



## PREGNANCY AND MATERNITY LEAVE IN THE TRADES: GOOD PRACTICES FOR APPRENTICES

By the time they reach their mid-forties, well over eight-in-ten women in the United States have given birth to at least one child.<sup>1</sup> An apprenticeship in the trades provides a pathway for a parent to earn a family-sustaining wage; apprenticeships provide earn-as-you-learn opportunities to acquire skills and an industry recognized credential without the need for college debt. Yet, being pregnant and a new mother in the trades can be particularly difficult.

The physically strenuous work means that often it is not safe for pregnant women to work to the end of their pregnancy. While under the Pregnancy Discrimination Act it is illegal for employers to fire someone because she is pregnant, or to deny a pregnant woman alternative or lighter work if such an accommodation is available to other workers with injuries or a disability,<sup>2</sup> enforcing such rights is often difficult. In an industry where workers tend to move from contract to contract with frequent hiring and dismissal, proving that the end of the contract was due to discrimination, or finding a new job while visibly pregnant, can be particularly challenging. Women may find themselves without work, with no access to paid leave—there is no federal right to paid time-off in case of pregnancy or maternity leave—and workers in the construction industry are even less likely to have access to paid family leave or paid sick leave than workers in other industries.<sup>3</sup> Union membership in the construction industry brings health insurance and often the option of building up coverage for some weeks in advance, but this is unlikely to cover extended time-off, and may leave a preg-



nant woman or new mother without health insurance just when she needs it most.

The lack of pregnancy and family medical leave policies can be a barrier to women's entry and retention in the trades. In recognition of these barriers, the labor-management organizations in two trades—the Ironworkers at the national levels, and the North Central States Regional Council of Carpenters at the regional—have recently introduced new paid leave benefits to support pregnant women and new mothers who are unable to work for medical reasons. This brief describes these new policies; it also draws on the practices of Sheet Metal Workers Local 28 Apprenticeship program to highlight how apprentices are supported during pregnancy.



## The Ironworkers Paid Pregnancy and Maternity Leave Policy

In 2017, the Ironworkers became the first trade to introduce a paid leave benefit for pregnant women and new mothers. The new benefit provides a pregnant woman member of the Ironworkers with up to 6 months of paid leave at two thirds of her usual earnings (capped at \$800 per week) if she has a medical certificate to confirm that she is unable to continue work during her pregnancy; the policy also provides up to 6 weeks (8 weeks in case of a Cesarean birth) of paid maternity leave after the birth of the child. The benefit can be used once every 24 months. The benefit is designed to complement any state and local benefits and can be used to top up such benefits if these are below the capped rate.

The Ironworkers developed their policy after Bridget Booker, an Ironworker and Contractor, stood up at the 2016 Women Build Nation Conference—an annual gathering of over 2000 tradeswomen<sup>4</sup>—and recounted how as a second-year apprentice she miscarried after a very heavy day on the job. Bridget said that she felt she had had no option but to continue to work when she became pregnant – without work she would not only have lost her earnings, but also her health insurance. Almost as tragically, she saw no option to be open about her pregnancy and perhaps asking to be shifted to less strenuous work: she was certain, based on her experience on that work site, that she would have lost her job: **“At that moment, the trades were not keen on having pregnant women on the job site. So you would hide it. [the question was] do I provide for my children [...] or do I quit. Do I provide for my rent and my bills or do tell them I am pregnant and lose everything.”<sup>5</sup>**

## Pregnancy Leave Policy was a “Life Saver” for 3<sup>rd</sup> Year Ironworker Apprentice

Nicole Conry, Ironworker at Local 512 in North Dakota, was one of the first to benefit from the policy. She was a third-year apprentice when she unexpectedly be-

came pregnant. She calls the benefit “a life saver.” She learned about the benefit from her business agent<sup>6</sup> when she went for a confidential discussion with him about being pregnant. A call to the regional director resulted in her being given the leaflet about the benefit, and the number of Vicki O’Leary, General Organizer for the Ironworkers to talk her through the details.

Being the only woman ironworker in North Dakota, and at her worksite, Nicole did not feel comfortable to be open about her pregnancy; apart from her business agent, she only told her partner at work and her apprenticeship director – all of them were crucial about helping her through her pregnancy. She recalls that guys kept asking her partner “why are you carrying all that stuff for her?” and he would just laugh it off. She was concerned that she may be laid off had the contractor known about the pregnancy. While it is illegal to lay someone off because they pregnant, Nicole knew how easy it is to find a pretext for laying someone off—people are constantly let go on building sites.

