Advancing Reproductive Rights

An Equity Fluent Leadership Resource

June 2023

Berkeley Haas
Center for Equity,
Gender & Leadership

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What is this resource?

The Supreme Court's decision to overturn Roe v. Wade and with it, decades of progress for reproductive rights, is a gut wrenching set back for women and birthing people. As of this writing, abortion is banned or heavily restricted in at least 15 states, with laws in a dozen other states that pave the way to similar restrictions. Millions of women and birthing people are now – or are soon to be – without access to abortion and autonomy over their body, with impacts that will disproportionately influence low-income communities, women of color, and people who are trans and non-binary. Beyond the immense individual and community costs, there are also hefty economic implications. Many business leaders have taken a stand expressing support and instituting efforts to preserve abortion access for workers. **Still, more is needed.**

This resource outlines the business case for reproductive health access and autonomy, focusing on abortion access. We underscore how reproductive restrictions and bans affect women and birthing people across various demographics and worker types (gig/contract workers, consumers/users, etc.). We then delve into the actions that Fortune 250 companies are taking to illustrate what is being done and where gaps exist, before ending with a call to action.

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For whom is this resource?

This resource is for business leaders who are committed to protecting reproductive rights and are committed to supporting workplaces where all workers can grow and thrive.

How is this resource organized?

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Part I: The Business Case

First and foremost, protecting reproductive rights is the right thing to do. But it is also smart for business.

Part I

What is the business case for supporting reproductive rights?

Part II

What actions are Fortune 250 companies taking?

Part III

What is the call to action?

The Business Case for Reproductive Rights

The case for abortion access and reproductive rights has major implications for U.S. companies and businesses. Academics, researchers and journalists have underscored four ways the upending of reproductive rights affects businesses: talent attraction, talent retention, company brand and company bottomline.

1 Talent Attraction

Access to reproductive care plays a significant role in the recruitment process

2 Talent Retention

Access to reproductive care has major implications for companies' talent retention and advancement

3 Company Brand

Companies' position on reproductive rights can impact their brand and profits

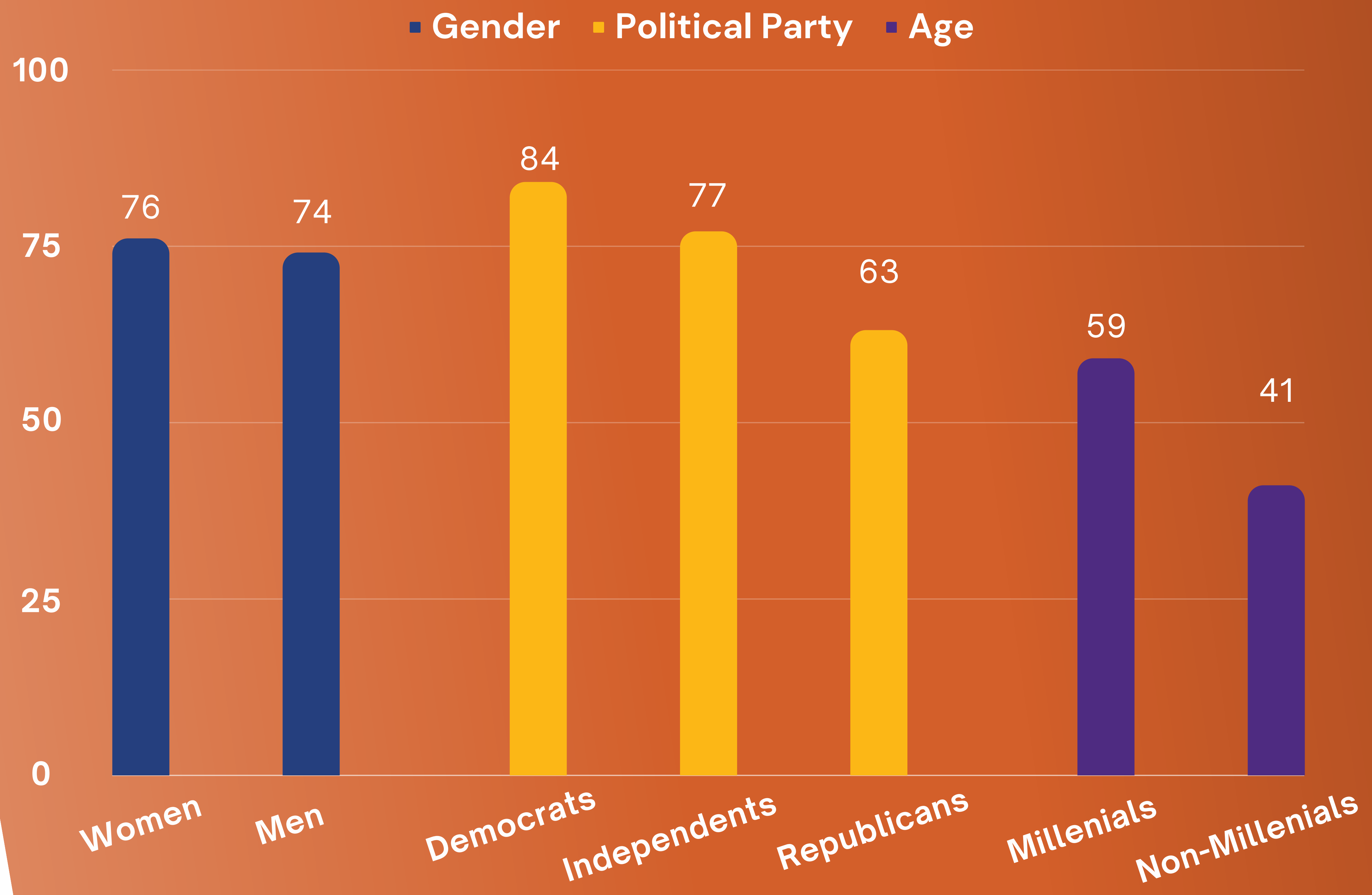
4 Company Bottom-line

Supporting women and birthing humans' reproductive health aids companies' overall bottomline

TALENT ATTRACTION (1)

Across a host of employee demographics, the majority of people prefer to work at companies that support abortion access and reproductive rights.

