

LEGAL momentum

The Women's Legal Defense
and Education Fund

WOMEN AT WORK

Fighting Discrimination, Protecting Survivors and Ensuring Equal Access



OUR MISSION

ENSURING THE ECONOMIC
AND PERSONAL SECURITY OF
WOMEN AND GIRLS.

OUR VISION

LEGAL MOMENTUM ENVISIONS
A SOCIETY IN WHICH ALL
WOMEN AND GIRLS ARE
ECONOMICALLY SECURE,
EMPOWERED TO MAKE
THEIR OWN CHOICES, AND
CAN LIVE AND WORK FREE OF
DISCRIMINATION AND
VIOLENCE.

THE REALITY

Nearly 50 years after sex discrimination in employment was prohibited, women are still paid less, subjected to sexual harassment, and confronted with barriers to hiring and promotion. Legal Momentum, the Women's Legal Defense and Education Fund, works to protect and advance the workplace rights of women, with a particular focus on women who are disproportionately vulnerable to violence, harassment, and discrimination in the workplace.

OUR COMMITMENT

The employment rights of women have been at the heart of Legal Momentum's mission since its inception. Legal Momentum has helped draft, pass, and implement the most important employment laws affecting women.¹ Through litigation, we have secured some of the most significant legal victories for working women.²

OUR STRATEGY

Legal Momentum combines public policy advocacy and precedent-setting litigation to expand and enforce the law. We educate policymakers, advocates, attorneys, judges, and others to ensure that laws and policies are implemented broadly, fairly, and effectively. Feedback from these stakeholders and those working "on the ground" helps us identify policies and laws that fall short for women and informs our development of new policies and laws to ensure women's economic and personal security.

OUR PROGRAMS

Legal Momentum has developed expertise and won precedent-setting cases focused on the employment rights of women, specifically women working in non-traditional jobs, women working under TANF (Temporary Assistance for Needy Families) work requirements, female migrant farm workers, and victims of domestic violence.³ Our current programs related to Women at Work include:

Equality Works—Women in Non-Traditional Jobs: Legal Momentum is a leader in promoting opportunity and equality for women in non-traditional job sectors, such as the construction trades and law enforcement, which are high-paying, have career tracks, and provide job security, annual leave, and other benefits. We work to improve women's access to these jobs, support and organize tradeswomen, and engage in litigation challenging the rampant employment discrimination in these jobs.

Pregnancy and Family—Discrimination, Paid Leave, and Work-life Balance: Legal Momentum advocates for workplace policies, rights, and benefits that account for the reality of women's lives and enable low-wage working women to keep their jobs while having families. We develop and test novel legal theories and offer technical assistance and training.

Victims of Violence and Unemployment: Workplace Rights of Victims: Legal Momentum advocates for employment laws and policies that help victims keep their jobs while dealing with the effects of the violence. We train employers and unions, draft and promote new legislation, and bring cases to expand and enforce the workplace rights of these victims.

Immigrant Victims: Workplace Exploitation, Immigration Raids, and Detention Policies: Immigrant women confront the highest rates of personal violence in their homes and sexual harassment, coercion and exploitation at work. When federal immigration officials raid workplaces and detain undocumented workers, victims are often swept up in the process. Legal Momentum was instrumental in the creation of T-Visas and U-Visas, which allow immigrant victims of trafficking or violence to legally remain in the U.S. as they cooperate with investigations.

OUR IMPACT

Legal Momentum's impact extends across job sectors and across the U.S.:

- In February 2010, Legal Momentum received a Determination from the EEOC (Equal Employment Opportunities Commission) that our client, Angie Welfare was discriminated against based on sex when American Airlines sent her home in her eighth week of pregnancy, rather than allow her to fulfill her work responsibilities in a less strenuous job. Legal Momentum and co-counsel Deborah H. Karpatkin represent Ms. Welfare, a Fleet Service Clerk working in American Airlines' Cargo Division at J.F.K. International Airport. After learning she was pregnant, her doctor issued a restriction on heavy lifting, but she was otherwise fit for work. The airline told her she could not stay on the job unless she could lift heavy loads—despite less physically demanding assignments available within her job category. Citing its policy of limiting "light-duty" job assignments to employees injured at work, the airline forced Ms. Welfare to go on unpaid sick leave. By the time she gave birth, she had been without a paycheck for seven months.
- In July 2009, Legal Momentum won a favorable jury verdict in *Germain v. County of Suffolk, et al.*, a case we tried in the Eastern District of New York. We represented a Park Police Officer denied a light duty job assignment during pregnancy. The victory represents a huge step in the battle to ensure that women in physically demanding jobs are not forced to choose between unpaid leave and staying healthy during pregnancy.
- Legal Momentum secured a major settlement agreement in *Olvera-Morales v. Int'l Labor Management Corp.*, a class action lawsuit on behalf of female guestworkers working on U.S. farms. We litigated this case with Co-counsels Kaye Scholer LLP, acting pro bono, the Workers' Rights Law Center of New York, and the North Carolina Justice Center. The defendants discriminated against female workers by recruiting women into jobs carrying an "H-2B" visa classification, which provides inferior pay and benefits compared to jobs with "H-2A" classifications which went to men. The settlement provides injunctive relief to prevent future discrimination and a significant monetary settlement for our clients.
- In 2009, Legal Momentum provided trainings and technical assistance focused on women's rights in the workplace to over 300 attorneys, employers, advocates, and individuals to raise awareness of laws protecting women.
- Legal Momentum continued to organize and support tradeswomen to ensure that they understand their rights on the job, and identify discriminatory practices. Legal Momentum brought tradeswomen to meetings with local, state, and federal agencies to alert these officials to the discriminatory conditions, and to advocate for remedies.

OUR FUTURE

Legal Momentum will continue to build upon these victories to:

- Advance the legal right to "light duty" for pregnant women in physically demanding jobs, especially those in low-wage industries, as well as the right to accommodation for pregnancy-related medical conditions under the Americans with Disabilities Act, litigating if necessary.
- Collaborate with other leading advocacy organizations to investigate, call attention to, and develop legal and policy approaches to address the vulnerability of women in certain low-wage jobs to violence at work sites and to strengthen family-friendly terms and conditions for all low-wage women workers.
- Provide technical assistance, training, and resources to victims, advocates, attorneys, employers and unions about best practices and legal requirements respecting the workplace rights of domestic and sexual violence and stalking.

¹ These include Title VII of the Civil Rights Act of 1964 banning sex discrimination in employment; Title IX of the Education Amendments of 1972; the Equal Pay Act; and the Pregnancy Discrimination Act.

² See *Robinson v. Jacksonville Shipyards* (pornography in workplace can constitute hostile work environment); *Faragher v. Boca Raton* (employer is liable for sexual harassment by supervisor absent "reasonable care" to prevent and stop harassment); *Wedow v. City of Kansas City and Kline v. City of Kansas City* (first-ever appeals court ruling that fire department's failure to provide appropriately-sized gear and equipment for women is sex discrimination).

³ For a full list of these cases please visit www.legalmomentum.org and visit our "Legal Knowledge Center."