Nicole was able to work until the 7<sup>th</sup> month of her pregnancy. Her doctor told her that her body was conditioned to heavy work, and that she should be able to continue with most of her work, subject to some lifting restrictions. By the time she was into her sixth month of pregnancy, it became increasingly difficult to conceal her pregnancy. At that time, the contract also came to an end, and she started to make use of the paid leave policy. Given the lifting restrictions and her visible pregnancy her business agent thought it would be tough to find her a new job. Nicole also remembered: **“When you are bigger- your center of gravity shifts; I became a little nervous about my sense of balance when I wore a harness, and about what would happen if I would fall.”** Altogether she took around five months paid leave, including eight weeks after she gave birth because her baby had to be born with a Cesarean. After another three months of unpaid leave, she returned to work.



Throughout her pregnancy, she continued apprenticeship school. Welding was the only activity that she needed to adjust because of pregnancy, making sure that she was wearing a respirator at all times. **“I had my last class on Sunday, and gave birth on Tuesday. I already had fulfilled all the work hour requirements and I managed to graduate with my class.”**

## North Central States Regional Council of Carpenters

In March 2018, the North Central States Regional Council of Carpenters (NCSRCC)<sup>7</sup> introduced a similar policy: a benefit of up to \$800 per week for up to 26 weeks during pregnancy, and six to eight weeks for maternity leave for women members of the union. NCSRCC Ex-

Executive Secretary -Treasurer John Raines explained the rationale behind the policy: **“This benefit is long overdue. We want to equip our women members with the benefits they need to both work in the construction industry and to raise a family. This will not only help us in the retention of our members, but also in the recruitment of new members to the Carpenters Union.”**<sup>8</sup>

Improving diversity and recruiting and skilling a new generation of carpenters is a strategic priority for the union. As part of its recruitment efforts, the union surveyed its women members about the barriers that made it difficult to recruit and retain women into the industry. The need for a paid pregnancy and maternity leave benefit emerged as the top response.

For the NCSRCC, the policy makes clear business sense. It costs the construction industry on average \$35,000 to train an apprentice to journey level, an investment that is lost when the apprentice leaves the industry.<sup>9</sup> Barbara Pecks, NCSRCC Business Representative and Chair of the regional Carpenter’s Sister in the Brotherhood, explains: **“People dropped their membership when they were pregnant because they could not figure out how to stay in the trades- if we were lucky, they came back in 5 to 10 years, but most never did.”**

## Funding the Pregnancy and Maternity Benefits

The Ironworkers policy was introduced at the national level by the Ironworker Management Progressive Action Cooperative Trust (IMPACT), the joint labor-man-



agement partnership. Both management and labor were fully committed to the policy. The policy is funded through a welfare fund that provides benefits for members of the ironworkers union who are injured in non-work related accidents. Once the Ironworkers assessed the potential demand for such a policy—given the number of women in the union and their demographic profile—it was clear that such a policy was very affordable, without the need for additional sources of funding. The Ironworkers have approximately 1,300 women members in the United States, 2.2 percent of

all union members. Of course, not every woman wants to have children, or is still of childbearing age, and the union estimates that approximately 700 women may possibly take up the benefit, an expenditure level well within the reach of the fund.

The NCSRCC policy is funded through regional health funds, jointly managed by labor and contractors. The six NCSRCC states are covered by three separate funds, and each of the funds separately voted on and agreed the new policy. The funds voted to increase the amount available for Short Term Disability (SDI) to \$800 for women who need medical leave as a result of pregnancy and maternity; the SDI benefit remained unchanged for other uses. The NCSRCC has approximately 26,000 members, including approximately 700 women. The funds are confident that the benefit can be funded with current contribution levels.

Both the Ironworkers and the Carpenters have found the benefit to be very affordable. **“Unlike some seemed**

to fear, mass pregnancy did not ensue,” reflects Vicki O’Leary, General Organizer for the Ironworkers. In the first two years since the introduction of the Ironworkers’ benefit 28 women have used the policy, and in the year since the Carpenters introduced their policy, five women have used their policy.