% of employees under 40 years old who want to work for a company that supports reproductive rights[1]



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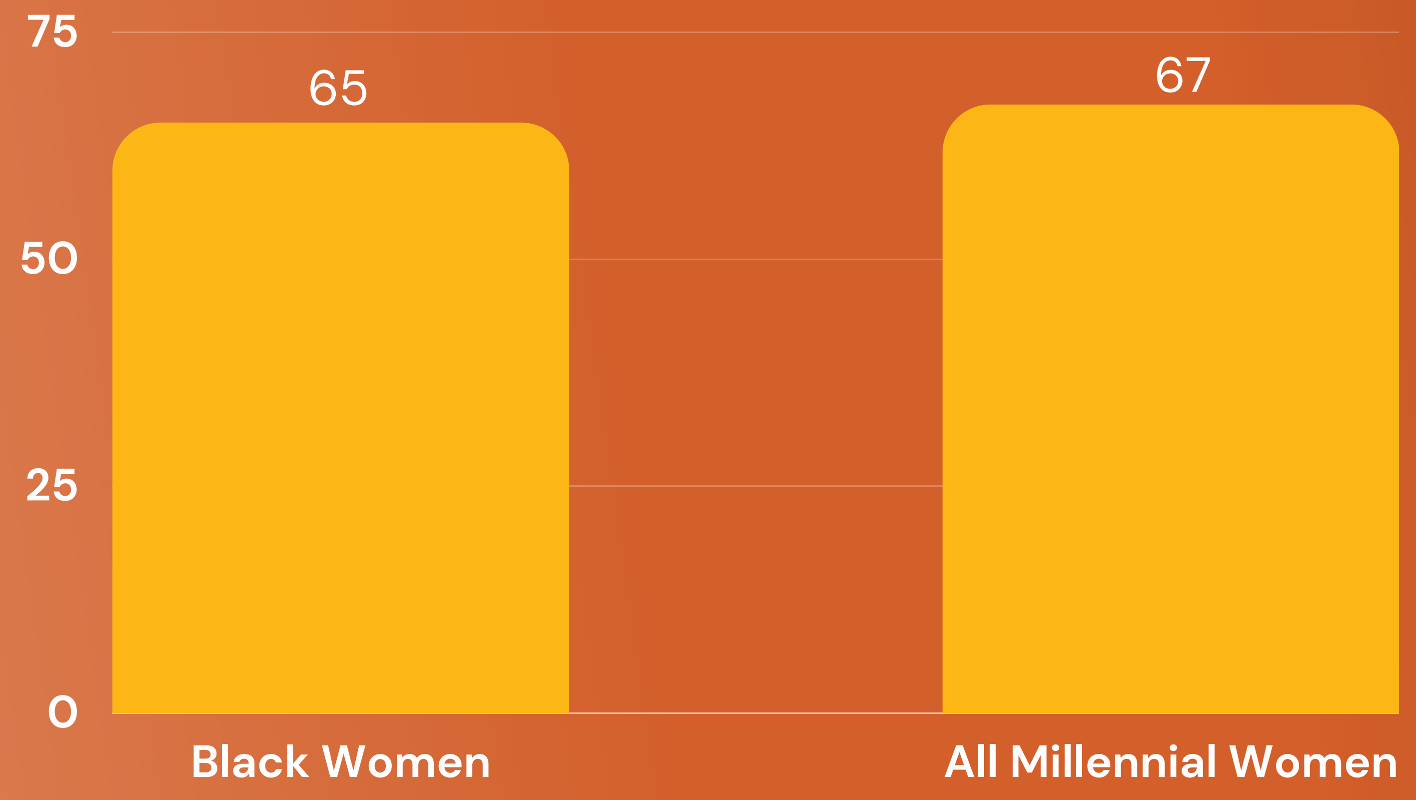
TALENT ATTRACTION (2)

Reproductive rights are important considerations for employees and integral in job search criteria.

% of women for whom reproductive care is a deciding factor in accepting a job[3]



TALENT RETENTION

Attracting and retaining talent is a top concern for CEOs, and reproductive care is essential to ensuring employees are able to remain in the workforce.[4]

60%

of workers say they would be a more loyal employee to a company that supports women's reproductive freedom by offering coverage for prenatal care, family planning, and abortion care.[6]

Individuals without abortion care are

3X

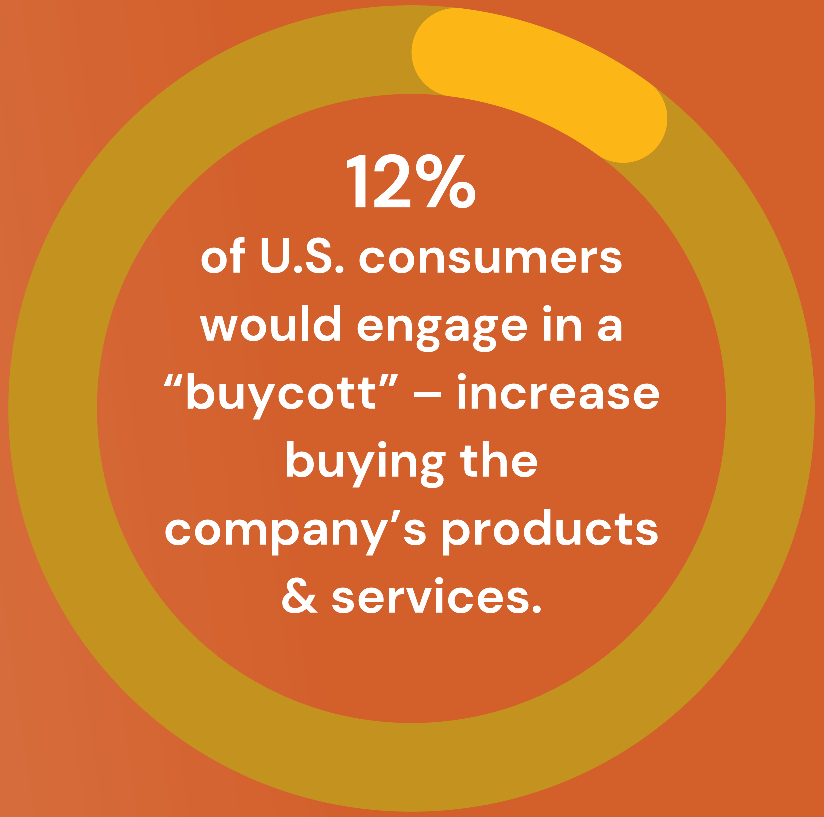
less likely to be employed full time six months after denial of care.[5]

COMPANY BRAND (1)

Consumers are increasingly making purchases that align with their values, with reproductive rights informing consumer action.

