

**HB 2341 A STAFF MEASURE SUMMARY**

Carrier: Rep. Power

**House Committee On Business and Labor****Action Date:** 04/08/19**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 11-0-0-0**Yeas:** 11 - Barker, Barreto, Boles, Bonham, Boshart Davis, Bynum, Clem, Doherty, Evans, Fahey, Holvey**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Jan Nordlund, LPRO Analyst**Meeting Dates:** 1/28, 4/1, 4/8**WHAT THE MEASURE DOES:**

Makes unlawful employment practice for employer to deny employment opportunities, fail to make reasonable accommodations, or take certain actions because of known limitations of employee or applicant related to pregnancy, childbirth, or related medical condition. Allows exemption if reasonable accommodation imposes undue hardship on operation of business by requiring significant difficulty or expense. Exempts employers with fewer than six employees. Requires employer to post sign informing employees of these protections. Directs Commissioner of Bureau of Labor and Industries (BOLI) to develop training and education materials for employee and employers. Provides employee private right of action or ability to file complaint with BOLI.

**ISSUES DISCUSSED:**

- Federal and state protections
- What are considered "reasonable accommodations"
- Undue hardship test same as applies for discrimination against persons with disabilities
- Number of workplace posters currently required

**EFFECT OF AMENDMENT:**

Replaces measure.

**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-A clarifies the workplace protections for job applicants and workers who have limitations related to pregnancy, childbirth, or a related medical condition. Unless an undue hardship would result, employers with six or more employees must provide reasonable accommodations to known limitations related to pregnancy, childbirth, or other related condition. The measure provides a private right of action for employee or job applicant alleging violations. BOLI is directed to develop training and education materials for employers and employees.