



Opening Statement

COMMITTEE ON EDUCATION & LABOR

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The Hon. Robert C. "Bobby" Scott • Chairman

Opening Statement of Chair Suzanne Bonamici (OR-01)
Subcommittee on Civil Rights & Human Services Hearing
Long Overdue: Exploring the Pregnant Workers Fairness Act
2175 Rayburn House Office Building
Tuesday, October 22, 2019 | 10:15am

As a mom and a policy maker, I know how important it is to protect the economic security of pregnant women and working families. Unfortunately, our current laws are inadequate, and many pregnant workers are placed on unpaid leave or forced out of work when they only need a simple accommodation to stay on the job during their pregnancy.

Today, we are holding a legislative hearing on H.R. 2694, the Pregnant Workers Fairness Act. This bill takes an important step to guarantee that pregnant women will get reasonable accommodations that will allow them to stay in the workplace.

I would like to thank our witnesses for being here to provide important insight on the discrimination and hardship pregnant women face when they are denied reasonable accommodations in the workplace. I also want to thank Judiciary Committee Chairman Nadler, the lead sponsor of this bill, for taking time to join us this morning.

According to A Better Balance, seventy-five percent of women will be pregnant while employed at some time in their life. Women are increasingly either the primary or co- breadwinners of households, and as a result more pregnant workers work later into their pregnancies. In fact, research suggests that more than 80 percent of first-time mothers work until their final month of pregnancy.

Pregnant workers may need reasonable accommodations to protect the health of both mother and baby. Reasonable accommodations can range from providing seating, water, and light duty, to excusing pregnant workers from tasks involving dangerous substances. They do not need to be, nor are they typically complicated or costly.

But when pregnant workers do not have access to the reasonable workplace accommodations they need, they are forced to choose between their financial security and their pregnancy. The consequences can be devastating to their health and their security. It is also important to note that women of color are overrepresented in low-wage, physically demanding jobs and are therefore disproportionately affected by a lack of access to reasonable accommodations.

In 1978, Congress first recognized the responsibility to provide pregnant women with fair and equal treatment in the workplace when they passed the Pregnancy Discrimination Act. The law clarified that discrimination against pregnant workers is discrimination on the basis of sex under Title VII of the Civil Rights Act of 1964. The law also requires businesses to treat pregnant workers as they would other physically impaired workers.

Yet, 41 years after the passage of the Pregnancy Discrimination Act, federal law still falls short of guaranteeing that all pregnant workers have reasonable workplace accommodations. Under current law, a pregnant worker

must show that her employer accommodated “similarly situated” co-workers—a burdensome and often impossible standard to meet. Similarly, the Americans With Disabilities Act covers pregnancy-related impairments but leaves women with less serious pregnancy-related impairments, or who need accommodations, without legal recourse.

Even the Supreme Court’s decision in *Young vs. UPS*, which affirmed pregnant workers’ right to reasonable accommodations under the Pregnancy Discrimination Act, has not provided workers or businesses the clarity or legal certainty they need. In fact, since the *Young v. UPS* decision, approximately 70 percent of courts have denied reasonable accommodations for pregnant workers.

Pregnant women today continue to suffer workplace discrimination at an alarming rate. According to a 2012 survey, more than 60 percent of Americans have seen pregnancy discrimination on the job. For these women, being pregnant can mean losing their job, being denied a promotion, or not being hired in the first place. Guaranteeing that pregnant workers have a reasonable accommodation in the workplace is a crucial step in eradicating pregnancy discrimination.

Without strong federal protections for pregnant workers, several states from across the geographic and political spectrum have taken action to fill the void.

My home state of Oregon is one of those helping to lead the way. Earlier this year, the state legislature passed a bipartisan bill to require employers to provide reasonable accommodations to applicants or employees with known limitations related to pregnancy, childbirth, or a related medical condition unless it would impose an undue hardship.

And as of this month, 27 states, the District of Columbia and four cities require employers with more than 15 employees to provide accommodations, bringing certainty to businesses, preventing costly disputes, and, importantly, keeping pregnant women safely on the job.

But without a federal benchmark, workers and employers are left with a patchwork of laws that provides strong protections for some, and no protections for others. We need to make sure that all pregnant workers, regardless of where they live, can access the protections they need to stay in the workplace.

That is why we are discussing the Pregnant Workers Fairness Act today. This bipartisan bill would establish a pregnant worker’s right to reasonable accommodations, and guarantee that pregnant workers can seek those accommodations without facing discrimination or retaliation in the workplace.

The Pregnant Workers Fairness Act is an opportunity for Congress to finally fulfill the promise of the Pregnancy Discrimination Act and take an important step toward workplace gender equity, healthy pregnancies, and the economic security of all pregnant and parenting women and their families. I welcome the opportunity to work with my Republican colleagues to move this bill forward in a bipartisan manner.

I request unanimous consent to enter two letters into the record from the International Brotherhood of Teamsters and more than 100 stakeholder groups in support of the Pregnant Workers Fairness Act.

Thank you and I now yield to the Ranking Member, Mr. Comer, for an opening statement.