Roundup: Employer resources on reproductive rights post Dobbs ruling

Law and Policy Group

Stephanie Rosseau and Fiona Webster
17 August 2022; updated 20 December 2022
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Section 1

Introduction

In June 2022, the US Supreme Court, in Dobbs v. Jackson Women’s Health Organization, overturned Roe v. Wade, finding no federal constitutional right to abortion and allowing states to regulate and ban abortions at all stages of pregnancy. To provide multinational employers with some information on countries’ positions on reproductive rights and the varying employee health benefit plan issues involved, this roundup provides links to organizations, government websites, third-party analysis, news articles and viewpoints. The aggregated content in each section is organized in reverse chronological order and is by no means comprehensive. It also does not necessarily reflect Mercer’s or the authors’ point of view on the subject.
Section 2
Global or multicountry information

- The world’s abortion laws (Center for Reproductive Rights)
- Abortion law: Global comparisons (Council on Foreign Relations)
- Countries where abortion is illegal 2022 (World Population Review)
- Abortion (World Health Organization)
- Global abortion policies database (World Health Organization)
- Contraception (World Health Organization)
- European abortion laws: A comparative overview (Center for Reproductive Rights)
- Include the right to abortion in EU Charter of Fundamental Rights, demand MEPs (European Parliament, 7 July 2022)
- Abortion laws around the world (subscription required) (New York Times, 3 July 2022)
- Scrapping Roe v Wade makes the US an outlier in the West. Here’s how it compares on abortion rights (CNN, 27 June 2022)
- The state of abortion rights around the world (Time, 24 June 2022)
- The US is poised to be a global outlier on abortion (US News, 9 May 2022)
- Abortion laws worldwide: In what countries is abortion illegal? (NBC, 6 May 2022)
- The Helms amendment and abortion laws in countries receiving US global health assistance (Kaiser Family Foundation, 18 January 2022)
- The U.S. Government and International Family Planning & Reproductive Health: Statutory Requirements and Policies (Kaiser Family Foundation, 13 May 2021)
Section 3

US information from organizations/government

- Know your rights: Reproductive health care (Department of Health and Human Services)
- Abortion in the US dashboard (Kaiser Family Foundation)
- State bans on abortion throughout pregnancy (Guttmacher Institute)
- 2022 state ballot initiatives on abortion rights (Kaiser Family Foundation)
- Abortion finder: State-by-State Guide (Power to Decide)
- California: Proposition 1: Constitutional right to reproductive freedom. Legislative constitutional amendment (Secretary of State)
- Massachusetts: An act expanding protections for reproductive and gender-affirming care (Legislature)
- Senator Warren, lawmakers encourage FDA to consider steps to protect to protect and expand access to medication abortion (Senator Warren’s website, 18 November 2022)
- Remarks by Vice President Harris in a moderated conversation on protecting reproductive rights (The White House, 28 October 2022)
- Remarks by Vice President Harris in a conversation on reproductive rights (The White House, 25 October 2022)
- Remarks by Vice President Harris in a conversation on reproductive rights (The White House, 22 October 2022)
- Readout of White House meeting with state legislative leaders on reproductive rights (The White House, 20 October 2022)
- Remarks by Vice President Harris in a conversation on protecting reproductive rights (The White House, 17 October 2022)
- Attorney General James sends clear message: Access to abortion is legal and protected in New York (NY Attorney General, 14 October 2022)
- Remarks by Vice President Harris in a conversation on reproductive rights (The White House, 9 October 2022)
- Remarks by Vice President Harris in a conversation on reproductive rights (The White House, 5 October 2022)
- Remarks by President Biden and Vice President Harris at the second meeting of the task force on reproductive healthcare access (The White House, 4 October 2022)
- California: SB 523 — Contraceptive Equity Act of 2022 (Legislature, 27 September 2022)
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- Readout of White House meeting with state legislative leaders on reproductive rights legislation (The White House, 20 September 2022)
- Remarks by Vice President Harris during roundtable discussion on protecting and expanding reproductive rights (The White House, 16 September 2022)
- California launches abortion.ca.gov (Office of Governor, 13 September 2022)
- Protecting pain-capable unborn children from late-term abortions act — S 4840 (Congress, 13 September 2022)
- Readout of Vice President Kamala Harris’s meeting with civil rights and reproductive rights leaders (The White House, 13 September 2022)
- Remarks by Vice President Harris before a meeting with civil rights and reproductive rights leaders (The White House, 12 September 2022)
- Remarks by President Biden during meeting on reproductive rights with state and local officials (The White House, 26 August 2022)
- Statement from Press Secretary Karine Jean-Pierre on reproductive rights (The White House, 25 August 2022)
- Readout of Vice President Kamala Harris’s meeting with Nevada state legislators and advocates on reproductive rights (The White House, 11 August 2022)
- Readout of Vice President Kamala Harris’s meeting with California state legislators and advocates on reproductive rights (The White House, 11 August 2022)
- Remarks by Vice President Harris at a roundtable discussion on reproductive healthcare (The White House, 11 August 2022)
- Remarks by Vice President Harris during roundtable with Nevada state legislators to discuss reproductive healthcare (The White House, 10 August 2022)
- Readout of Vice President Kamala Harris’s meeting with Latina state legislators on reproductive rights (The White House, 5 August 2022)
- Readout of Vice President Kamala Harris’s meeting with Governor Baker, Massachusetts state legislators and advocates on abortion rights (White House, 4 August 2022)
- Executive order on securing access to reproductive and other healthcare services (White House, 3 August 2022)
- Remarks by President Biden and Vice President Harris at the first meeting of the interagency task force on reproductive healthcare access (White House, 3 August 2022)
- Statement by President Joe Biden on defeat of Kansas ballot measure threatening women’s right to abortion (White House, 2 August 2022)
- HHS, DOL and Treasury issue guidance regarding birth control coverage (Health and Human Services, 28 July 2022)
- Fact Sheet: President Biden to sign executive order protecting access to reproductive health services (The White House, 8 July 2022)
• **HHS announces new grants to bolster family planner provider training** (Health and Human Services, 30 June 2022)

