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How to talk about abortion with your employer– Know your rights

July 25, 2022 Health, US News



The majority of Americans who feel that abortion should be lawful in all, or most circumstances are directly contradicted by the Supreme Court’s decision to overturn Roe v. Wade. As a result, many businesses are rushing to offer aid to workers in places where abortion is now prohibited.

There is no guidebook for how to deal with the effects of the recent restriction, and businesses can find it difficult to support their employees in the most effective way without violating their privacy. Many companies tell employees they must first report to their manager which may sound to the employee a privacy issue. Perhaps going to HR directly for assistance needs is a better policy that companies can put into place.

Working directly with your HR or Benefits person is the best approach to get the most of your employer’s abortion-travel benefit. You should find out the facts that apply to you because these advantages may be handled differently at different companies. Your rights at a particular employment depend upon a number of federal laws, state law, and company policies. Get in touch with your insurance carrier and your employer’s HR division and asking the following questions:

- Does the business provide financial aid for out-of-state abortion travel? If so, what specifically would that include, and would there be a cap?
- Do workers have a right to privacy when it comes to abortion or other types of medical decisions? What precisely does it involve?
- If abortion is currently illegal, will the business abide by state law and report employees who try to get one there?
- If the employer-sponsored insurance provider no longer covers abortions, would the business give financial support for the procedure?
- Does the firm provide time off (paid or unpaid) for employees to travel out of state to get an abortion, and would the company notify employees who break the law by doing so?
- Keep up with changes to the abortion legislation in your state.

One of the most terrifying aspects of Roe v. Wade being overturned is that as a result of trigger laws, abortion is already illegal in several states. Learn about the most recent laws in your area before speaking with your employer if you reside in a place where abortion is currently illegal (or soon will be), exercise great caution. Previously in Texas, a person who “aides or abets” an abortion may face charges under a new Texas abortion law, However Texas’s trigger law was temporarily barred by a judge just recently, Changes in the law can occur frequently so it is best to review current laws in your state.

Big businesses like Amazon and JPMorgan Chase have declared they will pay for employees’ travel expenses to get a safe and authorized abortion. However, even with the travel incentive, getting an abortion is difficult, particularly in the 13 states where lawmakers implemented trigger laws that outlawed the procedure as soon as Roe v. Wade was overruled. Six states have already outlawed abortion, and 12 more states will soon outlaw it or severely restrict it.

Be aware of your rights to privacy.

Companies are taking on the burden of protecting access for their employees now that abortion is illegal in at least seven states, particularly if they have sizable workforces in those jurisdictions. But leaving it up to corporations to safeguard access to abortion raises challenging privacy issues: If employees desire to take advantage of those perks, what information about an extremely private choice must they give to their employers? And with the increasing number of legal issues, how much can employers actually protect personal information? There are HIPAA to protect you. Employers are not allowed to view protected and confidential health information.

Airbnb, Yelp, and Patagonia have all stated that they will also pay abortion-related costs through their health insurance, allowing staff to submit claims without having to contact the business directly.

Can your boss fire you for getting an abortion?

Concerns about what to do if an employee wants an abortion remain after the Supreme Court’s decision to overturn Roe v. Wade among companies and their staff. States that forbid abortions may provide problems for laws protecting pregnant workers from discrimination and finding employment.

The Pregnancy Discrimination Act of 1978 (PDA), which replaced Title VII in the Civil Rights Act of 1964, forbids harassment or discrimination in the workplace based on a woman’s pregnancy, delivery, or related medical conditions, although it makes no mention of abortions. Abortions are exempt from discrimination, according to US Department of Labor recommendations.

If you lose your job because you had an abortion, you may be able to successfully sue your employer for wrongful termination in accordance with the Pregnancy Discrimination Act. All employees, whether they are having an abortion, not having one, or thinking about having one, are protected under the Equal Employment Opportunity Commission. Federal statutes against discrimination based on a number of grounds, including pregnancy, are enforced by the EEOC. In addition, Title VII protects employees from religious discrimination and harassment.

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In final, most importantly, discuss these issues with a trusting friend, partner or family member first before going to your employer about assistance in abortion costs.

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