COMPANY BRAND (2)

Beyond buying in alignment with personal values, some consumers are willing to take additional actions to influence others to financially support the company as well.[8]



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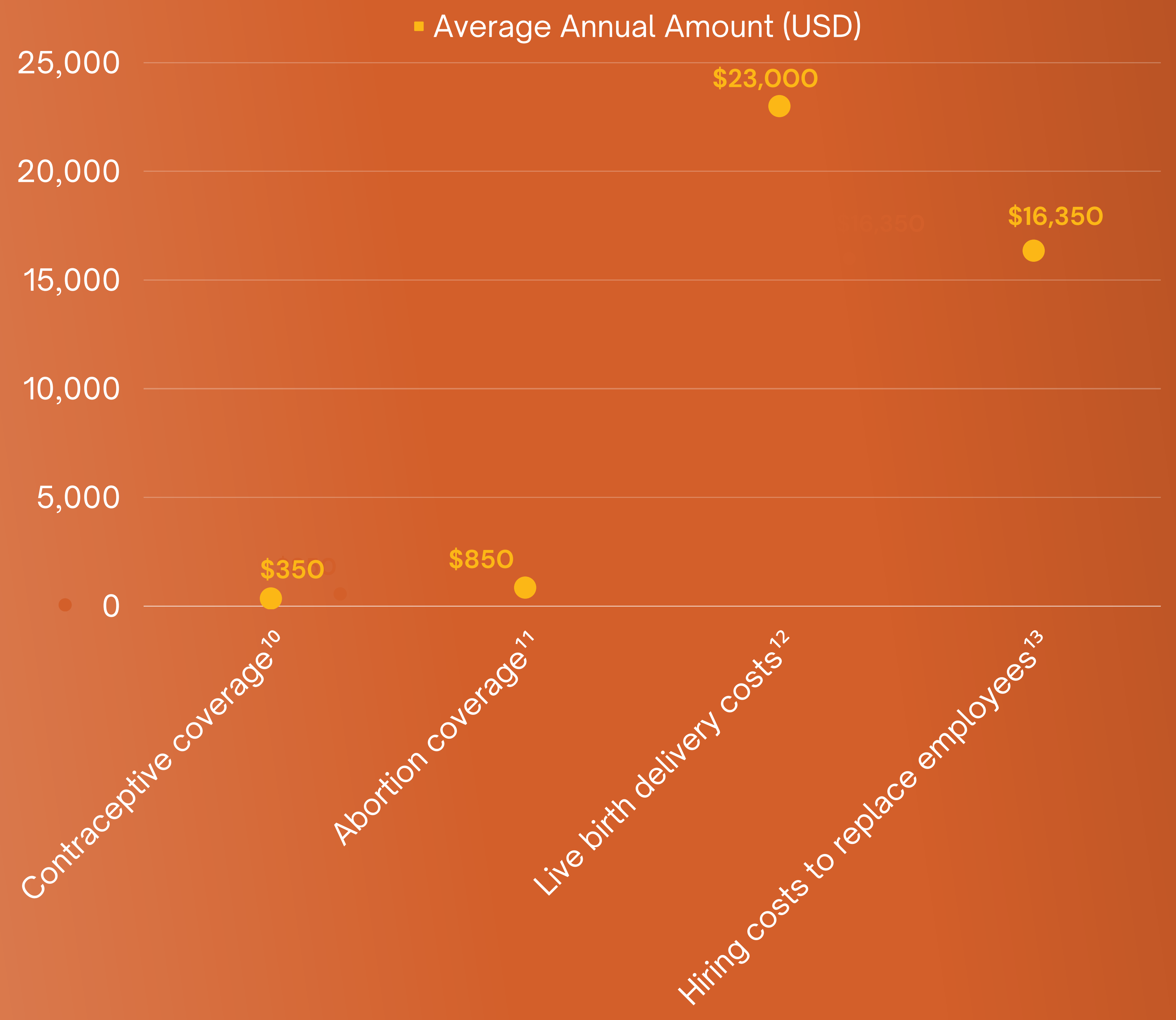
COMPANY BOTTOM-LINE

The cost of providing comprehensive contraception and reproductive healthcare benefits is extremely cost effective for employers.

Coverage for contraception and reproductive care is significantly less than the additional expenses incurred due to unintended pregnancies among employees, such as economic losses associated with employee absenteeism, decreased productivity, higher employee replacement costs, maternity leave, sick leave and replacing employees who do not return to work after a pregnancy.[9]

Company cost per employee for reproductive care services



THE ECONOMIC & INTERSECTIONAL RIPPLE EFFECTS OF REPRODUCTIVE RIGHTS

Black and Latinx Women:

- As of 2021, Latinx women and girls are three times more likely and Black women and girls are two times more likely to be uninsured, resulting in limited access to reproductive care.[14]
- Black women who use abortion to delay motherhood experience a 10% increase in wages.[15]
- Black women are 1 to 3 percentage points less likely to start and complete college in states with restrictive abortion laws.[16]

Lifting abortion restrictions would increase labor force participation of **Hispanic women by 1.28%** and **Black women by 1.27%**, compared to White women at 1.09%.[17]

Gig Workers:

- Immigrants, people of color, younger workers, and those from lower income backgrounds are more likely to engage in independent, contract work.[18]
- Women are increasingly taking on gig work; 58% of DoorDash drivers are women and UberEats has seen an 80% increase in women delivery workers.[19]

Despite state and federal lobbying, gig workers aren't eligible for company insurance benefits, thus hindering their access to reproductive care.[20]

Societal Impacts:

- Providing women (ages 15-23) with abortion access results in a 6% increase in years of education, a 41% increase in the probability of entering college, and a 72% increase in the probability of completing college.[21]
- Abortion bans cost state and local economies $105 billion annually by reducing labor force participation and earnings among women.[22]

Eliminating abortion bans would result in an additional 505,000 women aged 15 to 44 entering the workforce, ultimately earning roughly $3 billion annually.[23]

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Part II: Fortune 250 Actions

Many companies are taking action to support reproductive access, while many others are not. Large gaps remain.

Part I

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THE FORTUNE 250 RESPONSE

This section includes an evaluation of the actions instituted by Fortune 250 companies related to protecting and supporting reproductive rights for employees, users, and broader communities.

We explore findings in three main buckets: (1) reproductive access for workers, (2) donations and advocacy; and (3) protecting user data.

This section begins with overview of the methodology and data. It then outlines the topline findings of what actions companies are taking before diving into the specifics across the three buckets.

1. **REPRODUCTIVE ACCESS FOR WORKERS**
   How are companies supporting benefits for reproductive access? How does this access differ by worker type?

2. **DONATIONS & ADVOCACY**
   How are companies leveraging their influence & monetary contributions to impact reproductive rights across communities?

3. **PROTECTING USER DATA***
   How are technology and finance companies protecting user data that may otherwise be exploited to indict individuals seeking reproductive care?

