



To: House Ways and Means Committee Members

From: LWVMA

Re: H.1769 – An Act establishing the Massachusetts pregnant workers fairness act

The League of Women Voters of Massachusetts strongly urges the House Ways and Means Committee to move this bill out of committee and to the floor for a vote in this current session.

Over 60% of the working population in Massachusetts is female, and in 2011 68% of the women in Massachusetts who gave birth were employed. Therefore, passage of this bill will provide support for a significant number of women in our workforce, and well as providing clarification for what constitutes reasonable accommodation for their employers.

Surprising in this day and age, with the passage of multiple state and national legislation to restrict discrimination by gender, pregnancy and disabilities beginning at least 40 years ago, employers still develop workarounds to discrimination against pregnant and lactating women, denying them needed and reasonable accommodations that will allow them to continue performing their duties (see *Young V. UPS* in which the Supreme Court determined “according to a literal reading of the Pregnancy Disability Act, if some disabilities are accommodated, pregnancy must be accommodated.”)<sup>i</sup>

The United States Equal Employment Opportunity Commission defines reasonable accommodation as “a change in the workplace or in the way things are customarily done that enables an individual with a disability to perform a job’s essential functions or enjoy equal benefits and privileges of employment”<sup>ii</sup>

Sixteen states, four cities and the District of Columbia have already adopted legislation to strengthen support for pregnant and lactating workers.<sup>iii</sup> It is time for Massachusetts, which prides itself in leading the country on many social issues, to join them.

Thank you for your consideration

A handwritten signature in black ink that reads "Jean Cherdack".

Jean Cherdack, President  
League of Women Voters of Massachusetts

cc: Joint Committee on Labor and Workforce Development Members

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<sup>i</sup><http://www.thedailybeast.com/articles/2015/03/25/young-v-united-parcel-service-for-conservative-reasons-supreme-court-rules-for-pregnant-women-and-against-corporations.html>

<sup>ii</sup> <http://www.eeoc.gov>

<sup>iii</sup> <http://www.nationalpartnership.org/research-library/workplace-fairness/pregnancy-discrimination/reasonable-accommodations-for-pregnant-workers-state-laws.pdf>