## Supporting Apprentices during their Pregnancy in New York

The apprenticeship program of Sheet Metal (SMART) Local 28 is based in New York. SMART does not provide paid pregnancy or maternity leave benefits but workers in New York have access to state temporary disability insurance payments for medically required leave during pregnancy and maternity (capped at the low rate of \$170 per week<sup>9</sup>, though the majority of employers have private TDI insurance with higher benefits) and paid family leave for post-natal bonding (available to both women and men, in 2019 for up to 10 weeks, capped at \$746.41 per week<sup>10</sup>). While on paid family leave, moreover, workers continue to be covered by their health insurance. The benefit only applies after at least six months tenure—<sup>1</sup>a condition not always easy to meet for construction workers.

Leah Rambo, Director of Training for SMART Local 28, however, had to amend and clarify one item in the apprenticeship program’s rulebook. The apprenticeship program typically last five years; during that period apprentices are allowed one personal leave for up to 6 months and one medical leave for up to 18 months and still remain in the program. An apprentice having two pregnancy related leaves—even if each of these leaves were

limited to the 12 weeks of job protected leave available under the FMLA—could have fallen foul of these regulations; the rulebook now makes clear that the extended leave provision does not apply to pregnancy, and that leaves for medical reasons, such as pregnancy, are unlimited. Rambo notes, however, that there is also a need for the oversight of apprenticeship programs to be amended. One of the performance metrics for programs is the number of apprentices with on-time graduation; this is defined as graduating within the program length plus one year. There is no explicit recognition of pregnancy as a possible reason for lower rates of on-time completion, potentially penalizing the programs with several pregnant apprentices.

Key in helping an apprentice through her pregnancy is outreach to contractors. SMART Local 28 has a much higher than average share of women apprentices—16 percent in 2017—and key to this high performance is close monitoring of apprentices’ progress, including their experiences with contractors.<sup>11</sup> The first guidance to employers is their legal responsibility. Many contractors have had workers who may have needed a temporary accommodation because of an injury or disability. **“We handle pregnancy accommodation like we would handle disability: we explain the law to contractors,”** says Rambo. **“Take someone with a heart pacemaker**

**– they are not able to do welding, just like someone who is pregnant.”**

Just as important as ensuring that a pregnant apprentice receives the accommodations needed for a safe pregnancy is to ensure that the apprentice, and her doctor, stay in control of what she can and cannot do. Every experience of pregnancy is different, and it should be up to the woman to



decide who she tells about the pregnancy, when she stops work, and whether she needs what type of accommodation. In Rambo's experience, contractors are quick to see a pregnant woman as a potential liability; in one recent case, after the apprentice told the employer about her pregnancy because she needed some time to attend medical check-ups, he encouraged her to convene a meeting of all workers to tell them about her pregnancy and need for help. While Rambo appreciates that such behavior can reflect genuine concern and willingness to help, she made clear that the apprentice had an absolute right to privacy, and to decide whether and who she wanted to tell when.

Overall, pregnancy among sheet metal apprentices in

New York is no longer a rarity; just as the apprenticeship program has made steady progress in achieving greater gender diversity, pregnancy has become more commonplace, no longer something to hide or a reason for losing an apprentice.

## Looking Ahead

The Ironworkers and the Carpenters policies provides women with the financial support to stay safe and health during their pregnancy. They also send a strong signal—that women are wanted in the trades, whether they are mothers or not. Paid pregnancy and maternity leave does not solve all the work-family issues faced by tradeswomen and men who are parents. But it is an essential foundation for ensuring that both women and

men can have careers in the trades, and for making the construction trades a competitive and attractive employer for the new generation of skilled tradesworkers.

Yet, while such policies are fully financially feasible, this to some extent depends on the problem they are trying to at least partly fix: women's low numbers in the trades. Moreover, the programs are strictly focused on the medical need for leave; while they build on established temporary disability policies available to any worker becoming injured in the trades—making it possible for women to continue in the trades just as men would if they had a major medical need—by necessity this approach excludes fathers, and the fact that they need time to bond and care for their children, too. The Paid Leave Insurance program in New York, and the growing number of other states with paid family leave insurance programs such as California, Massachusetts, New Jersey, Rhodes



Island, Washington DC, and Washington State,<sup>12</sup> provide a more equitable basis for parental leave. In recognition of the importance of paid family leave for its members, the California Building Trades designed a campaign to ensure that workers in the industry are aware of their options to take parental leave under the states paid family leave insurance.<sup>3</sup>

Pregnant women in the trades also need better protection against pregnancy discrimination, and for accommodations that do not force them out of work just because they are pregnant. And, last not least, women who return to work after giving birth need an appropriate and welcoming environment, including somewhere to safely and hygienically pump milk if they are still breastfeeding. Turner Construction in New York, for example, has begun to provide options for nursing mothers by installing a mobile 'pod, designed by MamaVa, at some of its larger sites.<sup>14</sup>

As more and more women join the trades, apprenticeship programs, employers, and unions are finding both new and old ways to make sure that the construction trades work for all.

