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Justices tackle pregnancy discrimination

By Mark Gruenberg

Does the Pregnancy Discrimination Act, which bars firms from discriminating against pregnant workers, mean what it says? And what's that? Those are the questions Peggy Young, a former UPS driver between Annapolis, Md., and Baltimore's international airport, brought to the U.S. Supreme Court on Dec. 3.

Young, hired by UPS in 1999, had to take time off for a difficult pregnancy several years later. But it was unpaid time after the company refused - despite the law and her doctors' notes - to accommodate her by giving her light-duty work. It also yanked her health insurance. Young sued, saying UPS broke the law, which passed in 1978. Young lost in lower courts, which agreed that UPS' paid disability leave policy was neutral on its face and thus legal: If you're injured off the job, you can't get paid leave, pregnant or not.

Young, backed by unions - including the Teamsters, which represents UPS workers - and women's rights groups, took her case to the High Court. Joined in an outdoor rally by the National Consumers League, the National Partnership for Women and Families, and even evangelicals and pro-life groups, they all argued the Pregnancy Discrimination Act means firms must accommodate pregnant workers. Several of the justices inside



agreed. "The facially neutral policy" on treating disabled workers "hurts pregnant women," Justice Stephen Breyer commented.

Some 49 percent of all workers are female and 62 percent of women who gave birth had been in the workforce sometime during the prior 12 months, data show. Inside, the pregnancy discrimination law "says that if there is discrimination because of pregnancy, that's discrimination because of sex," Young's attorney, Samuel Ba-

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genstos, told the justices. "And UPS provides accommodations for (male) drivers with off-the-job conditions" that prevent them from driving their trucks, he added. That set off a dispute between the justices and Caitlin Halligan, the attorney for UPS, whose position against Young drew backing

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from the Chamber of Commerce and other business groups. Several justices, led by Elena Kagan, retorted that is exactly what UPS did, thus discriminating against women, which is what the law was designed to avoid. "The Pregnancy Discrimination Act has to be recognized," she told Halligan. "What you're saying is a policy that puts all pregnant women on one side of the line."

Added Justice Ruth Bader Ginsburg, "It's a policy that distinguishes between on-the-job and off-the-job injuries" and pregnancy occurs off-the-job, she said. Both justices pointed out that Congress kept that on-the-job/off-the-job distinction, except for pregnancy.

Ironically, UPS' policy has changed. Young left the firm in 2009. And UPS, in bargaining with the Teamsters, has changed its policy so that these days, pregnant workers qualify for on-the-job disability pay and health insurance. And that's the intent of the law. But many other companies haven't changed. "Pregnant workers are under attack. What do we do? Stand up, fight back," was

one chant of the workers outside the court.

Pamela Cipriano, a registered nurse and president of the American Nurses Association, called such a choice between following doctors' orders or losing their jobs "unfair and impossible." She said ANA joins health care and women's groups in demanding the court "give pregnant workers the support needed to maintain financial security and maternal health."

Young herself, who sat through the court session, was a little non-plussed by the passions it aroused. She also believes the justices will rule for her - and other women. "I never imagined this" when she filed the suit years ago, Young told reporters. "I'm very, very hopeful."

The justices will rule on her case by the end of June.



Mark Gruenberg is the editor of PAI.

Lima climate talks and the three-part alliance

By Marc Brodine

The latest in a long series of UN-sponsored talks is convening in Lima, Peru, for two weeks of negotiations. The goal is to lay the basis for a climate treaty deal in Paris in November 2015. The last international agreement, the Kyoto Accords, expired in 2012; all subsequent efforts to replace it have failed thus far.

The recent bilateral agreement between the Obama administration and the Chinese government set targets for limiting and then reducing greenhouse gas emissions by 2030. China's reluctance to set such targets in the past has been a key stumbling block to reaching an international agreement, more significant since China became the world's largest emitter of carbon pollution in the last few years.

This gathering takes place against the backdrop of continuing increases in temperature worldwide. There is a developing three-part alliance bringing pressure to reach an international

agreement on reducing greenhouse gas emissions.

- First, the massive environmental movement demanding action on climate change, highlighted by the 400,000 strong September People's Climate March in New York City, alongside another 200,000 support marches worldwide.

- Second, the continuing signs from the natural world that climate change is real, is affected by human activity, and is already causing destruction and economic losses.

- And third, the growing realization by policymakers and economic heavyweights that action must be taken.

Moreover, given the rapidly developing problems from climate change, and the danger of approaching tipping points, it is highly unlikely that even the most aggressive agreement possible will adequately address the need for a worldwide shift to renewable energy, and will not touch the need for a fundamental restructuring of the capitalist world economy.

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Don't Shoot Coalition condemns police targeting of movement leaders

Special to Peoplesworld.org



The Don't Shoot Coalition condemned in a statement what it says is the retaliatory arrest of Rasheen Aldridge, a youth leader and member of the Ferguson Commission. The coalition, in its statement, also objected to what it termed the widespread targeting of protests leaders including arresting them after protests, holding them on exaggerated charges and putting 24-hour holds on them.

"Numerous activists in our movement have been followed, harassed and intimidated by the St. Louis Metropolitan Police and other local police agencies," said Michael T. McPhearson, Don't Shoot co-chair and executive director of Veterans For Peace. "The treatment of Rasheen stands out as politically motivated in response to his leadership on the ground and as a Ferguson Commission member."