• **HIPAA privacy rule and disclosures of information relating to reproductive health care** (Health and Human Services, 29 June 2022)

• **Protecting the privacy and security of your health information when using your personal cell phone or tablet** (Health and Human Services, 29 June 2022)

• **Remarks by President Biden on the Supreme Court Decision to overturn Roe v. Wade** (The White House, 24 June 2022)

• **Attorney General Merrick B. Garland statement on Supreme Court Ruling in Dobbs v. Jackson Women’s Health Organization** (Department of Justice, 24 June 2022)

• **State abortion laws in the absence of Roe v. Wade** (National Conference of State Legislatures, 24 June 2022)

• **The Mexico City policy: An explainer** (Kaiser Family Foundation, 28 Jan 2021)
Section 4
Third-party analysis, news and viewpoints

- Navigating Roe v. Wade in the workplace (Society for Human Resource Management)
- Reproductive rights: Post-Dobbs impact (Morgan Lewis)
- Impact: From Roe to Dobbs (Epstein Becker Green)
- Reproductive rights in America (NPR)
- Dobbs decision resource center: Practical guidance (Shipman & Goodwin LLP)
- Reproductive healthcare issues for employers (The Practical Guidance Journal, Fall 2022)
- South Carolina abortion laws: Where things stand in the Fall of 2022 (Nexsen Pruet, 14 December 2022)
- The government should be ahead of the curve on abortion coverage, not behind (The Hill, 5 December 2022)
- Reproductive information protected by both state and federal privacy law (Day Pitney, 5 December 2022)
- Navigating employer benefits in the post Roe v. Wade world (ALM Benefits Pro, 2 December 2022)
- California’s Contraceptive Equity Act and the impact on employers (Gordon & Rees, November 2022)
- Employers seek clarify on reproductive healthcare benefits litigation following EEOC Commissioner filing (McDermott Will & Emery, 28 November 2022)
- New lawsuit aims to revoke FDA approval of abortion drug (Forbes, 18 November 2022)
- How employers can help correct the reproductive health crisis (MedCity News, 17 November 2022)
- Part 2: An update on the federal and state E-Roe-sion or P-Roe-tection of abortion rights (Sheppard Mullin, 16 November 2022)
- State court prohibits enforcement of Georgia’s 6-week abortion ban (Shipman & Goodwin, 16 November 2022)
- Midterm reactions to Dobbs (webinar) (Seyfarth, 15 November 2022)
- Abortion rights bolstered at state level (SHRM, 15 November 2022)
- Abortion on the ballot (subscription required) (The New York Times, 15 November 2022)
• **EEOC official quietly targets companies over abortion travel** (Bloomberg Law, 14 November 2022)

