



OPENING STATEMENT

House Committee on Education and Labor

Chairman Robert C. "Bobby" Scott

Opening Statement of Chair Suzanne Bonamici (OR-01)

Joint Subcommittee on Civil Rights and Human Services and Workforce Protections

Fighting for Fairness: Examining Legislation to Confront Workplace Discrimination

Zoom

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Every worker should be able to earn a living free from discrimination, but unfortunately, many women, people of color, older workers, workers with disabilities, and LGBTQ workers still experience persistent discrimination in the workplace including, pay disparities, limited opportunities, and harassment. Today's hearing will examine four legislative solutions to protect workers from various forms of workplace discrimination, including: the *Pregnant Workers Fairness Act*, the *Protecting Older Workers Against Discrimination Act*, the *Paycheck Fairness Act*, and the *Providing Urgent Maternal Protections for Nursing Mothers Act*.

Women are on the frontlines of the coronavirus pandemic as essential workers, risking their lives every day to provide for our communities. At the same time, women are being forced out of the labor market. In September 2020, four times more women left the labor force than men. The experiences of women of color are even harsher.

As a mom and a policymaker, I know how important it is to protect the economic security of pregnant workers and working families. It is unacceptable that in 2021, pregnant workers can still be forced to choose a healthy pregnancy or a paycheck when simple accommodations – such as providing seating, water, and bathroom breaks – would allow them stay safe on the job during their pregnancy.

The *Pregnant Workers Fairness Act* clearly establishes nationwide a pregnant worker's right to reasonable accommodations and guarantees that pregnant workers can seek those accommodations without facing discrimination or retaliation in the workplace. It is a long overdue fix to the inadequate patchwork of protections under existing law. This bipartisan bill passed the House with overwhelming support in the 116th Congress, and I welcome the opportunity to work with my Republican colleagues to move this bill forward in a bipartisan manner again this year.

Pregnant workers are not the only workers facing discrimination on the job. Older workers are also vulnerable to workplace discrimination and have become increasingly vulnerable to discrimination during the COVID-19 pandemic.

Congress recognized the need to protect older workers from discrimination when in 1967 it enacted the *Age Discrimination in Employment Act*. The Supreme Court severely eroded those protections in 2009, however, through its 5-4 decision in *Gross v. FBL Financial Services, Inc.* In that case the court imposed a higher burden of proof than courts had previously required for age discrimination cases. Because of the Court's opinion in *Gross*, workers must now prove that age discrimination was the sole motivating cause for their employer's adverse action, rather than just a motivating factor in their employer's adverse action.

The *Protecting Older Workers Against Discrimination Act* is a bipartisan legislative fix that would restore the pre-2009 standard in age discrimination claims, thereby aligning the burden of proof with the same standards for proving discrimination based on sex, race, religion, and national origin. Congress passed this bill with bipartisan support last Congress, and just this morning I joined Chairman Scott and Congressman Davis in reintroducing it.

Finally, I would like to voice my strong support for the two other bipartisan bills under discussion today: the *Paycheck Fairness Act*, which this Subcommittee and the Workforce Protections Subcommittee also enthusiastically advanced last Congress. And the *PUMP Act*, which I know Chairwoman Adams will cover in detail. The four bills we are discussing today take important steps toward workplace gender equity, healthy pregnancies, and improving the economic security of all workers.

I want to thank all the witnesses for their time today, and I yield to the Ranking Member, Mr. Fulcher for his opening statement.