

# Organizational abortion support benefits in the post-Roe world: employee and employer perspectives

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## Abstract

**Purpose** – The authors discuss the implications of the recent United States Supreme Court decision in *Dobbs v. Jackson* and its impact on employees and employers. Although several employers issued public statements regarding the provision of abortion-related benefits, the authors highlight some of the obstacles to their implementation.

**Design/methodology/approach** – With a focus on employee wellbeing, the authors discuss the obstacles in implementing abortion care benefits.

**Findings** – While it is encouraging to see many organizations make public statements in support of abortion rights, the authors temper their enthusiasm with questions about practicality.

**Research limitations/implications** – Based on the research on hidden stigmas and the job demands-resources model, the authors argue that employees who need to use abortion-related benefits may be unlikely to seek them.

**Practical implications** – The authors highlight some unanswered questions relating to the requesting and granting of abortion healthcare benefits.

**Social implications** – The *Dobbs* decision takes away rights. While the authors applaud organizations' efforts to restore them, facilitating access to an abortion in other states is quite complicated.

**Originality/value** – Although abortions are very common, very little organizational research has addressed the topic. In light of the *Dobbs v. Jackson* decision, the paper raises some timely questions about employer-sponsored abortion healthcare.

**Keywords** Personal health, Sex and gender issues, Abortion

**Paper type** Viewpoint

The decision whether or not to bear a child is central to a woman's life, to her well-being and dignity . . . When government controls that decision for her, she is being treated as less than a fully adult human responsible for her own choices. [Ruth Bader Ginsberg, 1993](#) confirmation hearing

Even before the United States Supreme Court had issued a ruling on *Dobbs v. Jackson* on June 24, 2022, leaks of the decision to overturn *Roe v. Wade* had been circulating for weeks, prompting individuals to engage in protests and prompting organizations to develop response plans. Indeed, within the first week since *Roe* was overturned, over 60 organizations made public statements, indicating that they will cover or reimburse employees in the US who



need to travel to receive abortion or related medical care (Reuters, 2022). While such proclamations serve an important signaling role (Turban and Greening, 1997), there are a lot of unanswered questions regarding the actual use of such benefits.

As a technical matter, *Dobbs v. Jackson* does not make abortion illegal across the US, *per se*; however, it leaves the decision regarding whether abortions are legal to the states. When the decision was issued, thirteen states had enacted “trigger laws,” that automatically banned at least some abortions as soon as the decision was passed or shortly thereafter (Messerly, 2022). Thus, the reasoning behind employers’ travel benefits is to provide pregnant employees in trigger-law states (or other states where abortion bans may be enacted in the future) with access to such care in states where there are no bans.

In this paper, we discuss the workplace implications of the *Dobbs* decision and ensuing employer responses. We begin with an overview of two important employee concerns; turnover and well-being. Next, we turn to a discussion of organizational responses to the *Dobbs* decision, with a focus on some of the unanswered questions regarding the provision of abortion-related benefits. Finally, we offer some suggestions regarding the implementation of such benefits.

## Employee concerns

### *Turnover*

Gender disparities in retention rates have been well-documented for decades (see Cotton and Tuttle, 1986 for early meta-analytic results), a trend that has been magnified during the current “Great Resignation” (Fox, 2021). These disparities are particularly prevalent among mothers (Ramlall, 2003; Sandler and Szembrot, 2019). Given that “interfering with future opportunities” and “focusing on other children” were two of the top five reasons given for seeking an abortion (Biggs *et al.*, 2013), the *Dobbs* decision could exacerbate difficulties retaining qualified female employees and add to the already-rising turnover costs induced by the Great Resignation (Mosley, 2021). Thus, it is certainly in employers’ own best interests to protest *Dobbs*.

### *Employee well-being*

As Ruth Bader Ginsberg aptly noted in the quote above, abortion access is critical to well-being. Thus, beyond the “business case for diversity” evidenced by the turnover implications of abortion bans, employers who care about employee well-being have ample reason to be concerned by abortion bans.

Worldwide, 61% of all unintended pregnancies, and 29% of all pregnancies, end in induced abortion (World Health Organization, 2021). Yet, despite its regular occurrence, abortion is a stigma that many people conceal. And, although there is evidence that disclosure is an important mechanism for managing this hidden stigma (Major and Gramzow, 1999), pregnancy loss of any type is a taboo subject, particularly in the workplace (Hanschmidt *et al.*, 2016; Mahabir *et al.*, 2022). To the extent that making abortions illegal increases the stigma associated with them, people seeking abortions in states where they are banned will likely be even more prone to hiding their stigmatized identity.