• **Evolving laws and litigation post-Dobbs: The state of reproductive rights as of November 18** (Morgan Lewis, 18 November 2022)

• **Employee benefits post-Dobbs considerations for year-end planning** (Goodwin, 15 November 2022)

• **EEOC disavows former General Counsel’s letter on abortion travel benefits** (Faegre Drinker, 11 November 2022)

• **Abortion rights outlook: Implications of the midterm elections** (Foley Hoag, 11 November 2022)

• **After wins at the ballot, abortion rights group want to ‘put this to the people’** (NPR, 10 November 2022)

• **Abortion rights were on the ballot in these states. Here’s what voters decided** (CNN, 9 November 2022)

• **Abortion rights measures win approval in first major US elections since Roe v. Wade overturned** (Center for Reproductive Rights, 9 November 2022)

• **California voters enshrine right to abortion and contraception in state constitution** (NPR, 9 November 2022)

• **Abortion rights supporters score midterm victories in at least 3 states** (CBS, 9 November 2022)

• **Eli Lilly says some staff want to leave Indiana because of abortion ban, Financial Times reports** (US News, 6 November 2022)

• **Employers offering abortion coverage: Some legal considerations** (Benefits Pro, 1 November 2022)

• **Employers should keep Title VII in mind when navigating Supreme Court’s Dobbs decision** (Locke Lord, October 2022)

• **Corporate silence on abortion could cost employers their workers** (Fortune, 27 October 2022)

• **Workers don’t think their employers are doing enough in response to ‘Roe’ — and it could lead to more quits** (Fortune, 25 October 2022)

• **The future of reproductive health: Building & investing in post-Roe America** (Foley & Lardner LLP, 26 October 2022)

• **New California abortion laws set up clash with other states** (The Washington Post, 20 October 2022)

• **Interactive map: US abortion policies and access after Roe** (Guttmacher Institute, 16 October 2022)
• **An update on the federal and state E-Roe-sion or P-roe-tection of abortion rights** (Sheppard Mullin, 12 October 2022)

• **How Harris is listening — and speaking — about abortion rights before the midterms** (NPR, 10 October 2022)

• ‘Roe, Roe, Roe your vote’: Arizona women rally for reproductive rights, electoral change (AZ Mirror, 9 October 2022)

• **Vice President Kamala Harris calls on Texans to protect reproductive and voting rights during Austin visit** (The Texas Tribune, 8 October 2022)

• **100 days post-Roe: At least 66 clinics across US States have stopped offering abortion care** (Guttmacher Institute, 6 October 2022)

• **Where abortion is literally on the ballot in 2022** (Time, 4 October 2022)

• **It’s been 100 days since Roe was overturned. Here’s what the White House is doing in response** (CNN, 4 October 2022)

• **Privacy, stigma may keep workers from using abortion travel benefits** (PEW, 3 October 2022)

• **How abortion access and reproductive rights are playing out this election season** (NPR, 3 October 2022)

• **California bars tech companies from complying with other states’ abortion-related warrants** (East Bay Times, 30 September 2022)

• **The abortion issue in the 2022 midterms — unlike any other issue** (Brookings, 29 September 2022)

• **California: Newsom signs abortion protections into law** (Cal matters, 27 September 2022)

• **Telemedicine abortions just got more complicated for health providers** (NPR, 26 September 2022)

• **White House warns Graham abortion bill would create ‘nationwide health crisis’** (The Hill, 22 September 2022)

• **Ad spending shows Democrats hinging midterm hopes on abortion** (The Baltimore Sun, 20 September 2022)

• **Why some anti-abortion rights backers want a ban that would stop few abortions** (ABC News, 17 September 2022)

