



Rep. Jessyn Farrell  
JLOB 370  
P.O. Box 40600  
Olympia, WA 98504-0600

Dear Rep. Farrell:

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy organization based in Washington, D.C. Since our founding in 1971 as the Women's Legal Defense Fund, we have fought for every significant advance that has helped women and families, including the Pregnancy Discrimination Act of 1978 and the Family and Medical Leave Act of 1993. We promote fairness in the workplace, access to quality, affordable health care, and policies that help women and men meet the dual demands of work and family. Our goal is to create a society that is free, fair and just, where nobody has to experience discrimination, all workplaces are family friendly, and every family has access to quality, affordable health care and real economic security.

A Better Balance (ABB) is a non-profit legal team fighting to provide fairness for American workers when they need to care for their families without risking their economic security. We catalyze change using a range of strategies including legislative advocacy, public education, and direct representation, to promote flexible workplace policies, end discrimination against caregivers, and value the work of caring for families. ABB has advised state campaigns around the country regarding pregnant worker protections and has worked with advocates and state lawmakers in drafting legislation. Our report, "Pregnant and Jobless: Thirty-Seven Years After Pregnancy Discrimination Act, Pregnant Women Still Choose Between A Paycheck and A Healthy Pregnancy," which features the stories of real women who have suffered from pregnancy discrimination, garnered national media attention last fall.

**The National Partnership and ABB support House Bill 2307**, a bill that would require employers to provide pregnant women with reasonable workplace accommodations that would enable them to continue working and supporting their families without risking their health and the health of their pregnancies. H.B. 2307 is consistent with the growing number of bills being considered and enacted by states and cities across the country, as well as with proposed national legislation, the Pregnant Workers Fairness Act. This national momentum reflects the consensus among a broad range of stakeholders that legislation is necessary to promote the health and economic security of pregnant women.

Too many pregnant workers are discriminated against because their employers refuse to make reasonable accommodations—such as allowing them to carry a water bottle, take bathroom breaks or sit while providing customer service—that would enable them to keep working. As a

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result, pregnant women may be forced out of their jobs even though they want and are able to work through their pregnancies.

H.B. 2307 would clarify that employers must provide employees with reasonable accommodations for pregnancy, childbirth or a pregnancy-related health condition, including but not limited to the need to express breast milk, unless doing so would impose an undue hardship on the employer. Under this proposal, pregnant women in need of health-related accommodations—such as the ability to sit instead of stand when offering customer assistance or more frequent bathroom or water breaks—would be able to request and use such accommodations without penalty in the terms, conditions or privileges of their employment. **Because the definition of “reasonable accommodations” is flexible, rather than limited to a specific list of accommodations, H.B. 2307 allows employers and employees to effectively engage in an interactive process to find a workable solution.** The bill would promote healthy pregnancies and economic security for pregnant women and their families while strengthening the economy.

H.B. 2307 applies to employers with eight or more employees, consistent with existing state employment anti-discrimination laws. **It is appropriate for H.B. 2307 to use the definition of “employer” in existing law**, including the existing employer-size threshold. This ensures consistency and clarity across laws that are enforced by the same agency. The federal PWFA, for example, applies to employers with 15 or more employees in order to align with Title VII and the Americans with Disabilities Act. Almost all states with pregnancy accommodations laws use the definition of “employer” found in their state employment anti-discrimination laws.

H.B. 2307 also provides that the Human Rights Commission (the “Commission”) will administer and enforce the pregnancy accommodations law. The Commission already has experience administering and enforcing the state’s other employment anti-discrimination laws, including the reasonable accommodations requirement for workers with disabilities. H.B. 2307 takes advantage of the Commission’s expertise and enables consistent enforcement across laws. **Nearly every state with a pregnancy accommodations law uses the agency that enforces their other employment anti-discrimination laws to enforce pregnant worker fairness legislation.** It is vitally important for H.B. 2307 to include the enforcement mechanisms available in Chapter 49.60, such as a private right of action and strong anti-retaliation protections, in conjunction with administrative remedies available through the Commission.

For these reasons, the National Partnership and ABB respectfully urge the legislature to advance H.B. 2307. Thank you for your consideration.

Sincerely,

/s/  
Sarah Fleisch Fink  
Senior Policy Counsel  
National Partnership for Women &  
Families

/s/  
Vasu Reddy  
Policy Counsel  
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/s/  
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/s/  
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