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How Organizations Can Take a Lead in Protecting Reproductive Rights

Taking a proactive approach to offering reproductive health care benefits for employees allows companies to create inclusive environments for a diverse workforce.

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This month, West Virginia and Indiana became the latest states in the U.S. to pass near-total bans on abortion. In August, trigger laws — laws previously set up to take effect in the event that *Roe v. Wade* no longer applied — went into effect in Texas, Idaho, and Tennessee, bringing the total to 15 states in the U.S. where abortion is illegal or severely restricted. Across more than a dozen additional states, local lawmakers have expressed a desire to also prohibit abortion, and political figures have even introduced a bill for a nationwide ban.

Before the Supreme Court decision in *Dobbs v. Jackson Women's Health Organization*, which overturned *Roe v. Wade* in late June, individuals had already been reevaluating how they engage with their work. This is best evidenced by the Great Resignation's ongoing mass exodus of employees — many of whom are looking for organizations that better align with their priorities and values, including those that place greater emphasis on employee health and well-being. Today, how organizations respond to *Dobbs* is shaping whether they support and keep top talent or sideline and possibly lose valuable employees.

Consider the following examples of Minh and Jessie.

Minh works in Texas and has always appreciated the possibility of working from home with her organization. She and her husband are trying to have a baby, but she has had multiple miscarriages. With the overturning of *Roe v. Wade*, she is moving out of Texas because she is worried about her ability to receive lifesaving care if she becomes pregnant and has complications again. She was prepared to find a new job but felt more loyal to her organization than ever before when her manager assured her that she could continue working remotely from a state that protects her reproductive rights.

Jessie just finished a successful summer MBA internship that they loved with a Fortune 500 company, and the organization wants Jessie to join full time at corporate headquarters in Atlanta after graduation. Although Jessie is not ready to start a family right now, they are scared to live in a state where their reproductive rights are threatened. Jessie ultimately turned down the Fortune 500 offer and chose to take a less exciting position with a less prestigious organization because it is so important to live in a state where their reproductive rights are not restricted.

Although these examples are composites of perspectives we have heard from our peers, students, and research participants, they reflect how employees are making decisions *now* about how and where they are going to work based on changing reproductive health care policies.

Unfortunately, even before the *Dobbs* ruling, organizations were struggling to support individuals' ability to successfully integrate pregnancy, caregiving, and career decisions. Extensive research shows that how individuals experience pregnancy, parenthood, and caregiving has a wide-ranging impact on their work and career trajectories, including the emotional and psychological ways they experience work, penalties they face in the hiring process, and their economic security. Research on the gender pay gap, for example, finds that the difference in men's and women's earnings is largely explained by their different career trajectories: Men are more likely to complete time-greedy work, while women are more likely to be employed in jobs that offer space for caregiving *outside* of work.

Today's rapidly changing state laws over abortion care and bodily autonomy have far-reaching effects for labor market frictions. Research indicates that individuals unable to obtain abortion care are less likely to be employed full time six months after denial of care. Giving women control over their reproductive health improves their access to resources and their ability to pursue higher education, ultimately increasing labor market participation. Without access to safe abortion care and reproductive health care services, women tend to experience economic precarity for years, with an increased likelihood of living and raising children in poverty.

Notably, laws restricting abortion care and bodily autonomy also create barriers for individuals who desperately want to become parents. Safe abortions reduce the risk of maternal mortality, prioritizing the health of the pregnant person when pregnancy-induced complications arise and preventing the devastating consequences of attempted unsafe abortions. This is especially true for Black women, who are three to five times more likely to die from pregnancy-related causes than White women. Anti-abortion legislation also raises the threat of criminalizing naturally occurring or accidental miscarriage and pregnancy loss. The need for abortion care is pressing and immediate; estimates suggest that increased travel distances alone are likely to prevent over 100,000 women from obtaining abortion care in the first year following the reversal of *Roe v. Wade*.

The extent to which organizations are able to prioritize the needs, health, and well-being of their employees with reproductive health concerns will play a critical role in their ability to attract and retain a talented, high-quality, diverse workforce. In light of this, we offer five actions organizational leaders can take in this moment to support and protect reproductive freedom for their employees.

Embrace remote work and location flexibility.
Organizations with offices located in states that now restrict abortion or that are in "abortion deserts," where such reproductive care is difficult — if not impossible — to come by, can proactively embrace remote work and location flexibility to improve employees' access to reproductive health care. Salesforce CEO Marc Benioff, for example, announced that the company would fund

relocation costs for employees to move to states where they can access more expansive health care.

