



**Testimony submitted to the Joint Committee on Labor and Workforce Development
In Support of S.1023/H.1038 – An Act establishing the Massachusetts pregnant
workers fairness act
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Since its inception almost 100 years ago, the League of Women Voters has actively engaged at all levels of government through legislation and litigation to secure equal rights and equal opportunity for all and promote social and economic justice and the health and safety of all Americans.

Following the 1964 passage of the Civil Rights Act, the League of Women Voters of the United States, in 1972, adopted the following position: “The League of Women Voters of the United States supports equal rights for all regardless of sex. The League supports action to bring laws into compliance with the Equal Rights Amendment (ERA): a) to eliminate or amend those laws that have the effect of discriminating on the basis of sex; b) to promote laws that support the goals of the ERA; c) to strengthen the enforcement of such existing laws.”

In spite of the subsequent passage of the Equal Rights Act in Massachusetts in 1976, and the Pregnancy Discrimination Act of 1978, the Americans with Disabilities Act of 1990 and the Family and Medical Leave Act of 1993 at the national level, situations still occur in which employers have developed work-arounds to discriminate against pregnant and lactating women, denying them needed and reasonable accommodations that will allow them to continue performing their duties, as recently demonstrated in *Young v. United Parcel Service*, resulting in the U.S. Supreme Court establishing guidelines for courts to assess the legitimacy of discrimination claims.

Since women are well over 50% of the working population (over 60% in Massachusetts) and, in 2011, 68% of the women in Massachusetts who gave birth held jobs¹, passage of this bill will provide support for a significant number of women in our workforce, as well as clarification for their employers.

The ability to request reasonable accommodations is of particular concern when duties involve such actions as heavy lifting, long hours standing, climbing ladders, exposure to toxic chemicals, etc., often required in low-wage positions which are often held by women, endangering the well-being of both mother and child and potentially leading to termination of employment and medical coverage.

The 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 apply for a job, perform a job's essential functions, or enjoy equal benefits and privileges of employment.²

¹ <http://www.nationalpartnership.org/news-room/press-releases/labor-day-new-state-data.html>

² <http://www.eeoc.gov>

While Congress continues to work on a national Pregnant Workers Fairness Act, we have an opportunity, through passage of S.1023/H.1038, to bring Massachusetts in line with the 14 states and five cities which have already adopted legislation to strengthen support for pregnant and lactating workers.³

The League of Women Voters strongly urges the members of this Joint Committee to vote to support this legislation and work to have it implemented in the current session.

Thank you for your consideration.

³ <http://www.nationalpartnership.org/research-library/workplace-fairness/pregnancy-discrimination/fact-sheet-pwfa.pdf>