



**TESTIMONY IN SUPPORT OF S.B. 488:
An Act Requiring Reasonable Accommodations for Pregnant Workers**

**Submitted to the New Hampshire General Court Senate Committee on Commerce
February 2, 2016**

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy organization based in Washington, D.C. Since our founding in 1971 as the Women's Legal Defense Fund, we have fought for every significant advance that has helped women and families, including the Pregnancy Discrimination Act of 1978 and the Family and Medical Leave Act of 1993. We promote fairness in the workplace, access to quality, affordable health care, and policies that help women and men meet the dual demands of work and family. Our goal is to create a society that is free, fair and just, where nobody has to experience discrimination, all workplaces are family friendly, and every family has access to quality, affordable health care and real economic security.

The National Partnership supports Senate Bill 488, a bill that would require employers to provide pregnant women with reasonable workplace accommodations that would enable them to continue working and supporting their families without risking their health and the health of their pregnancies. Too many pregnant workers are discriminated against because their employers refuse to make reasonable accommodations—such as allowing them to carry a water bottle, take bathroom breaks or sit instead of stand—that would enable them to keep working. As a result, pregnant women may be forced out of their jobs even though they want and are able to work through their pregnancies.

S.B. 488 would clarify that employers must provide employees with reasonable accommodations for any condition related to pregnancy, childbirth, or a related medical condition, including but not limited to the need to express breast milk, unless doing so would impose an undue hardship on the employer. Under this proposal, pregnant women who need less strenuous or less hazardous work—such as assistance with lifting heavy merchandise or packages or the ability to sit instead of stand when providing customer assistance—would be able to request and use such an accommodation without penalty in the terms, conditions or privileges of their employment. The bill would promote healthy pregnancies and economic security for pregnant women and their families while strengthening the economy.

Ending pregnancy discrimination is vital to the economic security of families. Today, women make up nearly half of the U.S. workforce and are the primary or co-breadwinners in nearly two-thirds of families.¹ And in New Hampshire, 67 percent of women who gave birth in a one-year period also worked during that time.² With so many women in the workforce, and so many families counting on their income, ensuring equal opportunity for pregnant workers is critical to the health and financial stability of families and our economy.

New Hampshire would join states and cities across the country in taking the important step of providing pregnant women with the same reasonable accommodations afforded other workers. Nebraska, New York, North Dakota and Rhode Island adopted pregnancy accommodations laws in 2015, joining 12 other states, the District of Columbia and four cities that already require some employers to provide reasonable accommodations to pregnant workers.³ In addition, similar proposals have been introduced in current legislative sessions in Iowa, Massachusetts, Missouri, Pennsylvania, Tennessee, Utah and Washington. S.B. 488 would continue the growing momentum of state measures that allow pregnant workers to remain employed and protect their health and financial security at a critical time for their families.

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In 2014, more than 10,000 women were pregnant and working in New Hampshire.⁴ Hundreds of thousands more New Hampshire residents rely on the wages and well-being of those pregnant workers. S.B. 488 would help secure equal employment opportunities for pregnant workers and strengthen the health and economic security of their families, without unduly burdening employers.

For these reasons, the National Partnership for Women & Families respectfully urges a favorable report on S.B. 488. Thank you for your consideration.

1 Glynn, S. J. (2014, June). *Breadwinning Mothers, Then and Now*. Center for American Progress Publication. Retrieved 1 February 2016, from <https://cdn.americanprogress.org/wp-content/uploads/2014/06/Glynn-Breadwinners-report-FINAL.pdf>

2 U.S. Census Bureau. (2015). *American Community Survey 1-Year Estimates, Geographies: New Hampshire, Table B13012: WOMEN 16 TO 50 YEARS WHO HAD A BIRTH IN THE PAST 12 MONTHS BY MARITAL STATUS AND LABOR FORCE STATUS, Universe: Women 16 to 50 years*. Retrieved 1 February 2016, from http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_1YR_B13012&prodType=table. National Partnership for Women & Families calculation based on the total of unmarried and married women who have had births in the past 12 months who are in the labor force divided by the total number of women who have had a birth in the past 12 months.

3 National Partnership for Women & Families. (2015, December). *Reasonable Accommodations for Pregnant Workers: State and Local Laws*. Retrieved 1 February 2016, from <http://www.nationalpartnership.org/research-library/workplace-fairness/pregnancy-discrimination/reasonable-accommodations-for-pregnant-workers-state-laws.pdf>

4 See note 2.