**This bucket of actions is specific to the finance and technology industries*

METHODOLOGY

We tracked actions taken by the Fortune 250 companies to support or suppress reproductive rights for employees, users, and broader communities, based on information available in public sources (including company websites, news articles, company reports, and more) between June 2022 and February 2023.*

Using a scoring system (see table), we analyzed this data within and across industries and stakeholders to identify trends, gaps, and opportunities in the three buckets of reproductive access for workers, donations & advocacy, and protecting user data.

This is an evolving landscape, which means the data captured is a snapshot of this time period and may not include additional changes such as those made in response to legal action around Mifepristone.

Score	Explanation
0	Inaction
+1	Action in support of reproductive rights
-1	Action suppressing reproductive rights
+0.5	Partial action supporting reproductive rights
-0.5	Partial action suppressing reproductive rights

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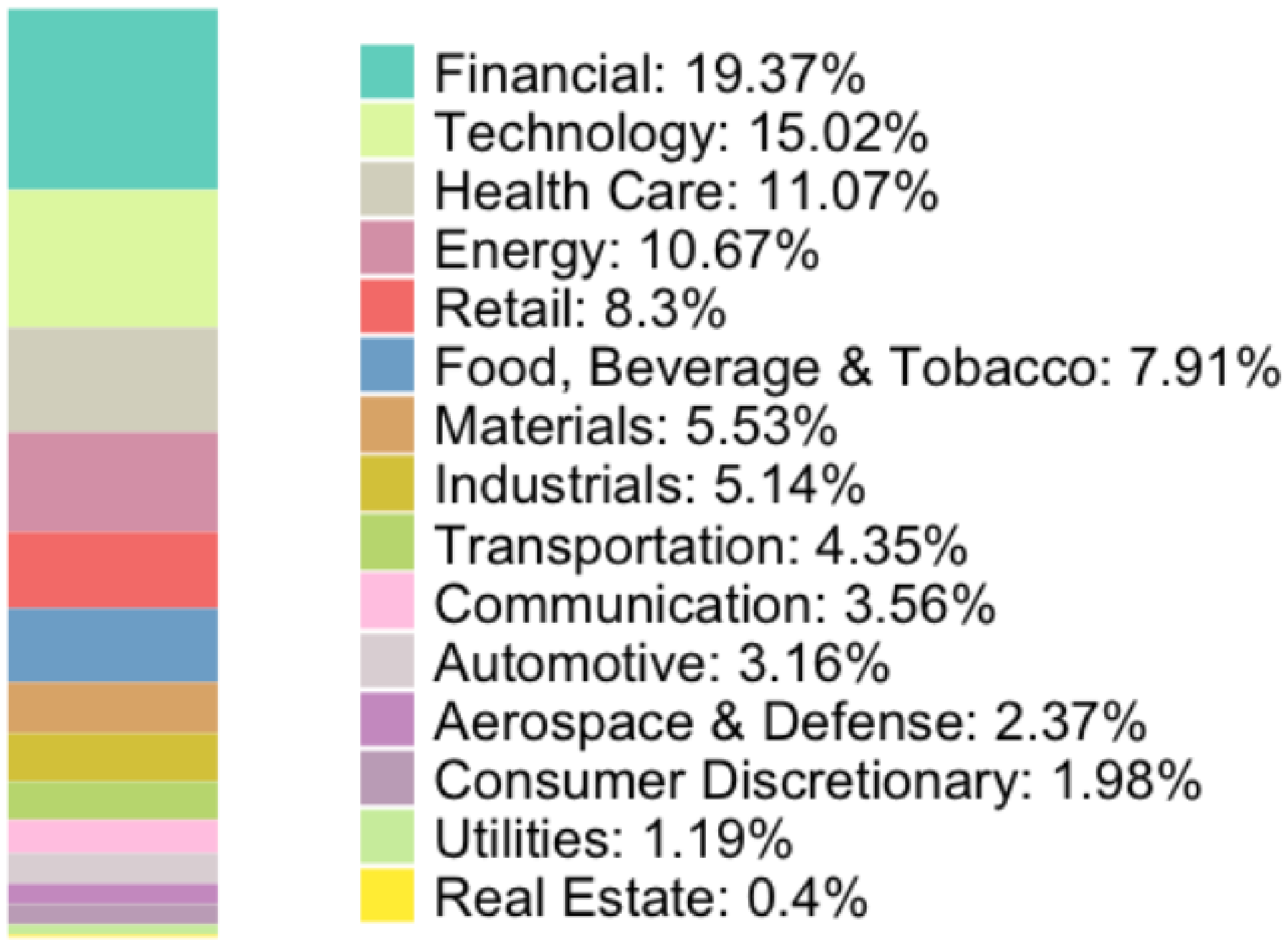
OVERVIEW OF DATA

About 300 actions were recorded by companies across 22 industries. These actions covered a spectrum of "quick wins" like taking a public stance on the issue of reproductive rights, to policies and investments that require significant time and economic cost.

These actions targeted a wide range of players along each company's value chain including workers (corporate employees and/or gig, contract and retail workers), customers, and the broader communities in which they operate.

Percentage of Fortune 250 Companies by Industry



TOPLINE FINDINGS (1)

- Of the Fortune 250 companies, **40.08% took actions** between June 2022 and February 2023 (that they shared publicly) in response to the overturning of Roe v. Wade.
- Both positive and negative actions were observed, with some companies demonstrating both types of actions. Actions ranged from merely expressing support for abortion access to more significant economic support (or suppression).
  - **31.23% of companies took at least one positive action** (actions that support reproductive rights and abortion access)
  - **29.25% of companies took at least one negative action** (actions that support anti-abortion legislation)
- Importantly, many companies remain silent and inactive.
  - **54.15% of companies have no public stance**; this includes 17.79% of companies that have expressly refused to take a public stance, and 36.36% of companies remaining silent.

