



WORKPLACE JUSTICE

ACCOMMODATING PREGNANT WORKERS IS GOOD FOR BUSINESS

Accommodating pregnant workers is not only good for working women and families, it is good for business. Only about 1.5% of workers give birth each year, and only a fraction of those workers would require accommodations, most of them minor and temporary.¹ The pregnant workers who do require an accommodation should not be forced to choose between healthy pregnancies and their jobs.

Based on the substantial research demonstrating the positive business impact associated with providing workplace flexibility and accommodating workers with disabilities, employers that accommodate pregnant workers can anticipate:

- *Minimal to no cost for providing accommodations*
- *Increased productivity*
- *Reduced absenteeism*
- *Increased employee commitment and satisfaction*
- *Increased diversity*
- *Increased recruitment and retention of employees*
- *Increased safety*

Most pregnancy accommodations are likely to be low- or no-cost.

Many of the accommodations typically requested by pregnant workers are minor: sitting rather than standing, avoiding heavy lifting, and taking breaks to go to the bathroom. These are also the kinds of accommodations employers provide to employees with disabilities.

A survey by the Job Accommodation Network (JAN), a technical assistance provider to the Department of Labor, found that the majority of employers that provided accommodations to employees with disabilities reported that the accommodations did not impose any new costs on the employer.² Of those employers that reported a cost for accommodations, the majority reported a one-time cost of \$500 or less.³ **Because accommodations provided to pregnant workers are temporary, the costs associated with these accommodations, if any, are likely to be substantially less than the already low costs associated with providing accommodations to workers with permanent disabilities.**

Employers report significant benefits from providing accommodations.

Employers report the following benefits from providing accommodations and flexibility to employees:

- **Improved recruitment and retention of employees:** In the JAN survey, 90% of employers reported that providing an accommodation for disabilities allowed them to retain valued employees,⁴ and 60% said that it “eliminated costs associated with training a new employee.”⁵ Workplace flexibility has also been shown to increase employee retention in industries with typically high turnover such as sales and customer service.⁶ When employers provide temporary accommodations that allow pregnant workers who need accommodations to continue working, they make it possible for these workers to transition smoothly to being a working parent and create incentives for them to stay with their employers when they return to work after having a baby.
- **Increased employee commitment:** Sixty-two percent of employers reported in the JAN survey that providing accommodations to workers with disabilities “increase[s] overall company morale.”⁷ Similarly, a 2014 report on work-life balance and workplace flexibility policies by the President's Council of Economic Advisors noted that “[w]orkers with more flexible arrangements report higher levels of job



satisfaction” and “more loyalty and commitment to their employers.”⁸ The same results can be expected for pregnant workers, who are more likely to be committed to employers who meet workers’ needs for workplace accommodations during pregnancy.

- **Increased productivity:** Accommodating employees with disabilities increases productivity not only for the employee who needs an accommodation, but also for the business overall. Seventy-two percent of employers reported to JAN that accommodating employees “increased the employee’s productivity,”⁹ and 56% reported that providing accommodations “increased overall company productivity.”¹⁰ These studies suggest that when pregnant workers’ needs for accommodations are met, Washington employers can anticipate improved productivity.

- **Reduced absenteeism:** JAN’s survey found that 55% of employers reported better attendance from an employee after providing an accommodation for a disability, partly because accommodations improve employee health by decreasing work-related stress.¹¹ Workplace flexibility studies also show that businesses experience less absenteeism when they offer flexible work arrangements.¹² All too often, pregnant workers are being forced to miss work simply because their employers are denying minor temporary adjustments they need to do their jobs safely. Providing these accommodations to pregnant workers is likely to reduce absences, resulting in a bottom line benefit for Washington employers.

- **Improvements in workplace safety:** When employers provide accommodations, they create a safer workplace.

Forty-five percent of employers reported increases in workplace safety as a result of providing accommodations to employees with disabilities,¹³ and 38% reported reduced workers’ compensation and other insurance costs.¹⁴ Providing flexible workplaces can also reduce employee stress and improve overall health¹⁵ which lead to reduced risk of workplace injury and fewer workers’ compensation claims.¹⁶ Providing accommodations to those pregnant workers who need them to work safely during pregnancy will undoubtedly reduce stress on these workers, and thus lower their risk of injury.

- **Increased diversity:** Many employers value workplace diversity, not only for its intrinsic benefits but also because diversity is highly valued in the marketplace. Forty-one percent of employers surveyed noted that a benefit of providing accommodations to employees with disabilities was that they “increase diversity of the company.”¹⁷ Similarly, workplace flexibility has been shown to increase the presence of women in the workplace: a survey conducted by Deloitte showed that flexibility was the factor “most likely to improve the retention of women.” After Deloitte implemented flexible work options, turnover rates between men and women equalized and the number of women in leadership positions rose from 14 to 168 over ten years.¹⁸ Likewise, providing temporary accommodations to pregnant workers, particularly those in nontraditional and physically demanding jobs, is likely to make women who might become pregnant much more willing to choose these fields.

The bottom line benefit to businesses is just one of the many reasons to ensure that reasonable accommodations are available to pregnant workers.

¹ National Women’s Law Center calculations of 2015 American Community Survey using IPUMS-USA, University of Minnesota, available at <https://usa.ipums.org/usa/>.

² JOB ACCOMMODATION NETWORK (“JAN”), WORKPLACE ACCOMMODATIONS: LOW COST, HIGH IMPACT 4 (Sept. 2015), available at <http://askjan.org/media/downloads/Low-CostHighImpact.pdf>.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ LIZ WATSON & JENNIFER SWANBERG, FLEXIBLE WORKPLACE SOLUTIONS FOR LOW-WAGE HOURLY WORKERS 24 (May 2011), available at <http://workplaceflexibility2010.org/images/uploads/whatsnew/Flexible%20Workplace%20Solutions%20for%20Low-Wage%20Hourly%20Workers.pdf>.

⁷ JAN, *supra* note 2, at 5.

⁸ *Id.*

⁹ *Id.*

¹⁰ EXECUTIVE OFFICE REPORT, *supra* note 4, at 19.

¹¹ JAN, *supra* note 2, at 5.

¹² *Id.*

¹³ EXECUTIVE OFFICE REPORT, *supra* note 4, at 21.

¹⁴ DAVID LEE, MANAGING EMPLOYEE STRESS AND SAFETY: A GUIDE TO MINIMIZING STRESS-RELATED COST WHILE MAXIMIZING EMPLOYEE PRODUCTIVITY 1 (2000), available at <http://www.memc.com/Portals/0/docs/Safety/ManagingStress.pdf>.

¹⁵ JAN, *supra* note 2, at 5.

¹⁶ CORPORATES VOICES FOR WORKING FAMILIES, BUSINESS IMPACT OF FLEXIBILITY: AN IMPERATIVE FOR EXPANSION 19 (Feb. 2011), available at http://www.cvworkingfamilies.org/system/files/BizImpactFlex_March11_draftB.pdf

