



AB 569: California Reproductive Health Non-Discrimination Act

IN BRIEF

Assembly Bill 569 prohibits workplace discrimination based on an employee’s reproductive health decisions, including when and how a woman becomes pregnant, the use of birth control, and other private decisions.

PROBLEM

Women around the country – including California – have been threatened or fired from their jobs because of reproductive health decisions. Some examples include:

- Teri, a financial aid specialist at a Christian College was fired for code of conduct violations after becoming pregnant while unmarried, in 2012. Federal court documents state her fiancé was then offered employment by the school.
- Christine, a kindergarten teacher at an Adventist school in Michigan, was fired for becoming pregnant two months before her wedding in 2005.
- Christa, a computer teacher for two Catholic schools in Ohio, was fired after she became pregnant through artificial insemination in 2010.
- Emily, a Catholic School language teacher in Indiana, was terminated for using in vitro fertilization in 2011.
- Shaela, a Catholic middle school teacher in Montana, was fired after an anonymous letter disclosed her pregnancy while unmarried in 2014.
- Coty, a mother of two and professor at Northwest Christian University in Oregon, was fired after telling her boss she was pregnant in 2015.

Additionally, in 2015, the Archbishop of San Francisco attempted to add code of conduct provisions to teacher contracts that, in part, condemned sperm donation, the use of birth control, and assisted reproductive technologies. The Diocese of Santa Rosa also attempted a similar policy.

Due to a patchwork of state and federal case law, and existing statutes on various aspects of reproductive health and employment, the need for a policy solution has been called for all over the country. Since 2014, twelve states (Illinois, Michigan, North Carolina, Ohio, New York, Missouri, Virginia, Washington, Maine, Delaware, Wisconsin, and Oklahoma) and Washington D.C. have considered legislation to explicitly prohibit workplace discrimination based on reproductive health decisions.

While most instances of gender or pregnancy discrimination are prohibited under existing law in California, state code does not expressly protect employees from discrimination for utilizing a full range of reproductive health services. This means there are real loopholes in our state. At the federal level, some policy opinions on reproductive health in the current legislative and executive branches are not representative of the public or rooted in public health science.

The uses of birth control, in-vitro fertilization, or the choice to keep a pregnancy are examples of health matters that have been considered private information by the Health Insurance Portability and Accountability Act (HIPPA) for decades. California should be clear that employers cannot invade the privacy of their employees’ decisions about whether, when or how to have a family.

THE SOLUTION

Each of us must have the right to make personal decisions about our reproductive health and family planning, based on our own beliefs and health considerations, without fear of retaliation from an employer.

AB 569 protects employees and their dependents from discrimination or retaliation based on the use of any drug, device or medical service related to reproductive health. Additionally, employees would not be required to sign documents that attempt to deny them of their right to make their own reproductive health care decisions.

SUPPORT (as of 3/21/17)

- NARAL Pro-Choice California (co-sponsor)
- California Latinas for Reproductive Justice (co-sponsor)
- American Civil Liberties Union
- Black Women for Wellness
- California Church IMPACT
- Catholics for Choice
- Equal Rights Advocates
- National Council of Jewish Women, California
- National Women’s Law Center
- Stronger California Advocates Network
- ACCESS Women’s Health Justice
- ACT for Women and Girls
- American Academy of Pediatrics, California

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ACCESS Women's Health Justice
ACT for Women and Girls
American Academy of Pediatrics, California
American Association of University Women of California
American Congress of Obstetricians and Gynecologists,
District IX
American Federation of State, County and Municipal
Employees (AFSCME)
American Nurses Association, California
American Society for Reproductive Medicine
CA Conference Board of the Amalgamated Transit Union
CA Conference of Machinists
California Immigrant Policy Center
California Labor Federation, AFL-CIO
California Pan-Ethnic Health Network
California Teamsters Public Affairs Council
California Women's Law Center
Courage Campaign
Engineers and Scientists of CA, Local 20
Feminist Majority Foundation
Forward Together
Global Justice Institute
Having Our Say Coalition
International Longshore & Warehouse Union
Latino Coalition for a Healthy California
Lindsey Horvath, West Hollywood City Councilmember
Los Angeles County Professional Peace Officers
Association
Metropolitan Community Churches
Nevada County Citizens for Choice
Organization of SMUD Employees
Physicians for Reproductive Health
Planned Parenthood Affiliates of California
Positive Women's Network
Professional and Technical Engineers, Local 21
Religious Action Center of Reform Judaism
RESOLVE: The National Infertility Association
San Diego County Court Employees Association
San Luis Obispo County Employees Association
SEIU California
South Asian Network
Unite for Reproductive & Gender Equity (URGE)
United Public Employees
UNITE-HERE
Utility Workers of America
Voices for Progress Education Fund

FOR MORE INFORMATION

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