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TOPLINE FINDINGS (2)

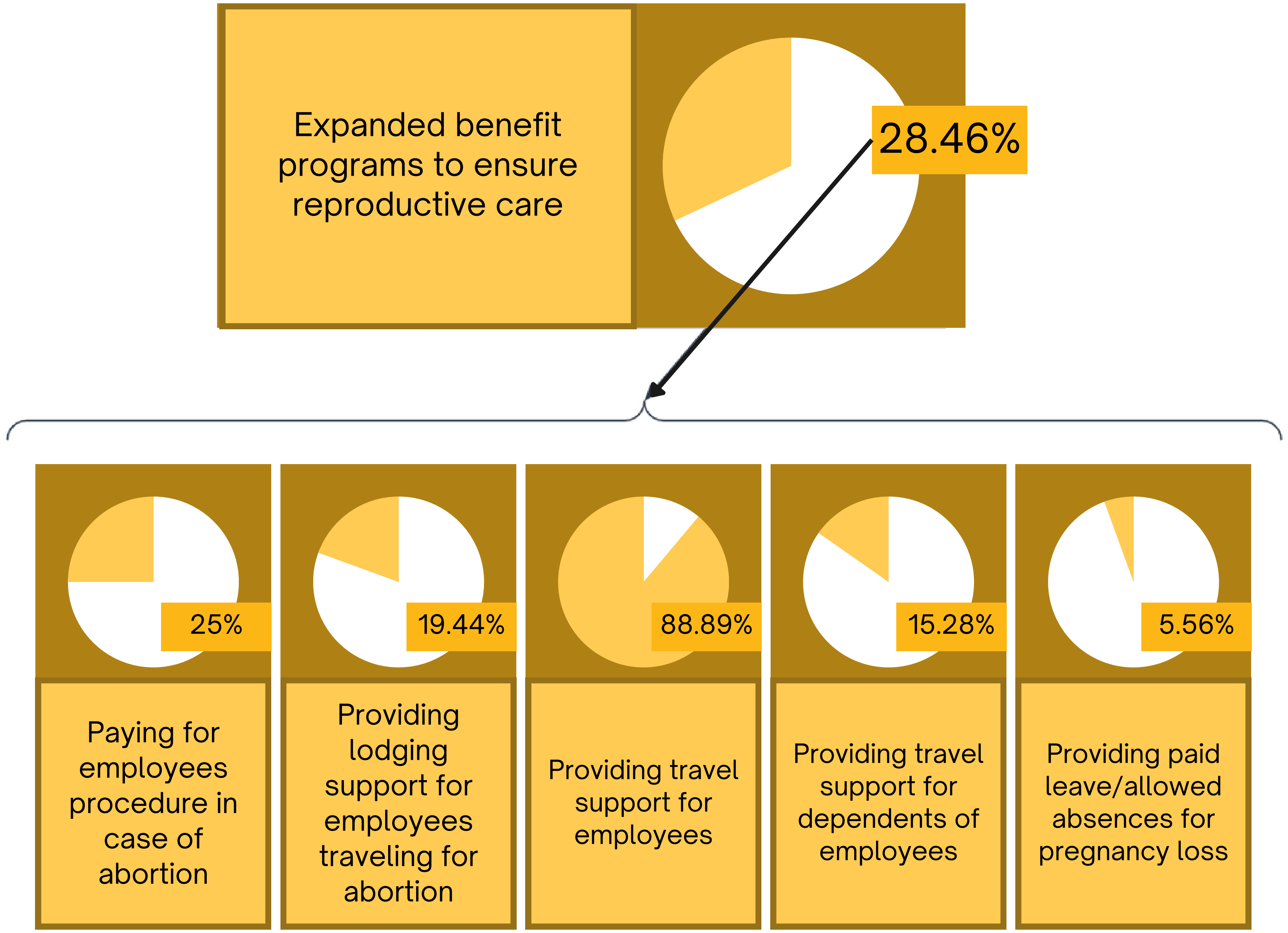
Of the 40% of companies taking actions, we find that the actions tend to fall into three areas with good actions being taken, but also large gaps.

	THE GOOD	THE GAPS
1 REPRODUCTIVE ACCESS FOR WORKERS	**28.46%** of Fortune 250 companies expanded employee benefit programs to include reproductive care to some degree.	But the vast majority of these actions focus on employees, while gig workers and contractors (who are also in need of reproductive access) miss out.
2 DONATIONS & ADVOCACY	**32.02%** of Fortune 250 companies are using monetary contributions and other types of influence to positively impact reproductive rights in their communities.	Many companies (**27.3%**) are financially supporting politicians or groups hindering the fight for reproductive rights. Meanwhile, several companies (**1.9%**) are donating to pro- and anti-abortion groups.
3 PROTECTING USER DATA*	**4.6%** of tech & finance companies are deleting or no longer collecting search and transaction data related to reproductive health, and/or accessing reproductive care that could be subpoenaed by law enforcement.	The vast majority of tech and finance companies are not taking any actions to protect user data.

REPRODUCTIVE ACCESS FOR WORKERS (1)

28.46% of Fortune 250 companies expanded employee benefit programs to include reproductive care to some degree.

This bucket of actions includes a variety of changes to healthcare policies and other benefits. The data visuals to the left break down the range of actions taken to protect employees' access to reproductive care as well as the percentage of companies taking each action.



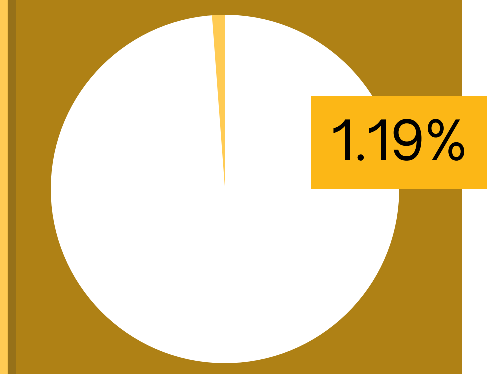
REPRODUCTIVE ACCESS FOR WORKERS (2)

MAJOR GAPS & CONCERNS FOR REPRODUCTIVE ACCESS

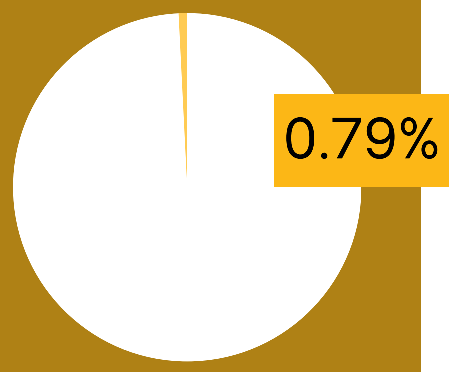
Gig, contract, store, and/or factory workers are typically not offered the same policy and benefit adjustments.

