

IN THE CONGRESS OF THE UNITED STATES
FEBRUARY 26, 2020

Mr. James (for himself, Mr. Bo, Mr. Mike, Mr. Vita-Soufong, Mr. Pluribus and Mr. Bean) introduced the following bill;

AN ACT

To introduce new penalties to combat workplace discrimination on the basis of pregnancy.

ABSTRACT

Despite the illegality of discrimination on the basis of pregnancy in the workplace, many pregnant women still experience discrimination due to pregnancy. This Act introduces new penalties for employers found to have discriminated on the basis of pregnancy.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Workplace Pregnancy Discrimination Prevention Act”

SECTION 2. ACKNOWLEDGEMENT OF PAST LEGISLATION

This Act does not make workplace discrimination on the basis of pregnancy illegal. The discrimination against women on the basis of pregnancy has been illegal since 1978, when Congress passed the Pregnancy Discrimination Act, which amended the Civil Rights Act of 1964's Title VII to include discrimination on the basis of pregnancy.

SECTION 3. PENALTIES FOR EMPLOYERS

Under the current provisions of the Civil Rights Act of 1964 and the Pregnancy Discrimination Act, employers are subject to suit by employees who experience discrimination based on pregnancy. This Act introduces fines for employers found to have violated the Pregnancy Discrimination Act. The fines are to be imposed as followed:

Small Businesses

- (1) For the first offense, an employer with less than 100 employees will be subject to a fine of no less than \$1,000 and no more than \$2,500.

- (2) For the second offense, an employer with less than 100 employees will be subject to a fine of no less than \$5,000 and no more than \$10,000.
- (3) For subsequent offenses, an employer with less than 100 employees will be subject to a fine of no less than \$10,000 and no more than \$25,000.
- (4) Employers with less than 100 employees which are found to have withheld information regarding discrimination against pregnant women are subject to a fine of no less than \$25,000 per case of unreported discrimination.

Larger Businesses

- (1) For the first offense, an employer with more than 100 employees will be subject to a fine of no less than \$5,000 and no more than \$10,000.
- (2) For the second offense, an employer with more than 100 employees will be subject to a fine of no less than \$10,000 and no more than \$25,000.
- (3) For subsequent offenses, an employer with more than 100 employees will be subject to a

fine of no less than \$25,000 and no more than \$100,000.

- (4) Employers with more than 100 employees which are found to have withheld information regarding discrimination against pregnant women are subject to a fine of no less than \$100,000 per case of unreported discrimination.

SECTION 4. PENALTIES FOR ASSOCIATES

Associates who are found to have discriminated against a women on the basis of pregnancy will be made subject to fines and, for repeat offenders, additional penalties. The fines for associates who are found guilty are as followed:

Management

- (1) For the first offense, a manager who is found guilty of discriminating against a woman on the basis of pregnancy will be subject to a fine of no less than \$250 and no more than \$1,000.
- (2) For the second offense, a manager who is found guilty of discriminating against a woman on the basis of pregnancy will be subject to a

fine of no less than \$1,000 and no more than \$2,500.

- (3) For subsequent offenses, a manager who is found guilty of discriminating against a woman on the basis of pregnancy will be subject to a fine of \$2,500 and be required to complete 10 hours of community service.

Executives

- (1) For the first offense, company executives found guilty of discriminating against a woman on the basis of pregnancy will be subject to a fine no less than \$2,500 and no more than \$5,000.
- (2) For the second offense, company executives found guilty of discriminating against a woman on the basis of pregnancy will be subject to a fine no less than \$5,000 and no more than \$10,000.
- (3) For subsequent offenses, a company executive found guilty of discriminating against a woman on the basis of pregnancy will be fined

\$15,000 and required to complete 12 hours of community service.

SECTION 5. REPORTING AND AWARENESS

The following methods will be implemented to ensure women have the opportunity to report pregnancy based workplace discrimination:

- (1) A national toll free telephone hotline will be created in which women may call to report discrimination.
- (2) Informational posters will be posted in break areas of federal offices.
- (3) Human resource professionals will be required to report all complaints of workplace discrimination based on pregnancy to the EEOC.
- (4) The EEOC will be allocated \$25,000,000 for use in spreading awareness of workers' rights and how to report a violation.

SECTION 6. ENACTMENT

The Act will be enacted immediately upon passage.