## ENDNOTES

1. See Gretchen Livingstone (2018) "They are Waiting Longer, but U.S. Women Today More Likely to Have Children than a Decade Ago." January 18, Pew Research Center Social and Demographic Trends <<https://www.pewsocialtrends.org/2018/01/18/theyre-waiting-longer-but-u-s-women-today-more-likely-to-have-children-than-a-decade-ago/>>
2. See U.S. Equal Employment Opportunity Commission (2015) "Enforcement Guidance: Pregnancy Discrimination and Related Issues." Notice No. 915.003; June 25 [https://www.eeoc.gov/laws/guidance/pregnancy\\_guidance.cfm](https://www.eeoc.gov/laws/guidance/pregnancy_guidance.cfm)
3. According to the 2018 National Compensation survey, only 7% of workers in "construction, extraction, farming, fishing, and forestry" have access to paid family leave, compared with 17% of all workers, and only 54% have access to paid sick leave, compared with 74% of all workers <https://www.bls.gov/ncs/ebs/benefits/2018/ownership/civilian/table32a.htm>; expenditure on paid leave is lower in construction than in sectors such as manufacturing, transportation, and utilities, according to the Center for Construction Research and Training (2018: The Construction Chart Book: The U.S. Construction Industry and its Workers; <https://www.cpwr.com/publications/research-findings-articles/construction-chart-book>).
4. See for example Trades Women Build Nations 2019 <https://nabtu.org/twbn/>
5. See Bridget Booker tell her story on LinkedIn (2018) A Women's Journey into One of the Manliest Jobs in America. #WorkInProgress; February 7; YouTube [https://www.youtube.com/watch?v=VN5\\_K0B3xXQ](https://www.youtube.com/watch?v=VN5_K0B3xXQ)
6. A Business Agent is a leading representative of a local union.
7. The NCSRCC covers six states: Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

8. See North Central States Regional Council of Carpenters' Benefit Fund (2019). Proudly Announces a New Paid Maternity Leave Benefit." <https://north-countrycarpenter.org/benefits/>
9. Estimate provided by members of the National Center for Women's Equity in Apprenticeship and Employment, based on time typically spent in classroom instruction, recruitment, and supervisory costs.
10. The benefit will increase annually, up to 12 weeks in 2021, with pay at 67% of the state's average weekly wage; see New York State (2019): "New York Paid Family Leave Updates for 2019." The Official Website of New York State <https://paidfamilyleave.ny.gov/2019>
11. In 2017, 16 percent of apprentices were women; see Ariane Hegewisch (2017) "Forging Gender Equity in the Sheet Metal Workers Local 28: The Importance of Leadership, Goals and Regular Review." The National Center at Chicago Women in the Trades <http://womensequitycenter.org/best-practices/>
12. For a list of states with paid medical and family leave schemes, including universal short-term or temporary disability insurance for pregnancy, see National Academy for Social Insurance (NASI). 2019. "States are Leading the Way with Social Insurance Programs for Paid Family and Medical Leave" Washington, DC: NASI <[https://www.nasi.org/sites/default/files/NASI\\_Infographic\\_PFML\\_061719\\_02.pdf](https://www.nasi.org/sites/default/files/NASI_Infographic_PFML_061719_02.pdf)>.
13. See State Building & Construction Trades Council of California (2015) "California's Paid Family Leave Program: Available to Construction Workers." [http://www.ibewlu180.org/uploads/UploadedFiles/docs/pfl\\_brochure.pdf](http://www.ibewlu180.org/uploads/UploadedFiles/docs/pfl_brochure.pdf) .
14. See Turner Construction (2018) "Building New York While Building Families: Workers at the TWA Hotel Construction Site Benefit from Access to Nursing Station." July 18; <https://www.turnerconstruction.com/news/item/98f3/Building-New-York-While-Building-Families-Workers-at-the-TWA-Hotel-Construction-Site-Benefit-from-Access-to-Nursing-Station>

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