

# Pregnancy Discrimination, the Dobbs Decision, and Cancer Care

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# Who We Are

**The Institute For Healing Justice & Equity** (IHJE) is a multidisciplinary group of faculty, staff, collaborators, and partners working together to eliminate disparities caused by systemic oppression through systems change and deep community partnership. Read more about us [here](#).



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# Workplace Pregnancy Discrimination

Under the Title VII of the Civil Rights Act, pregnancy discrimination is prohibited sex discrimination against an applicant or employee based on:

- ❖ Current pregnancy
- ❖ Past pregnancy
- ❖ Potential pregnancy
- ❖ Medical conditions related to pregnancy or childbirth including breastfeeding/lactation
- ❖ Having or choosing not to have an abortion
- ❖ Birth control options

# Pregnancy Discrimination and Female Oncologists

In a recent study by Lee et al (2022):

- ❖ 1 in 3 female oncologists reported experiencing discrimination during pregnancy and/or for taking maternity
- ❖ 17.9% said they were either explicitly told or it was implicit that they would return to work early from maternity leave
- ❖ 32.1% said they felt discriminated against by colleagues for being pregnant
- ❖ 33.1% said they felt discriminated against by colleagues for taking maternity leave

# Impacts of Workplace Pregnancy Discrimination

- ❖ Restricts job opportunities
- ❖ Limits access to health care for individuals who can become pregnant
- ❖ Can result in adverse pregnancy outcomes, such as miscarriage, preterm birth, and low birth weight

State	Limitations on Abortion	Paid Leave	Maternal Mortality Rate (per 100,000 live births)	Infant Mortality Rate (per 1000 live births)
Alabama	Yes (total ban)	No	36.2	6.99
Arkansas	Yes (total ban)	No	40.4	7.38
Kentucky	Yes (total ban)	No	39.7	6.43
Louisiana	Yes (total ban)	No	31.8	7.59
Mississippi	Yes (total ban)	No	30.2	8.12
Tennessee	Yes (criminalizes abortion)	No	34.6	6.38
South Dakota	Yes (criminalizes abortion)	No	NR	7.3
West Virginia	Yes (total ban)	No	NR	7.33

## Workplace Pregnancy Discrimination, Dobbs, and Cancer Care

- ❖ Title VII “requires the employer to ignore an employee's pregnancy, but ... not her absence from work, unless the employer overlooks the comparable absences of non-pregnant employees.” *Troupe v May Dept store*
- ❖ Court held that a judge's failure to hire a pregnant individual because “it would be a bad business practice to hire an employee who planned to take a leave of absence within a few months of beginning work” did not violate Title VII. *Marafino v. St. Louis County Circuit Court*



## Workplace Pregnancy Discrimination, Dobbs, and Cancer Care (continued)

- ❖ A pregnancy limits an individual's ability to attain effective treatment because the care, including drugs and other treatments, will hurt the fetus
- ❖ According to Silverstein and Van Loon (2022), “1 in a thousand women who gets pregnant each year is diagnosed with cancer”
- ❖ A 2020 systematic review of 34 studies “including more than 1.2 million patients with cancer found that each month of delayed treatment was associated with up to a 13% increase in mortality risk” Suran (2022)