

October 10, 2023

*Filed Electronically*

Mr. Raymond Windmiller  
Executive Officer  
Executive Secretariat U.S. Equal Employment Opportunity Commission  
131 M Street, NE  
Washington, DC 20507

SUBJECT: Regulations to Implement the Pregnant Workers Fairness Act, RIN 3046-AB30

Dear Mr. Windmiller:

The National Institute of Family and Life Advocates (NIFLA) respectfully submits the following comment regarding the proposed regulations implementing the Pregnant Workers Fairness Act (PWFA). NIFLA and our 1,700 member organizations are opposed to abortion and provide counseling and alternative to abortion resources that empower mothers to choose life.

Our organization proudly supports reasonable accommodations for pregnant mothers in the workplace. We are made up of members around the country who daily work to help pregnant mothers and families. Unfortunately, the proposed regulation also includes abortion even though the act does not mention abortion and the intent behind this act had nothing to do with abortion. In fact, the intent of this law is to accommodate pregnant mothers precisely because a healthy society needs to reproduce and populate in order to continue its existence. Abortion does the exact opposite. We must support mothers in the workplace, not encourage them to end the lives of their children.

If this regulation passes as written, there are no protections for pro-life, pro-family, pro-women organizations, like many of our members, who disagree with abortion. Every one of our members would be compelled to accommodate, facilitate, and even pay for abortions. Such compelled speech and action is an unconstitutional violation of our religious freedom and free speech rights under the First Amendment.

As decided in *NIFLA v. Becerra*, 138 S. Ct. 2361 (2018), the government cannot compel speech and force pro-life pregnancy centers to speak a message and pursue actions that violate their fundamental pro-life values. To include comments or policies regarding abortion from a pro-life perspective as actions prohibited by these regulations and thus, subject to governmental sanction, clearly imposes such an unconstitutional mandate upon pro-life pregnancy centers. Such regulations, if not accordingly amended, will undoubtedly trigger serious litigation.

We ask the EEOC to remove all references to abortion in the proposed regulations, or, if abortion is included in the regulations, make it clear that there is a clear exemption for religious and pro-life organizations to act accommodate, speech, or act contrary to their sincerely held pro-life beliefs.

Sincerely,

Thomas A. Glessner, J.D.  
President