

January 28, 2016

To: New Hampshire Senate Commerce Committee

Re: Testimony in Support of SB 488 (Requiring reasonable accommodation for pregnant workers)

Dear members of the New Hampshire Senate Commerce Committee:

Thank you for the opportunity to submit written testimony in support of New Hampshire Senate Bill 488 requiring reasonable accommodations for pregnant workers.

The Center for WorkLife Law is a research and advocacy organization housed at the University of California, Hastings College of the Law. The Center is a national leader on family responsibilities discrimination, including pregnancy discrimination, and related work-life issues. The Center engages with the full range of stakeholders on these issues, including workers' advocates, businesses, social scientists, physicians, and attorneys from both sides of the employment bar.

SB 488 would ensure that pregnant women are able to continue working and earning an income while maintaining a healthy pregnancy. This sensible bill would promote economic stability for families and improve public health outcomes without an adverse impact on businesses. We strongly support the passage of this important legislation.

Current legal protections for pregnant women are inadequate

The federal Pregnancy Discrimination Act and the Americans with Disabilities Act provide legal protections to many pregnant women who need modifications at work to maintain a healthy pregnancy. However, these laws are incomplete and vague in what they require. As a result, women continue to face discrimination at work when they become pregnant. Fully one-quarter of a million women are denied their accommodation requests in the U.S. each year. Women who are denied a needed reasonable accommodation often face job loss, economic instability, and poor health outcomes for mother and baby.

At the federal level, democratic and republican lawmakers have joined together to support the Pregnant Workers' Fairness Act to provide an unequivocal right to accommodation for pregnant women. But a growing number of states are refusing to wait for movement at the federal level and passing their own bipartisan pregnancy accommodation laws. Indeed seventeen states, the District of Columbia, and a number of cities now have laws that go beyond the federal protections for pregnant employees. The Center for WorkLife Law urges the state of New Hampshire to join this growing contingent of states that guarantee safe working conditions for pregnant women and economic stability for their families.

Requiring employers to provide reasonable accommodations will not adversely impact businesses

SB 488 would provide a clear directive to employers to accommodate pregnant women - so long as they can do so without undue hardship - thus eliminating the confusion that currently exists in many workplaces due to complicated federal standards. A similar clarity provided by California's pregnancy accommodation law caused the number of legal claims filed against employers for pregnancy discrimination to go *down* in that state after the law passed in 2000, even while such claims were on the rise in the rest of the country.

SB 488 will not impose any meaningful additional costs on employers. The types of reasonable accommodations needed by pregnant women are typically low-cost or cost free, and are always temporary. Any accommodation request that is unreasonable or imposes significant difficulty or expense need not be granted under the proposed legislation.

Further, research shows that accommodating pregnant women allows employers to retain valuable employees, reduces absenteeism, and enhances employee productivity and loyalty. Likewise, employers benefit when their employees work under safe conditions due to reductions in workers' compensation and general health insurance premiums.

If passed, employer implementation of the new law would be straightforward. New Hampshire employers already have policies and procedures in place for providing reasonable accommodations to employees with disabilities. SB 488 would only add pregnant women who need modifications to the category of employees who must be accommodated under existing processes.

SB 488 is a measured approach, fair both to the pregnant women who require workplace protections and to the businesses that employ them. The Center for WorkLife Law urges passage of this important legislation.

Very truly yours,

The Center for WorkLife Law
University of California, Hastings College of the Law



Liz Morris
Deputy Director, Adjunct Law Professor