



February 11, 2016

Testimony on H.808: An act relating to accommodations for pregnant employees

To: The House Committee on General, Housing, and Military Affairs

Provided by: Ashley Moore, Community and Business Relations Manager at the Main Street Alliance of Vermont

The Main Street Alliance of Vermont's mission is to elevate the voices of small business owners on important public policy issues in Vermont. We are committed to bringing business owners to the table to engage in and develop policies that reflect the interconnected nature of small businesses and the communities they serve.

Main Street Alliance of Vermont is committed to ensuring that workplace standards in Vermont promote public health and safety and are responsive to the needs of Vermont's workforce and families. We believe that workplace standards must support a work-life balance, which includes things like appropriate compensation, paid time off benefits, and other forms of appropriate workplace flexibility. Workplaces must promote equity opportunity, which in large part consists of ensuring workplace standards reflect the needs of women.

The workforce has evolved significantly over the past four decades with increasing numbers of women entering the workforce. Currently, 66% of adult women participate in Vermont's labor force, as compared to the national average of 58%. Notably, workforce participation peaks between the ages of 22 and 54, and a large percentage of those are prime years for bearing and raising children.

We also know that 43% of VT women who work full-time do not make enough to cover basic living expenses. And, women are significantly more likely than men to

live in poverty or economic insecurity, in large part because they tend to have primary responsibility for the care of minor children.

The current status of working women in the state tells us that we need more effective women-centric policies and workplace standards to ensure that women have equal opportunity in the workforce and are able to balance work and family needs. We, as a state, must work to guarantee workplace standards and state programs that reflect the nature of today's workforce and the values we want as a state.

For these general reasons, our board voted to support this legislation. Specifically, we support it because more women are working through their pregnancies than ever before. Pregnant workers, particularly in physically demanding jobs sometimes have the need for temporary adjustments of job duties or work so that they can continue to work safely and provide necessary income to their families. It does happen that even modest accommodations are not extended - things such as sitting on a stool or adjusting policy that restricts food or drink while on shift. Many women could continue to work safely with temporary job modifications that would be easy to provide.

MSA-VT supports this and other efforts to ensure that all women have equal opportunities to obtain and keep jobs during childbearing years.

We want to be sure that the scope of this legislation is appropriate for a workplace policy strategy. We know that there are scenarios where this legislation won't be adequate. Such as, if a pregnant employee was unable to perform her work duties and the employer was unable to provide a temporary position for her; she would still be facing the difficult choice whether to leave work unpaid for the remainder of her pregnancy or risk her health to keep her job. We say this to acknowledge that workplace standards alone can only do so much and we encourage the committee, moving forward, to consider this bill as part of a broader conversation and strategy that explores how to strike a balance between state supported worker protections and workplace standards like these. We also say it because whenever we advocate for improved workplace standards, we want to make sure that they will work for businesses and provide reasonable protections for employees.

A couple of our members did ask for clarity about reasonable accommodations and undue hardship to understand more precisely under what circumstances this legislation would create a definitive responsibility for the employer to resolve the situation by finding another job for the employee or even by keeping the employee in their current position with accommodations. This is an area that we need more time to further research and understand before we can say whether we would recommend some modification to the language or not.

We take the position that workplace standards and accommodations, such as those in this bill are important to ensuring equal opportunity for working women. Main Street Alliance supports this bill and we will gladly continue to be engaged and to engage our members on this legislation if you choose to move it forward. We will work with our member businesses to look more closely at the language and come back to you with more specific feedback to help the bill be successful. We think this bill can be part of a strategy to support working women and families in Vermont.