With the rise of distributed workforces, remote-friendly companies should also recognize the impact of locality on employees' health care. For example, before the pandemic, Yelp's workers were based primarily in California, where abortion rights are well protected, but today the company calls itself a "remote-first" business and has employees in all 50 states. Yelp implemented abortion-care benefits weeks before the Supreme Court ruling so that its health insurance plan would not only continue to cover abortion but also cover necessary transportation costs for employees seeking care. Yelp CEO Jeremy Stoppelman explained, "Having employees spread out across more geographies makes this issue much more sensitive, because employees are more likely than in the past to be in geographies that are more restrictive."

Giving employees choice and flexibility over their location is wise not only for the ethical and moral reasons outlined above — though we would argue that that should be of paramount importance to organizations — but also because supporting remote work and flexibility will enhance an organization's ability to attract top talent. In one recent poll, 66% of college-educated workers said they would not take a job in a state with laws that restrict abortion care access.

Support employees accessing abortion care. After the *Dobbs* decision, several companies, including Amazon, Accenture, Chobani, Disney, and Target, in addition to Yelp and Salesforce, offered employees funding to travel out of state in order to access safe abortion care. As companies consider following this lead, leaders need to be attentive to the details of *how* they put these benefits into place. Organizations that rely heavily on gig workers or contractors need to consider how to extend these benefits to these more vulnerable workers. Employers also need to be aware that asking for access to abortion care benefits requires an employee to self-disclose in a way that may be uncomfortable and puts them at risk for bias and discrimination. Ample evidence suggests that employees often struggle with disclosing their pregnancies more generally and, once they have children, do not take advantage of flexible work policies for fear of appearing not fully committed to their work. To overcome hesitancy to disclose and use reproductive health benefits, organizations must implement systems that protect employee confidentiality.

Partner with third-party reproductive care providers. Organizations can go one step further to support employees by contracting with third parties that can provide employees with reproductive decision-making consultation or access to abortion care. Progressive companies are already extending the support they provide for employees by contracting with providers like Progyny to expand fertility and family planning benefits. Leading-edge companies could do the same around abortion care by partnering with companies like Hey Jane, which provides safe, cost-effective access to medicated abortions, or Just the Pill, which is expanding its services to include mobile abortion clinics that will travel to legal locations that are in close proximity to states that have banned abortions. With these partnerships, organizations can ensure that employees have access to the high-quality, confidential care they need as they make reproductive decisions.

Hold organization and industry events in states with expansive abortion access. As organizations return to hosting in-person events, conferences, and meetings, they should consider access to reproductive care when making choices about event locations. When organization-based events are held in states with restricted access to reproductive care, the health and well-being of pregnant employees (including those who may not even know yet that they are pregnant) is now at risk if a medical emergency occurs. Some industry organizations are already taking the lead here. For example, in response to Louisiana's strict abortion ban, the American College of Obstetricians and Gynecologists is moving its April 2023 conference out of New Orleans. Likewise, the largest professional research ethics organization (PRIM&R) has pulled its annual conference out of Salt Lake City. When making these crucial investment choices, failing to protect the health of *all* employees will hamper organizations' ability to value and leverage diverse voices and participation.

Align where your money goes with your values. Finally, there is no quicker way to erode employee trust than stating one thing and privately doing another. Accordingly, companies should ensure that their political financial support does not undermine their efforts to support reproductive justice, by not supporting or donating to politicians who are trying to reverse abortion rights. Many companies that have made public statements supporting women's rights have also contributed funds to political organizations supporting anti-abortion politicians. In May, reporting showed that 13 corporations, including AT&T, CVS, Coca-Cola, Walmart, and Verizon, had contributed millions of dollars to anti-abortion political committees since 2016.

Additionally, employers should be attentive to the stance on abortion held by their suppliers, contractors, and other partners, including the extent to which they support anti-abortion organizations or politicians. Such attention would be aligned with a common tenet of supply chain management and corporate social responsibility — that organizations are responsible and accountable for the environmental and social footprint of their partners across the supply chain.

It is not hyperbole to state that employees' lives are at risk if they work in states that restrict abortion care and reproductive health care. Employees are aware of this and are making their career choices accordingly. Championing reproductive justice is an opportunity for organizations to create more inclusive workplaces that not only support and protect the health and well-being of current employees but also attract and retain top talent.

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