• **Another state passed a near-abortion ban. The fight is all over the map** (CNN, 14 September 2022)

• **Graham’s support for states’ rights resurfaces after abortion ban proposal** (Newsweek, 14 September 2022)

• **Post-Dobbs update — What every employer needs to know now** (Benesch Law, 7 September 2022)
• **Attempts to work around abortion bans test 14th amendment scope** (Bloomberg Law, 6 September 2022)

• **Navigating workplace conversations after Dobbs: What should employers do?** (Lane Powell, 1 September 2022)

• **What can the Handmaid’s Tale teach us about corporate abortion policies?** (Troutman Pepper, 30 August 2022)

• **In post-Roe America, companies must show, not tell, that they value employee health** (Triple Pundit, 23 August 2022)

• **Post-Dobbs employment considerations** (Benesch, 17 August 2022)

• **Steps any organization can take to protect data privacy post-Dobbs** (Morgan Lewis, 15 August 2022)

• **Reproductive healthcare issues for employers series, Part 5: Collective bargaining implications of the US Supreme Court decision in Dobbs** (Dickinson Wright, 15 August 2022)

• **Dobbs on demand podcast series** (Baker Hostetler, 15 August 2022)

• **What does the Roe v. Wade ruling mean for investors?** (Principles for Responsible Investment, 11 August 2022)

• **Managing state law risks of employer-sponsored abortion-related travel benefits post-Dobbs** (Mintz, 8 August 2022)

• **Reproductive healthcare issues for employers series, Part 4: Navigating mental health parity requirements for travel benefits** (Dickinson Wright, 8 August 2022)

• **Large Indiana employers Eli Lilly and Cummins speak out about the state’s new restrictive abortion law** (CNBC, 6 August 2022)

• **HHS, DOL and Treasury give employer-sponsored health plans another warning on providing contraceptive coverage** (National Law Review, 4 August 2022)

• **President Biden issues second executive order relating to reproductive healthcare services** (Shipman & Goodwin, 4 August 2022)

• **What employers need to know before offering employee abortion benefits** (Wyatt, 28 July 2022)

• **How employers can protect workers who seek out abortion care, according to legal experts** (Fortune, 27 July 2022)

• **Reproductive healthcare issues for employers series, Part 3: HHS guidance on HIPAA and other privacy issues** (Dickinson Wright, 25 July 2022)

• **Harris becomes face for White House in abortion rights fight** (The Hill, 21 July 2022)

• **Employee benefits post-Dobbs: What kinds of assistance can employers offer in reproductive healthcare** (Lowenstein Sandler, 21 July 2022)
• Medical travel benefits: What employers need to know (Venable, 20 July 2022)

• Reproductive healthcare issues for employers series, Part 2: Avoiding costly 'employer payment plan' status for travel benefits (Dickinson Wright, 18 July 2022)

• South Carolina abortion bill contains harsh criminal penalties for interfering with whistleblowers (Epstein Becker Green, 18 July 2022)

• Reproductive healthcare issues for employers series, Part 1: May abortions be reimbursed on a tax-free basis from a health flexible spending account, a health reimbursement arrangement, or a health spending account? (Dickinson Wright, 15 July 2022)

• Poll finds employers considering travel and lodging benefits for abortion services (Mercer, 7 July 2022)

• When where you work determines if you can get an abortion (subscription required) (New York Times, 2 July 2022)

• Medications for pregnancy termination in a post-Dobbs world (Mercer, 30 June 2022)

• The new shape of work — Dobbs and more (Mercer, 30 June 2022)

• A list of companies supporting abortion rights after the Roe v. Wade ruling shows which firms are stepping up, and why (Fortune, 30 June 2022)

• These US companies will cover travel costs for employees who need an abortion (CNN Business, 27 June 2022)

• Abortion ruling pushes businesses to confront divisive politics (PBS News, 25 June 2022)

• Abortion ruling thrusts companies into divisive arena (AP News, 25 June 2022)

• SCOTUS overturns Roe: Understanding the impact on your benefit plans (Mercer, 24 June 2022)

• Medical travel reimbursement benefits under the Supreme Court’s new Dobbs decision (Ogletree Deakins, 24 June 2022)