Of the Fortune 250 companies, only 1.19% (Amazon, Apple, and Uber) offer healthcare benefits or travel and lodging support for reproductive access to non corporate workers and their dependents. Immigrants, people of color, younger workers and those from lower income backgrounds are more likely to engage in independent, contract work, thus less likely to have access to reproductive care.[24]

Supporting non corporate employees and their dependents



Providing flexible location accommodations or options to relocate



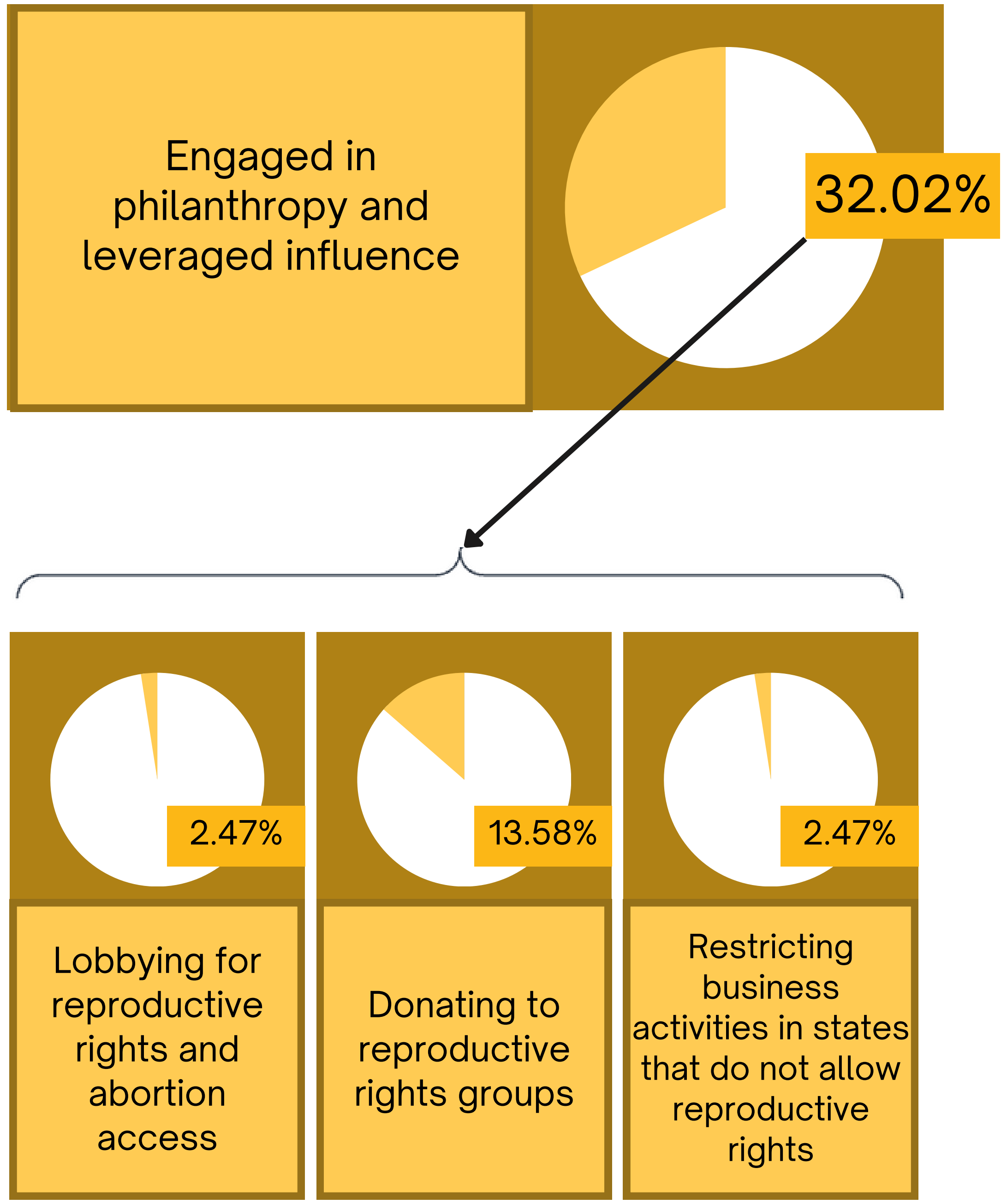
Several companies have adopted flex / remote work policies,[25] but few companies allow relocation for access to reproductive care.

With access to reproductive autonomy banned or heavily restricted in at least 15 states,[26] many employees are now living in states that severely limit their reproductive rights. Only 0.79% of the Fortune 250 companies (Google & Salesforce) share publicly that they provide the option to relocate, so that employees might access care in states/countries that offer more comprehensive care and protections.

DONATIONS & ADVOCACY (1)

32.02% of Fortune 250 companies are using monetary contributions and other types of influence to positively impact reproductive rights in their communities.

The most common form of advocacy entails donations to groups, politicians, or political organizations protecting reproductive rights, followed by lobbying for reproductive rights, and restricting activity in states that limit reproductive rights. The visual to the right shows the breakdown of these actions among the companies making changes in this bucket.

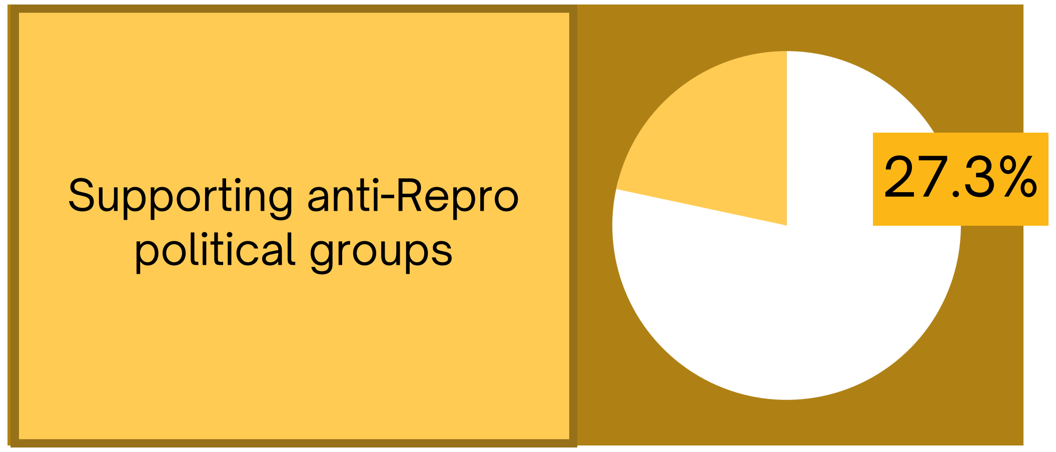


DONATIONS & ADVOCACY (2)

MAJOR GAPS & CONCERNS FOR REPRODUCTIVE ACCESS

There are discrepancies between stated values and monetary contributions made by several Fortune 250 companies.

There are many companies making public declarations of support for reproductive rights, but far fewer are making donations to organizations and individuals with missions supporting reproductive access. Further, 27.3% of the Fortune 250 companies support politicians or political organizations that hinder the fight for reproductive rights.



Donations in support of reproductive rights may be performative.