Rasheen Aldridge is only the most recent and prominent victim, according to the coalition. A youth leader involved in numerous campaigns, Aldridge has met with Mayor Slay to discuss city policy changes in the wake of Michael Brown's death. He was also recently appointed to the Governor's Ferguson Commission. And, he traveled to Washington and met with President Obama about con-

ditions in Ferguson. On Nov. 25, the day after the Grand Jury announcement, Aldridge was part of a protest at City Hall in which peaceful protestors attempted to enter St. Louis City Hall, a public building that should have been open. The City of St. Louis has put out a summons for his arrest for allegedly assaulting an officer.

Zach Chasnoff, a former organizer with Missourians Organizing for Reform and Empowerment (MORE), was also charged with assaulting an officer for attempting to enter City Hall. He was arrested by eight officers while grocery shopping with his wife days after the protest. Chasnoff's wife was also intimidated and harassed by officers while inside the Schnuck's grocery store. Chasnoff was put on a 24-hour hold.

David Whitt, a resident of Canfield Apartments and co-founder of the Canfield Watchman Copwatch group, was riding his bike on the morning of Nov. 24, the day that the Grand Jury announced its decision regarding Officer Wilson. He pulled over to the side of the road on his bike. When police drove by, they arrested him, saying they stopped him for failure to wear a bicycle helmet. He was charged, however, with disrupting traffic.

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California low wage workers on the move

By Marilyn Bechtel

Day laborers, home care workers, convenience store workers, fast food workers - their t-shirts and signs, many in Spanish, told their stories. "Raise our wages now, not tomorrow!" "We demand fair pay and no abuses!" "Up the pay, East Bay!" "Supersize my wages!" "We stand up for each other!" Some 200 workers, labor and community supporters gathered in the heart of the largely Latino Fruitvale neighborhood Dec. 4, joining many thousands in 190 cities across the country in a nationwide walkout and demonstration demanding a minimum wage of \$15 an hour and the right to organize.

The day laborers of the Oakland Workers Collective were joined by unions including SEIU's United Service Workers West and Communications Workers of America, and community groups including the East Bay Alliance for a Sustainable Economy (EBASE) and the Alliance of Californians for Community Empowerment (ACCE).

The actions took place as several California cities have moved to raise minimum wages. In Oakland, voters last month approved an increase to \$12.25. San Francisco's minimum is to reach \$15 by July 2018. In Los Angeles, the minimum wage will rise to \$15 an hour for all LA Unified School District workers by 2016, and Mayor Eric Garcetti wants to see a citywide minimum of \$13.25 by the following year.

But highlighting the severity of the problem, California's statewide minimum, at \$9, is the nation's fourth highest. State Senator Mark Leno, D-San Francisco, has just introduced a measure in the state legislature that would raise it to \$13 in 2017

Racismo e impunidad

La Jornada

Cientos de personas asistieron ayer al funeral de Akai Gurley, de 28 años, ciudadano negro quien murió el pasado 20 de noviembre a manos de un oficial blanco en un complejo habitacional de Brooklyn, pese a ser totalmente inocente, admitió el jefe de la policía de Nueva York, Bill Bratton. Apenas el jueves pasado, un oficial de la policía de Phoenix disparó y mató a un hombre negro desarmado, de nombre Romain Brisbon, durante un enfrentamiento; de acuerdo con lo que las autoridades dijeron, el agente creyó que el individuo tenía una arma de fuego. El hecho provocó que unos 200 manifestantes protestaron contra el homicidio con marchas y bloqueos.

Estos casos se suman al de Eric Garner, un hombre negro que murió asfixiado en julio pasado en Nueva York a manos de un oficial blanco, y al del adolescente Michael Brown, asesinado a tiros en Ferguson, Misuri, por un policía que a la postre fue absuelto por la justicia estadounidense, hecho que desencadenó una oleada de protestas, algunas de ellas violentas, en distintas localidades del país.

Además de la explosión de descontento y de los focos de ingobernabilidad que se han registrado en meses y semanas recientes en ciudades de Estados Unidos, la situación descrita deja ver la histórica e innegable orientación racista de las autoridades de ese país, en contra de su población negra, que se acentúa particularmente en las corporaciones policiales, las fiscalías y las autoridades carcelarias. El correlato de esa tendencia es una concepción paranoica de la sociedad por parte de los distintos gobiernos

estadunidenses, proclives a poblar sus cárceles y eliminar a ciudadanos considerados peligrosos como medidas de control social.

La circunstancia descrita se agrava por lo que parece ser un patrón de impunidad en beneficio de policías responsables del asesinato de ciudadanos afroamericanos en Estados Unidos. La recurrencia de fallos absolutorios en casos similares, ocurridos en un breve periodo, ha llamado la atención de la propia Organización de Naciones Unidas, cuyos relatores señalaron el pasado viernes que tales decisiones han dejado a muchos con la legítima preocupación sobre un patrón de impunidad cuando las víctimas del uso excesivo de la fuerza son de origen afroamericano u otras comunidades minoritarias.

Según puede verse, la impunidad proverbial de que han gozado las corporaciones de seguridad de Estados Unidos para cometer todo tipo de tropelías contra ciudadanos inocentes -un abanico de prácticas que van del secuestro y asesinato de presuntos terroristas hasta el espionaje ilegal de habitantes de ese país- ha comenzado a revertirse a las autoridades de ese país en forma de un rechazo político creciente.

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