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MOMENTUM BUILDING BEHIND PREGNANT WORKERS FAIRNESS ACT [+AUDIO]

By Colin A. Young

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STATE HOUSE, BOSTON, APRIL 4, 2017.....Working at a Worcester laundry facility that cleaned linens for hospitals, Alejandra Duarte was routinely tasked with loading up to 600 pounds of linen into a van for transport. But when she became pregnant in 2006 and asked her employer for lighter duty, she instead saw her work hours and responsibilities increase.

After telling her supervisor that she was already about three months pregnant, Duarte began to be assigned to five 10-hour shifts per week rather than four and was assigned to train more new workers than normal.

"She knew I was pregnant, and my supervisor rejected my requests. She said I could accept the work as it was or stop working there. She said that the change I had asked for would have been inconvenient for the scheduling program," Duarte told the Joint Committee on Labor and Workforce Development on Tuesday. "At that point I did not know that my baby's life was in danger. However, I thought it was unjust I was doing such a heavy amount of work when pregnant and she was not helping me to figure out how to make my job safer."

After working a string of 10-hour shifts, Duarte said, she felt a "horrible pain" and went to the hospital. There, she said, the doctor told her that her baby would not survive. She told the committee Tuesday that she has been trying again to have children, but fears that was her only chance.

"I'm very angry, I'm hurt, by how I was treated. If they had changed the number of people I was training to two or three, it would have made a huge difference," Duarte said. "Pregnant women need to be treated with respect. Women getting pregnant is a normal part of life and workplaces should be prepared to help us for safety."

Duarte testified Tuesday in support of the so-called Pregnant Workers Fairness Act, which would enshrine into law workplace accommodations for expecting and new mothers.

The bill (H 1038 / S 1023) offers pregnant women reasonable accommodations including "more frequent or longer paid or unpaid breaks, time off to recover from childbirth with or without pay, acquisition or modification of equipment, seating, temporary transfer to a less strenuous or hazardous position, job restructuring, light duty, break time and private non-bathroom space for expressing breast milk, assistance with manual labor, or modified work schedules" as long as the accommodation "would not impose undue hardship on the employer."

A similar bill won a favorable report from the committee last session. Though business groups had opposed that bill last session, the Associated Industries of Massachusetts announced last month it reached an agreement with the advocacy group MotherWoman and that bills filed by Sen. Joan Lovely and Rep. David Rogers represent their consensus legislation.

Nearly 120 lawmakers, including a majority of the Senate and all but one member of the Labor and Workforce Development Committee, have signed onto the bill as co-sponsors. House Speaker Robert DeLeo has said he favors the legislation and in early March said the House would take up the bill "as soon as possible."

Linda Matys O'Connell, acting director of MotherWoman, said she wanted to believe that workplace discrimination of pregnant women did not happen in Massachusetts.

"The bottom line today is that in Massachusetts women may be forced to choose between their jobs and a healthy pregnancy, or that choice may be made for them," she said. "We are not asking for privilege, we are just asking for a level playing field."

According to O'Connell, 18 states and the District of Columbia have taken legislative action to make sure employers provide accommodations for pregnant workers.

"This is a workplace equality issue," Rebecca Pontikes of the Massachusetts Employment Lawyers Association said. "Women cannot be equal participants in the workplace if the reproductive process -- which is how we all got here -- is grounds for an employer to push a woman out of her job."

The Alliance for Business Leadership framed the issue for the committee as an economic one, particularly as the female share of the workforce grows.

"Businesses in the commonwealth rely very heavily on working women, including pregnant women," Bianca Ward, vice president of partnerships at the alliance and a new mother herself, said. "Passage of this bill would not only be an investment in our female workforce by helping to ensure the health of workers, the health of their children and their financial stability, but it would also be an investment in the future success and growth of our economy."

Listen: Labor and Workforce Development hearing

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