Hiding a stigma has consequences for the target employee because of the immense cognitive load required to actively monitor one’s identity. For example, Major and Gramzow (1999) found that women who felt stigmatized by abortion felt a greater need to maintain secrecy, which was in turn, associated with intrusive thoughts and psychological distress up to two years post-abortion. As Mahabir *et al.* (2022) note, such effects can lead to less psychologically safe, less productive, and counterproductive work environments. In particular, the Job Demands-Resource model (Bakker and Demerouti, 2007; Demerouti *et al.*, 2001), suggests that job-related mental, emotional, and physical demands on employees result in job strain and that job-related resources such as support, serve both to decrease strain and to buffer the negative effects of job demands. For example, Goldberg and Willham (2022)

recently found that concealing one's transgender identity was associated with lower commitment and work effort, but that this effect was mitigated by supportive coworkers. Meta-analyses have provided an abundance of evidence for the negative effects of job demands and the positive effects of job resources on employee well-being (Lesener *et al.*, 2019; Mazzetti *et al.*, 2021).

## Organizational responses

### *Questions about sincerity*

While many of the corporate responses to the *Dobbs* decision have been laudable, we temper our praise with caution over two concerns about the utility of such proclamations. Our first apprehension is a general cynicism about the sincerity of some of the organizations that have made these statements. For example, although AT&T publicly stated that it would reimburse travel expenses for employees seeking abortion-related care, it was the largest contributor to anti-abortion campaigns, spending over \$1 million to support Republican lawmakers in each of the 13 states with trigger laws (Gaudiano *et al.*, 2022). AT&T is not alone. A recent analysis revealed that among the US companies that have made public statements regarding provisions of abortion-related benefits, at least 15 of them simultaneously contributed millions to campaigns of anti-abortion lawmakers (Equity Forward, 2019; Goldberg, 2022).

Obviously financial support for political candidates may be driven by a host of other policies that are unrelated to abortion. For example, many conservative candidates support legislation that favors businesses more broadly (e.g. tax structures that may increase profitability). However, given how vocal many politicians have been about their positions on abortion, it is hard to imagine that the leaders of corporate America failed to recognize the collateral damage that would ensue, in supporting an anti-abortion politician for reasons other than their stance on abortion. Moreover, at least some donors appear to have been explicitly supporting the overturning of *Roe v. Wade*. For example, just weeks after Johnson and Johnson issued a statement touting its abortion benefits, some of its executives attended a Republican Attorneys General retreat, a fundraising email for which stated, "every donation will help the Republican Attorneys General combat the Democrats' pro-abortion agenda and stand tall for life" (Schwartz, 2022). Simply put, whether financial support was intended as a direct attack on abortion rights or whether restricting abortion access was deemed an acceptable side-effect of supporting a conservative fiscal policy, a pledge of support for employees seems disingenuous, when those making such pledges bankrolled the politicians who proposed or endorsed the trigger laws.

Concerns about sincerity also stem from the ostensible use of corporate responses as a union-avoidance tactic. While some companies that have issued statements of support are including abortion-related benefits in their union contract, other companies appear to be using abortion benefits as a means to thwart unionization. For example, when Starbucks updated its medical coverage to allow employees who are enrolled in the company-sponsored health plan to receive abortion-related travel reimbursement, it did not guarantee that it would be available to workers in a Starbucks union. The company's official position is that it "cannot make promises about any benefits for workers currently represented by a union." However, the fact that unions strongly favor reproductive freedom (Hughes, 2022), coupled with the fact that Vox Media, who has publicly pledged support, explicitly included healthcare travel reimbursement in their union contract (Stewart, 2022) suggests that Starbucks' noncommittal stance is intended to convey an anti-union threat rather than a genuine inability to foresee whether unions would agree to such provisions.