Several of the companies making one-time donations to organizations like Planned Parenthood have a long-standing history of donating to individuals and supporting legislation that restricts access to reproductive care. 1.19% of organizations (Amazon, PayPal, and Uber) have made contributions to both pro- and anti-abortion groups over the years.

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THE ROLE OF PERSONAL DATA (1)

Over the past decade, people's engagement with "Femtech" – technology used for such health purposes like period tracking, reproductive health, and fertility solutions – has skyrocketed.[27] However, this intimate and private information is often passed on to third-party companies for marketing and advertising.[28] This, coupled with the overturning of Roe v. Wade, has prompted many users to delete period tracking apps for fear that this data could be requested by government actors who could use the information to prosecute them in states where abortions are now illegal.[29]

100 million +

people worldwide use period-tracking and health apps to store sensitive, personal health details.[30]

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THE ROLE OF PERSONAL DATA (2)

Collecting personal data isn't exclusive to Femtech. As of 2021, 70% of business leaders reported that their companies increased the collection of consumer personal data over the last year.[32] From search engines and e-mail, to social media and storefronts, companies can collect personal user data like location, contact info, voice and facial recognition, bank and credit card information, etc. There are few federal regulations to protect against firms' collection and retention of users' personal data,[33] and this digital trace data can be subpoenaed by law enforcement to prosecute individuals for violating state abortion laws. With the overturning of Roe v. Wade many states have threatened or already used digital evidence to charge individuals for terminating pregnancies. The role of personal data is particularly relevant for technology and finance companies that collect geo-tracking/location data and financial information that is more susceptible to government requests for user data.

Prosecutors used search history and email data to charge an Indiana woman for "feticide" in 2015, and web history was used as digital evidence in a similar case in Mississippi in 2018.[34]

#DeleteFacebook trended on Twitter after private Facebook messages were used to charge a Nebraska mother and teenage daughter for terminating the daughter's pregnancy.[35]

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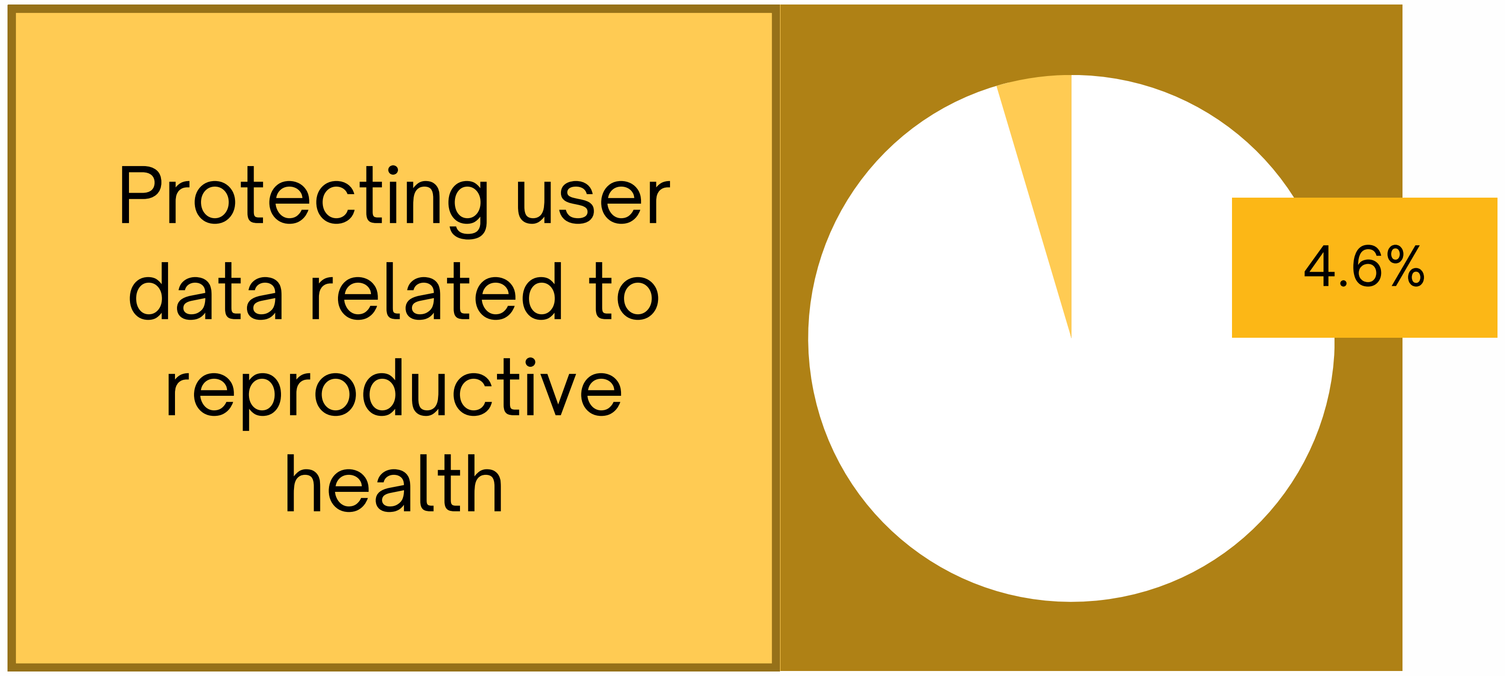
PROTECTING USER DATA (1)

Within the technology and finance industries, 4.6% of companies are deleting or no longer collecting search and transaction data related to reproductive health, and/or accessing reproductive care.

Companies – particularly those within technology and finance – are taking steps to delete or encrypt relevant user data, or combat the requests for data. This includes like the following examples:

- **Google** announced that they would proactively delete location data when users visit "particularly personal" places, including abortion clinics and hospitals. Google's Fitbit will also allow users to delete multiple menstruation logs at a time.
- **Apple**'s two-factor authentication encrypts user data such that it cannot be read by Apple.



