

HB 2341 A STAFF MEASURE SUMMARY**Carrier:** Sen. Taylor**Senate Committee On Workforce****Action Date:** 04/25/19**Action:** Do pass the A-Eng bill.**Vote:** 5-0-0-0**Yeas:** 5 - Golden, Hansell, Knopp, Monnes Anderson, Taylor**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Ellen Osoinach, LPRO Analyst**Meeting Dates:** 4/23, 4/25**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 requires significant difficulty or expense that imposes an undue hardship on business operations. 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 employees and employers. Provides employee private right of action or ability to file complaint with BOLI.

ISSUES DISCUSSED:

- Intent to mirror process for requesting disability accommodation
- Bipartisan process producing consensus legislation
- Experience of 23 other states having similar laws

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

An array of federal and Oregon laws prohibit discrimination against women affected by pregnancy, childbirth, or related medical conditions. For example, Oregon law requires all employers to treat women affected by pregnancy, childbirth, or related medical conditions the same for all employment-related purposes as other workers not so affected. In addition, an employer with six or more employees engages in prohibited discrimination against a person with a disability by unlawfully failing to provide a reasonable accommodation for a worker experiencing a pregnancy-related disability. In the federal context, the US Supreme Court announced in *Young v United Parcel Service*, 135 S.Ct. 133 (2015) a multi-factorial test for determining the reasonableness of pregnancy-related accommodations.

House Bill 2341-A codifies 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 medical condition. The measure provides a private right of action for an employee or job applicant alleging violations. BOLI is directed to develop training and education materials for employers and employees.