

HB 2341 -5 STAFF MEASURE SUMMARY

House Committee On Business and Labor

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Meeting Dates: 1/28, 4/1

WHAT THE MEASURE DOES:

Makes unlawful employment practice for employer to deny reasonable accommodations to known limitations related to pregnancy unless accommodation imposes undue hardship. Makes unlawful employment practice for employer to take certain actions related to reasonable accommodations to known limitations related to pregnancy, childbirth, or other pregnancy-related medical conditions. Requires employer to post signs and provide employees with written notice of obligations, protections and rights regarding workplace discrimination. Directs Commissioner of Bureau of Labor and Industries (BOLI) to adopt, by rule, training and education materials for employee and employers. Provides employee private right of action or a ability to file complaint with Bureau of Labor and Industries (BOLI).

REVENUE: May have revenue impact, but no statement yet issued.

FISCAL: May have fiscal impact, but no statement yet issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-5 Clarifies language describing unlawful employment practices involving known limitations related to pregnancy, childbirth, or related medical condition. Applies requirement to provide reasonable accommodation to employers who employ at least six people. Removes requirement that training and education materials developed by BOLI be adopted by rule.

BACKGROUND:

Discrimination against a pregnant worker can be enforced as a violation of the prohibition to discriminate "because of sex" under ORS 659A.030. "Because of sex" is broadly defined; it includes, but is not limited to, because of pregnancy, childbirth, and related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions are to be treated the same for all employment-related purposes as others workers not so affected. ORS 659A.029. These protections apply to all employees regardless of the number of workers employed. Discrimination against a pregnant worker can also be enforced under Oregon's disability laws if the employer failed to provide reasonable accommodations. These protections apply to those who work for employers with at least six employees. There also are federal protections against sex discrimination and discrimination against persons with disabilities.

House Bill 2341 clarifies the workplace protections for pregnant workers. Unless an undue hardship would result, all employers must provide reasonable accommodations to known limitations related to pregnancy. The measure provides a private right of action and requires BOLI to adopt rules regarding training and education for employers and employees.