### *Obstacles to implementation of abortion benefits*

Even in those organizations whose statements were motivated by the purest of intentions regarding abortion-related care, there are some rather sizeable hurdles to overcome for such

benefits to be accessible to employees who need them. Some of these obstacles are what we would call, “inadvertent blindspots” - i.e. an organization that has never offered a similar benefit has no way of foreseeing all of the details that go into implementing it; others are more rooted in preserving the existing power structure. As [Bergman et al. \(2020, p. 55\)](#) note, “reproduction-related issues . . . are not aligned with hegemonic masculinity or the people who embody it. In fact, by overlooking the reproductive problems that are primarily shouldered by bodies that are potentially pregnant, the hegemonic masculine system of power is further reinforced, because some people’s needs are not attended to and therefore those people have less opportunity to participate in the workplace.” Consistent with this notion, others have noted that benefit existence and benefit utilization are separate constructs, and organizations’ actions play a major role in advancing or limiting the development and effectiveness of work-family programs ([Starrels, 1992](#); [Thompson et al., 1999](#)). Below, we highlight some of these unanswered questions regarding the utilization of abortion-related care benefits in the organizations that have made public statements. The reader should bear in mind that these are general questions – most companies have not provided specific details regarding who is and isn’t covered, the dollar amounts, or the practical details of how one requests and/or is granted abortion-related leave. Moreover, as the policies are being developed, each company will likely end up with slightly different verbiage; thus, not every issue is pertinent to every organization.

What if an individual manager holds anti-abortion views? [Johns \(2006\)](#) argues that more proximal levels of influence can moderate the effects of broader levels of influence on organizational behavioral variables. That is, regardless of the broader organizational position on abortion benefits, an employee in need of them will likely need to seek approval from their manager, whose views on rights to an abortion may be very different from that indicated by the organization. As a result, managers’ attitudes on abortion rights may diminish the intended positive effect of organizational policy on employees ([Nishii and Leroy, 2022](#)). In recent years, there has been a shift towards making religious rights “first order rights” – i.e. rights protected by the First Amendment that supersede other First Amendment rights ([Hayes, 2021](#)). Thus, rather than being a simple matter of requiring that a manager comply with the organization’s policy, such a situation may give rise to a legal battle between the organization and the manager whose refusal is based on “sincerely held religious beliefs.” At the very least, managers’ anti-abortion views may thwart organizational efforts to support their employees.

Would having HR administering abortion benefits circumvent the issue of managerial agreement/disagreement? Organizations could require that all such requests be made to HR without the manager’s involvement and/or discretion, thus protecting employees’ privacy and consequently, their stigmatized request. However, it is hard to ignore the fact that at some point, the manager will need to be apprised that HR has approved an excused absence for the employee. Moreover, even in the best of situations where an employee may be making a request from a supportive and empathic HR Director, the very act of making a request requires that the individual seeking the abortion assistance make their invisible stigma visible ([Bergman et al., 2020](#)).

Will employees who utilize such benefits suffer consequences down the road? In the more extreme example, an abortion-opposing manager who feels that their wishes have been ignored or usurped, in the organization’s effort to provide an employee the abortion-related benefits it promised, may seek to retaliate against the employee. However, even if a manager allows or supports the utilization of these benefits, there may be unintentional repercussions for the employee resulting from an implicit bias against using abortion benefits. Studies have shown that employees who make use of family-friendly accommodations are perceived negatively and are penalized with lower salary increases ([Judiesch and Lyness, 1999](#); [Manchester et al., 2013](#); [Munsch, 2016](#)). It is likely that the same, if not worse, would happen

for those who make use of abortion benefits. Recent research suggests that differences on political *issues* (Black vs. Blue Lives Matter) resulted in stronger disfavor for outgroup members than did differences in political *parties* (Republican vs. Democrat) (Roth *et al.*, 2020). The United States has become so politically divided that “both Republicans and Democrats increasingly dislike, even loathe, their opponents” (Iyengar *et al.*, 2012). To the extent that leaders of an organization support a political view, outgroup members are apt to be penalized (Bermiss and McDonald, 2018; Roth *et al.*, 2017; Swigart *et al.*, 2020). Thus, an employee requesting abortion healthcare may be seen as indicating a stance on a political issue (regardless of their actual political affiliation) from an anti-abortion manager, who may impose some form of sanction.

What about part-time employees? Most of the organizations that have publicly vowed to support employees who need abortion-related travel and care have not yet fleshed out the specifics of their policies. But, even in their skeletal form, many of these policies are tied to the company’s health plans. As such, their coverage would ostensibly be limited to those employees who are enrolled in the company’s health plan. In most organizations, health benefits are only available to full-time employees. For example, while Target has committed to covering abortion-related travel, it does so as part of its health plan, in which less than half of its workforce participates (Wicks-Lim, 2011).

