



# OPENING STATEMENT

House Committee on Education and Labor

Chairman Robert C. "Bobby" Scott

## House Committee on Education and Labor Full Committee Markup

H.R. 7, *Paycheck Fairness Act*

H.R. 1065, *Pregnant Workers Fairness Act*

H.R. 1195, *Workplace Violence Prevention for Health Care and Social Service Workers Act*

Wednesday, March 24, 2021 | 12:00 p.m.

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Today, the Committee is marking up three bills that take important steps to keep workers safe and ensure basic fairness for workers across the country. These bills are H.R. 7, the *Paycheck Fairness Act*, H.R. 1065, the *Pregnant Workers Fairness Act*, and H.R. 1195, the *Workplace Violence Prevention for Health Care and Social Service Workers Act*.

The first bill, the *Paycheck Fairness Act*, would make significant strides in closing the gender pay gap. Fifty-eight years after the signing of the *Equal Pay Act*, and over a decade after the signing of the *Lilly Ledbetter Fair Pay Act*, the promise of equal pay for equal work remains unfulfilled.

In fact, today is what they call Equal Pay Day, which symbolizes how much longer the average woman would have to work to earn what the average man was paid last year. Women still earn, on average, 82 cents to the dollar compared to men—and this gap is far worse for women of color who make less than their white male and female counterparts. The gap persists in nearly every line of work, regardless of education, experience, occupation, industry, or job title.

The *Paycheck Fairness Act* would strengthen the *Equal Pay Act* and take additional steps to end gender-based wage disparities. Among other provisions, this bill will:

- Require employers, when defending an *Equal Pay Act* claim, to prove that a pay disparity exists for legitimate business reasons,
- Strengthen employee remedies by providing uncapped compensatory and punitive damages,
- Ban retaliation against workers who discuss their wages,
- Make it illegal for an employer to rely on an employee's wage history in the hiring process, and
- Allow employees to automatically participate in class action lawsuits against systemic pay discrimination, unless they opt-out.

The second bill, the *Pregnant Workers Fairness Act*, would provide and guarantee basic workplace protections for pregnant workers. It is unacceptable that, in 2021, pregnant workers can still be denied basic workplace accommodations that help them stay healthy during their pregnancy.

These accommodations—which can include water, seating, more frequent restroom breaks, or even temporary lifting restrictions—are not complex or costly. However, without basic protections, too many pregnant workers are forced to choose between a healthy pregnancy and their paychecks. Our nation's workplaces have had several decades of experience providing "reasonable accommodations" under the *Americans with Disabilities Act*, so compliance should not be complicated.

The *Pregnant Workers Fairness Act* clearly establishes a pregnant worker's right to reasonable accommodations and guarantees that pregnant workers can seek those accommodations without facing discrimination or retaliation.

This bill passed the House with overwhelming bipartisan support last Congress and I hope we can work across the aisle again to pass this bill this year.

The third bill, the *Workplace Violence Prevention for Health Care and Social Service Workers Act*, will help protect our nation's caregivers from workplace violence.

Today, health care and social service workers suffer disproportionately high rates of injuries from workplace violence. In 2018, health care workers accounted for 73 percent of all nonfatal workplace injuries and illnesses caused by violence. Recent data suggests these workers are nearly five times as likely to suffer a serious workplace violence injury than workers in other sectors.

Unfortunately, the Occupational Safety and Health Administration, or OSHA, does not have an enforceable workplace standard that requires employers to implement violence prevention programs. All they have is voluntary guidance. For many employers, voluntary guidance is not enough, and OSHA currently does not have the tools to ensure that workers are adequately protected. It normally takes OSHA ten to twenty years to issue a workplace safety standard.

The *Workplace Violence Prevention for Health Care and Social Service Workers Act* requires OSHA to implement an interim final standard within one year, and then a permanent standard within 42 months, that requires health care facilities and social service providers to develop and implement a workplace violence prevention plan.

These three bills deliver on our promise to ensure that, as our economy slowly recovers from the pandemic, all Americans will have access to safe workplaces where they can work free from discrimination.

I now yield to the distinguished Ranking Member from North Carolina, Dr. Foxx, for the purpose of an opening statement.