

BACKGROUND PAPER
ON
PREGNANCY IN THE MILITARY

PURPOSE

In accordance with DACOWITS' Terms of Reference, the Well-Being and Treatment (WB&T) Subcommittee will determine if there are gaps in institutional policies and procedures that obstruct pregnant servicewomen from progressing in their military career and recommend policy changes.

QUESTION #11

The Committee continues to be concerned about the persistence of negative attitudes toward pregnancy and pregnant servicewomen in the military and the fact that their career progression may be adversely impacted by such attitudes. The DoD Military Equal Opportunity Program instruction (DoDI 1350.02) was revised in September 2020 to include pregnancy as a form of prohibited discrimination. Additionally, the Secretary of Defense's Career Enhancement of Pregnant U.S. Service Members memorandum to the Services (dated November 3, 2020) directed a review of all Service directives, policies, and instructions not later than December 1, 2020, and a follow-on briefing of actions taken to implement the direction given by the Secretary to eliminate unnecessary obstacles and limitations on career development or progression of pregnant servicewomen. The Committee will examine pregnancy discrimination in the Services and, to that end, is interested in learning about Service actions, education, and other initiatives to eliminate pregnancy discrimination and to address the cultural bias and stigma that reportedly persists. The Committee requests a briefing from the Army, Navy, Marine Corps, Air Force, and National Guard identifying initiatives and actions, anticipated or taken, to affect the Secretary's direction in the November 3, 2020, memorandum. In your responses, please address the following:

a. All Service actions taken or anticipated to comply with the SecDef's direction, to include legislative changes made or proposed, and the estimated time for implementation.

- On 6 April 2022, the Department of the Air Force Instruction (DAFI) 36-2710, *Equal Opportunity Program*, was updated to add pregnancy and gender identity as protected categories (among race, color, national origin, religion, sex, and sexual orientation) as the basis for unlawful discrimination against Service members to comply with DoDI 1350.02, "DoD Military Equal Opportunity Program."



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b. Please provide a copy of the follow-on briefing provided to the SecDef pursuant to his November 2020 memorandum.

- Brief not located at this time.

c. How will the Services monitor, track, and enforce policy compliance?

- The DAF Equal Opportunity (EO) Program is a mandatory DAF bylaw commander's inspection area per Air Force Instruction (AFI) 90-201, *The Air Force Inspection System*. As such, the DAF inspector general (IG) at the wing level conducts annual inspections on DAF EO offices to assess risk, identify areas for improvement, and provide critical data to leadership about the effectiveness of the program in executing policy and other requirements. The DAF EO Program also uses the DAF's management internal control toolset self-assessment checklist and higher headquarters staff assistance visits to ensure continual oversight and routine monitoring, as appropriate, of the organizational health and statutory and policy compliance of EO offices at the major command and installation levels as described in DAFI 36-2710, *Equal Opportunity Program* and AFI 90-201, *The Air Force Inspection System*

d. When will/did training begin to educate Service members that pregnancy discrimination is prohibited and on how to address pregnancy in their units? What audiences will be offered this training? Does this training include how to prevent and mitigate negative attitudes and bias toward pregnant and postpartum servicewomen?

- The DAF EO Program currently requires training for Service members at their first permanent duty assignment (First Duty Station Training) and refresher training (Newcomers' Orientation) at each of their subsequent permanent change of stations which provide information about the DAF EO Program, definitions of unlawful discrimination and harassment, complaint process, and roles and responsibilities under the EO purview. Assuming commanders (installation, group, squadron) and senior enlisted leaders, including Space Force equivalents, receive a key personnel briefing that addresses specific leadership roles and responsibilities within the EO program, complaint processes, and identified command climate trends at their local level. While these trainings do not specifically address pregnancy discrimination as a standalone topic, Service members receive education on sex discrimination (which includes pregnancy) as a protected category (among other identified categories) as a basis for unlawful discrimination against Service members. While these trainings do not specifically include how to prevent and mitigate negative attitudes and bias toward pregnant and postpartum Servicewomen, these trainings provide information on the impact of unlawful discrimination and harassment and the need and responsibility to confront these inappropriate behaviors.

e. Does your Service have any measures in place to track career progression and promotion of pregnant and postpartum servicewomen? If so, what are they? What are the trends?

- There is no tracking of career progression and promotion of pregnant and postpartum servicewomen and comparing that population with servicewomen that never went through pregnancy.

f. Has your Service conducted or commissioned any surveys, studies, or taken other measures to solicit feedback from servicewomen about workplace and career experiences as a result of their pregnancy and/or postpartum leave and/or breastfeeding/lactation needs? If so, what were the key findings?

- The DAF have not conducted any such surveys at this time. This is an area for future study.