How do men fit into this conversation? While pregnancy and abortion are often viewed as “women’s issues,” a recent [LeanIn.Org](#) survey found that 74% of working men under age 40 indicated a preference for working for a company that supports access to abortion (Elesser, 2022). Moreover, it is important to recognize that not everyone needing abortion-related care is a woman. Given that 49% of all trans and gender diverse employees try to hide their identity from coworkers (Trau *et al.*, 2019), making a request for abortion leave would be particularly risky for these employees, as doing so would require that they disclose two stigmatized identities - abortion and transgender status.

### **Moving forward**

As organizations are developing and refining their abortion care policies, we provide the following recommendations:

First, we encourage organizations that wish to support employees needing abortion-related care to group this time off from work with other personal days or sick days. Doing so removes some of the mental onus from employees who are already likely cognitively overloaded by their physical condition as well as the management of their invisible stigmatized identity. Moreover, in most organizations, this approach would make the time-off component accessible to all employees, regardless of the number of hours they work and/or whether they participate in the health plan.

While this approach addresses the leave part of the equation, travel reimbursement is somewhat trickier, largely because it is typically tied to the health plan. For example, Target’s Chief Human Resource Office recently stated, “For years, our healthcare benefits have included some financial support for travel, when team members needed select healthcare procedures that weren’t available where they live . . . This effort became even more relevant as we learned about the Supreme Court’s ruling on abortion, given that it would impact access to healthcare in some states” (Repko, 2022). To make abortion-related travel accessible to all employees would require that organizations consider offering access to healthcare travel apart from their health plan. However, this approach does not come without risks. As Napier-Joyce *et al.* (2022) note, “if an employer provides a travel benefit outside of the group health plan, the employer could unwittingly create another group health plan that would raise numerous compliance issues.”

Second, recognizing that fleshing out the details of abortion healthcare plans is uncharted territory, we encourage organizations to work together to uncover what we have termed “inadvertent blindspots,” as well as help each other navigate the intricacies of addressing many of the unanswered questions that arise in developing abortion healthcare policies. Such collaboratives may take the form of industry groups or cross-industry councils of HR and benefits directors. While the Society of Human Resource Management (SHRM) has a plethora of recent articles discussing some of the finer details of employer-provided benefits for abortion, as an organization, it has been largely silent. Indeed, immediately after the *Dobbs* decision was issued, SHRM’s President and CEO sent a message to members expressly indicating that SHRM would not take a position. Certainly there are myriad ways that the world’s largest professional association for HR can help its member navigate a post-*Dobbs* world, without taking a “position.” Given the number of employers affected, we believe they have a responsibility to their membership to help create task forces comprising CHROs, benefits professionals and employment attorneys.

Finally, we urge organizations to think through the implications of their political donations. Past research has shown that organizations that do not “walk the talk” are viewed more negatively than those who do not communicate their political views, at all (Windscheid *et al.*, 2016). Moreover, the increased attention to gender differences in turnover in the wake of the Great Resignation (Fox, 2021), coupled with the fact that 76% of employees want to work for organizations that support abortion rights (Elesser, 2022), suggests that supporting anti-abortion politicians (even if the rationale is based on issues unrelated to abortion) may have important implications for attraction and retention. The direct costs associated with recruitment and turnover and indirect costs associated with reputational damage (Williamson *et al.*, 2010) ought to be calculated into decisions to support candidates for fiscal reasons.

In addition to considering the costs of reputational damage, organizations that are grappling with the reputational aftermath of their donations to politicians who support abortion bans, might consider ways of rectifying the damage. Measures that demonstrate that the company is taking a stand against states that restrict abortion access might alter employees’ or candidates’ perceptions of insincerity. Examples might include refusing to conduct business with or fund travel to those states or lobbying for Congress to pass a law protecting abortion rights.

In this paper, we pointed out the hypocrisy of supporting candidates who endorsed abortion bans on one hand, while pledging to support employees who need abortion-related care on the other. However, this example represents a microcosm of a larger political system that is broken. The literal translation of the word “democracy” is “people rule.” To the extent that corporate donations are the basis for passing legislation that is disfavored by the majority of the populace, we have strayed as a country from the ideals of democracy.

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