related conditions, they lose income, economic security, and benefits, including health insurance, at the time when they are most in need of their wages and benefits.
- Too many women are confused about their legal rights and end up risking their health, and the health of their babies:
  - Physically demanding work has been associated with an increased risk for preterm birth and low birth weight, the leading cause of infant mortality. The infant mortality rate in Colorado is 5.6 per 1,000 births.\(^1\)

What the Bill Would Do

- This bill would clarify existing law\(^2\) and give some specific examples of what “reasonable accommodations” means in the context of pregnancy. These may include, but are not limited to, more frequent bathroom breaks, access to a water bottle, seating and, if available, transfer to a lighter duty position.
- Employers will not be required to provide any accommodation that would come with significant difficulty or expense and prove to be an undue hardship to the employer.
- Adverse action, such as denying an employment opportunity, forced leave, demotion or discharge, is prohibited.
- Employees are not required to accept unwanted and unnecessary accommodations.
- An employee may be required to provide a note from a medical provider outlining the need for an accommodation and what that accommodation should be.
- This bill encourages employees and employers to engage in an interactive process to determine effective and reasonable accommodations that will help an employee maintain a healthy pregnancy and stay in work.

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\(^2\) Colorado state law bans discrimination based on sex (Colo. Rev. Stat. § 24-34-402), including pregnancy (Colorado Civil Rights Comm’n v. Travelers Ins. Co., 759 P.2d 1358 (Colo. 1988)). A Colorado Civil Rights Commission regulation (3 Colo. Code Regs. § 708-1:80) states that disabilities related to pregnancy, miscarriage, abortion, childbirth, and recovery should be treated the same as temporary disabilities under any health or temporary disability insurance or sick leave plan as it relates to leave, extensions, accrual of seniority and other benefits and privileges, reinstatement, and payment. The federal Americans with Disabilities Act also covers women with pregnancy-related disabilities (42 USC § 12101 et seq).
Need for Greater Legal Clarity Has Been Recognized Across the Country

- The PWFA has nearly universal and bipartisan support - 95% of Americans support providing accommodations to pregnant workers.
- States with Pregnancy Accommodation laws include: Texas, Nebraska, Illinois, Utah, Alaska, Connecticut, West Virginia, California, Delaware, Iowa, District of Columbia, North Dakota, New York, Hawaii, New Jersey, Maryland, Minnesota and Louisiana.
- All of these laws passed with bipartisan or unanimous support.

Colorado women and families need these protections

- Rebecca was a cardiac tech at Denver Health when she had to go on short-term disability due to a difficult pregnancy. The hospital hired someone else for her position. Eventually the hospital put her in a different job but Walker feels like she was singled out for having a baby.

- Christina was working as a check out person and floor stocker at Harbor Freight. Her doctor told her to lift no more than 5 pounds and have a stool to sit on at the checkout counter. She gave a written notice to her supervisor and human resources office, but was continuously asked to lift boxes that weighed from 20-50 pounds. With a family to support she did not feel she could quit her job. She had to take most of her paid time off during her pregnancy to take care of herself and her baby. She was left with little paid time off for her maternity leave and was forced to return back to work within three weeks of having her child.

Join Local, State & National Organizations and Support the Colorado Pregnant Workers Fairness Act

March of Dimes • Association of Women’s Health, Obstetric and Neonatal Nurse-Colorado Chapter
Colorado Women’s Lobby Colorado • National Women’s Law Center • A Better Balance
Colorado Catholic Conference • Elephant Circle • Colorado Coalition Against Domestic Violence
Colorado Fiscal Institute • Jobs with Justice • 9to5 Colorado • Interfaith Alliance
Denver Urban Ministries • Colorado Center for Law and Policy • Bell Policy Center
National Partners for Women and Families • American Association of University Women • COLOR
National Advocates for Pregnant Women • Colorado Lutheran Advocacy Ministry

With more signing on…

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