Equal Rights Advocates
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EQUAL RIGHTS ADVOCATES ATTORNEY TESTIFIES FOR CRUCIAL BILL ENSURING CONTINUED HEALTH INSURANCE FOR PREGNANT WORKERS

Staff Attorney Monali S. Sheth Testifies before Senate Labor Committee On Senate Bill 299

SACRAMENTO, March 23, 2011 – Continuing its decades-long advocacy for pregnant workers, Equal Rights Advocates (ERA), a national, non-profit legal organization in San Francisco, testified today before the Senate Labor Committee on a bill to fix a gap in California's Pregnancy Disability Leave Act.

"We know that women workers affected by pregnancy, childbirth and related medical conditions face significant barriers," said ERA Staff Attorney Monali Sheth. "They face barriers in requesting and securing leave for which they medically qualify and to which they are entitled under the law because they risk losing health care coverage when they need it the most," she noted.

Senate Bill 299, introduced by Senator Noreen Evans on February 14, would amend the Pregnancy Disability Leave Act (PDL) to guarantee the continuation of employer-provided health insurance coverage for women on pregnancy disability leave. ERA is co-sponsoring SB 299 with the California Commission on the Status of Women.

While the PDL guarantees workers unpaid, job protected leave for up to four months for a pregnancy-related condition, continued health care coverage sponsored by employers is not required by the PDL currently. "This gap in health care coverage discourages and prevents women who are not covered by other leave laws from taking pregnancy leave despite their health needs and the needs of their baby," said Sheth. SB 299 would fix the gap so that pregnant workers are "no longer forced to confront the Hobson's choice of staying at work while disabled or taking leave without health insurance," she said.

When faced with paying out-of-pocket costs for health coverage, many women will delay or cut short their leaves despite well-documented benefits to mother and child. Indeed, almost four-fifths of workers reported being unable to take leave because they could not afford it, according to *Monthly Labor Review* (September 2001), "Family and Medical Leave: Evidence from the 2000 surveys" by Jane Waldfogel.

ERA has followed the topic for years, counseling thousands of women with pregnancy discrimination and leave issues through its national toll-free hotline, **1-800-839-4ERA**. Because of the hotline, "we have been able to track the adverse impact that the lack of maternity coverage assurance has had on workers on leave under the PDL," Sheth said.

ERA, an advocate for the federal Family and Medical Leave Act (FMLA) and California Paid Family Leave law, has been a leader in undertaking impact litigation to address gender discrimination in the workplace and in ensuring proper interpretation of the law. ERA litigated two of the first pregnancy discrimination cases before the United States Supreme Court, *Geduldig v. Aiello*, 417 U.S. 484 (1974) and *Richmond Unified School District v. Berg*, 434 U.S. 158 (1977), and one of the most recent pregnancy discrimination cases before the Court, *AT&T Corp. v. Hulteen*, 129 S. Ct. 1962 (2009).

ERA has also litigated pregnancy and other gender discrimination claims under the California Fair Employment and Housing Act (FEHA). ERA has been at the forefront of legislative advocacy on behalf of California's pregnant workers, including the 1992 amendment to the PDL, which removed the exemption of so-called "Title VII employers" (employers with 15 or more employees) from its reasonable accommodation requirement.

About ERA

Equal Rights Advocates (ERA), founded in 1974, is a national civil rights organization dedicated to protecting and expanding economic and educational access and opportunities for women and girls. Through its campaign approach—incorporating public education, legislative advocacy and litigation—ERA seeks to assist women and girls throughout a life-long continuum: from their first encounters with an educational system or athletic opportunity through their first experiences in the labor workforce and as they seek to reconcile work and family responsibilities. For more information, see equalrights.org.