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PROTECTING USER DATA (2)

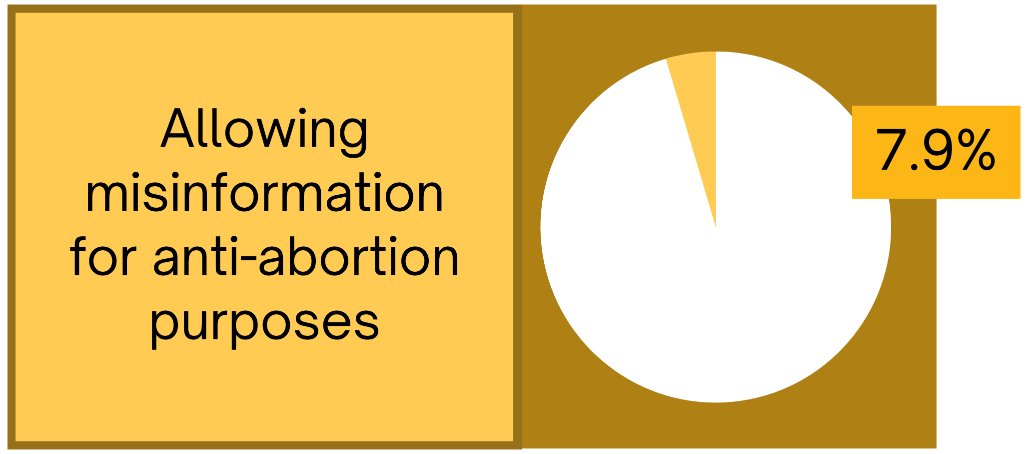
MAJOR GAPS & CONCERNS FOR REPRODUCTIVE ACCESS

Most companies have not provided clarity on whether they will fulfill or deny requests for data from law enforcement.

California passed a law in September 2022 that shields tech companies headquartered in the state from turning over user data related to reproductive care. Despite this, companies have stayed silent on whether or not they will comply with law enforcement requests for such data. Court documents show that prior to this law, Meta turned over user data related to reproductive care, which was used to prosecute individuals [36] (see example on page 23).

False and/or misleading information about reproductive care is allowed to persist on large tech platforms.

Research shows that large technology companies (7.9% of the tech companies in the Fortune 250) have allowed misinformation about abortion care and products to spread and be monetized, contrary to their general norms around health misinformation.[37]



Search results and posts providing information and resources for reproductive care are often flagged, restricted, or taken down.

Accounts and posts that link people to information about abortion pills or pro-choice candidates are being flagged and taken down on several technology platforms. For example, the group #voteprochoice was blocked from posting on Facebook for allegedly violating guidelines after it was inundated with hateful comments.[38]

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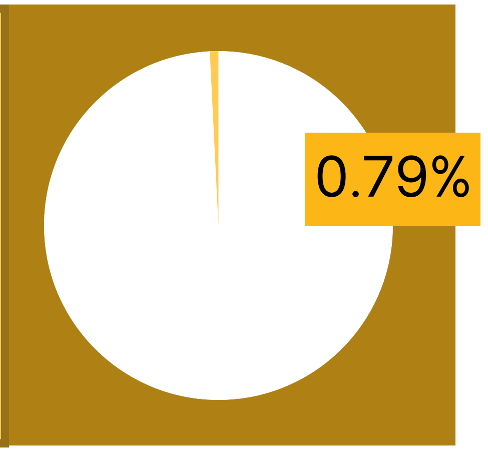
THE ROLE OF WORKER VOICE

In addition to assessing the three buckets of action covered in the previous slides, we asked: *How are companies supporting (or suppressing) employees' ability to talk about reproductive rights and access in the workplace*? We found the following concerns.

Some healthcare organizations are allowing employees to deny customers access to reproductive care based on their personal beliefs.

0.79% of Fortune 250 companies – CVS Pharmacy and Walgreens (both in the healthcare industry) – despite publicly declaring support for reproductive rights and updating employee benefits, are allowing employees to cite religious and/or moral conflicts and turn away or deny prescriptions to customers seeking reproductive care.

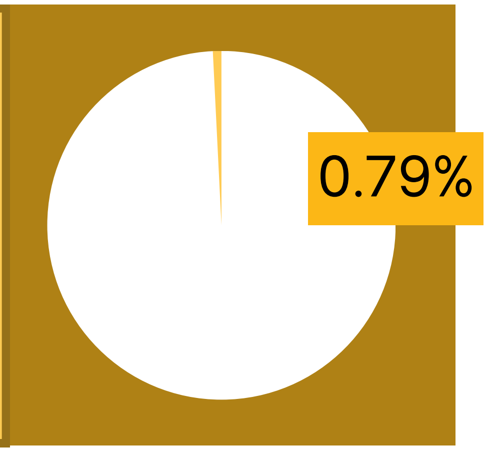
Allowing employees to turn away customers



Some organizations are updating expectations around community engagement to disallow discussions around abortion in the workplace.

0.79% of Fortune 250 companies (e.g., Meta's Facebook and Instagram) are asking employees to not discuss the overturning of Roe v Wade, labeling abortion and reproductive rights as "very disruptive" and inappropriate for workplace discussions.

Disallowing open discussions within the workplace



SUMMARY OF THE FORTUNE 250 RESPONSE

The positive actions taken by the Fortune 250 companies in response to the overturning of Roe v. Wade have largely focused on updating healthcare benefits for employees, and making donations to pro-abortion individuals and groups. Still, major gaps remain. Often, gig / contract / store workers continue to be excluded from the updated healthcare benefits, and donations to anti-abortion individuals and groups are on the rise as well.

Within finance and technology, policies protecting users' search, transaction, and social media data are being put into place by a few companies, but the full extent to which this data can be requested and leveraged by law enforcement may not be evident yet.

In addition, there are concerns around the spread of misinformation around reproductive care, as well as the suppression of information from individuals and organizations advocating for reproductive access.

Finally, a majority of the positive actions seen here have been reactionary, and gains are liable to be lost if organizations do not keep their pro-reproductive rights stance front and center when developing policies and practices in the future.

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Part III: Call to Action

Companies can, and must, take action as we pass the one year anniversary of the overturning of Roe v. Wade.

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Call to Action

In the U.S., it is undeniable that we are in a period of increasing divisiveness. It has been one year since the overturning of Roe v. Wade, and while some states are taking actions to protect reproductive rights and abortion access, other states are rolling them back or eliminating them entirely. This is incredibly alarming, with disastrous consequences for individuals, communities, businesses, and the economy more broadly. Business leaders have an important role to play in communicating and standing by their values supporting female and birthing workers and colleagues.

In addition to making a clear public statement, we outline several areas for action today:

1. **Reproductive access for employees:** Provide support to employees to access abortion services if they need them, but also make sure other workers have access as well.
2. **Donations & advocacy:** Put your money where your mouth is. It is not only the right thing but smart thing, given the business implications of reduced reproductive rights and access.
3. **Protecting user data:** Tech & finance companies in particular can endeavor to be more transparent in what user data is collected, more vigilant in protecting sensitive data, or refrain from collecting personal data.

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The Center for Equity, Gender & Leadership at the Haas School of Business (University of California, Berkeley) is dedicated to educating equity fluent leaders to ignite and accelerate change. Equity Fluent Leaders understand the value of different lived experiences and courageously use their power to address barriers, increase access, and drive change for positive impact.

Learn more @ haas.berkeley.edu/equity/

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