



Ohio Senate
Senate Building
Room 222, Second Floor
Columbus, Ohio 43215
(614) 466-9737

Shannon Jones
7th District

Senate Civil Justice Committee
Senator Shannon Jones
Date: April 20, 2016
Senate Bill 301

Good afternoon Chairman Bacon, Vice-Chair Oelslager, Ranking Member Skindell, and members of the Senate Civil Justice Committee. Thank you for the opportunity to come before you today to present sponsor testimony on Senate Bill 301, which will require employers to make reasonable, temporary accommodations for employees who are pregnant or breastfeeding.

The federal Pregnancy Discrimination Act of 1978 outlawed discrimination against pregnant workers across the nation. Reasonable accommodations were not part of the 1978 law and we have found that there is a gap in the law to address a pregnant workers needs. In 1990, the Americans with Disabilities Act was passed, which requires reasonable accommodations such as you see in Senate Bill 301. Unfortunately, the language regarding reasonable accommodations did not included pregnant women, leaving the gap that we continue to see today.

The number of cases where this continues to be an issue is staggering. Since the state began tracking such cases, more than 1,600 women have filed complaints with the Ohio Civil Rights Commission alleging discrimination based on their pregnancy. These complaints range from wrongful termination to being forced to carry out tasks that risk both the woman's safety and the safety of her child.

One such case was brought to the national spotlight in 2015 when Peggy Young, a UPS employee, was denied an exception to their requirement that delivery drivers lift packages up to 70 lbs. Peggy's doctor sent her with a note requesting that she not lift

more than 20lbs, out of concern for her unborn child. UPS had made similar exceptions to other employees who acquired health related conditions such as diabetes or vision impairment. UPS also had a provision for drivers charged with drunk driving that would allow them to fulfill other tasks. Yet Peggy was refused these reasonable accommodations.

Temporary relief from heavy lifting, being able to sit for a few minutes, or a few extra bathroom breaks are basic accommodations that need to be afforded to pregnant workers, yet often times are not.

This legislation defines a “reasonable accommodation” as including, but not limited to, more frequent or longer breaks; acquisition or modification of equipment, seating or uniforms; assistance with manual labor; light duty; modified employment schedules; job restructuring; temporary transfer to a less strenuous or less hazardous position; break time and a private, non-bathroom space to express breast milk, and time off to recover from childbirth.

Employers are required to make such accommodations unless they can demonstrate that such an accommodation would impose an undue hardship on the operation of the employer’s business. The goal of Senate Bill 301 is not to create a burden for businesses. The purpose is to reinforce what should already be happening, that businesses that are able to make reasonable accommodations are doing so, and that women are not forced to choose between their job and a healthy pregnancy.

Employers are not required to 1) create additional employment that they would not otherwise have created, to meet the needs of a reasonable accommodation or 2) discharge, transfer or promote any employee who is not qualified to perform the duties of the position, unless the employer would do so to make accommodations for other employees.

If an employee believes that an employer has not allowed for a reasonable accommodation in accordance with this bill, they may bring a civil action against an employer in accordance with the Rules of Civil Procedure.

No woman should ever have to make the impossible choice between her job and her pregnancy. A stool or an extra bathroom break are small adjustments in the workplace that pay huge dividends for a healthy pregnancy and a healthy workplace.

This bipartisan legislation supports families, which is why it is supported by faith leaders from around the state, Faith In Public Life, Ohio Right to Life and the Ohio Chapter of the American Congress of Obstetricians and Gynecologists.

Again, thank you for the opportunity to testify on Senate Bill 301. I will be happy to answer any questions.