



**TESTIMONY IN SUPPORT OF H.B. 2271:  
Amending the Pennsylvania Human Relations Act**

**TO:** Hon. Mario M. Scavello, Chair, and members of the House Labor & Industry Committee  
**FROM:** Sarah Fleisch Fink, Senior Policy Counsel,  
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**DATE:** June 4, 2014

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy organization dedicated to promoting fairness in the workplace, access to quality health care and policies that help workers in the United States meet the dual demands of work and family. Founded in 1971 as the Women's Legal Defense Fund, the National Partnership has been instrumental in many of the major legal changes that have improved the lives of women and their families. 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.

We are pleased to submit testimony in support of H.B. 2271, which would prohibit employers in Pennsylvania from discriminating based on marital or familial status and from inquiring as to whether a potential employee intends to have a child. By including marital and familial status as protected characteristics under the Pennsylvania Human Relations Act, H.B. 2271 carries out the stated public policy of the Commonwealth of Pennsylvania: "to foster the employment of all individuals [...] and to safeguard their right to obtain and hold employment without such discrimination."<sup>1</sup>

Family responsibilities discrimination is "employment discrimination against workers based on their family caregiving responsibilities."<sup>2</sup> Currently, there is no federal protection against discrimination based on family responsibilities or marital status, making state legislation critical to preventing such injustice. Alaska, the District of Columbia, Connecticut and Minnesota have laws addressing discrimination based on parenthood or family caregiving responsibilities.<sup>3</sup> Similar to H.B. 2271, Alaska's statute prohibits employers from discriminating on the basis of "marital status" or "parenthood", and the District of Columbia's statute forbids discrimination on the grounds of "marital status" and "family responsibilities".<sup>4</sup> Connecticut forbids employers from requesting information about an employee's family responsibilities.<sup>5</sup> In May 2014, Minnesota's Women's Economic Security Act amended the Minnesota Human Rights Act to include "familial status" in its list of illegal bases for discrimination, a list which already included "marital status."<sup>6</sup>

Working mothers are most negatively affected by family responsibilities discrimination. Studies have shown that mothers are viewed as being less competent at work and less committed to their jobs.<sup>7</sup> According to researchers at Cornell University, mothers were 79 percent less likely to be recommended for hire than women without children,<sup>8</sup> were offered an average of \$11,000 less in salary for the same position and were significantly less likely

to be promoted.<sup>9</sup> As a result, women in the United States face a well-documented motherhood wage penalty. The motherhood wage penalty can have serious consequences for the nearly 683,000 married working mothers and more than 263,000 single working mothers in Pennsylvania.<sup>10</sup> These mothers, as well as fathers and other Pennsylvania caregivers, deserve fair and equal employment opportunities, regardless of their marital or familial status.

Parents and caregivers must be allowed the opportunity to support their families without worrying that their familial or marital status will affect their ability to find and keep a job. Caregivers represent a large segment of the labor force, and equal opportunity for parents and caregivers is essential to families' economic well-being and the economy in Pennsylvania and across the nation. H.B. 2271 would make unsubstantiated stereotypes about caregiving responsibilities an illegal basis upon which to make hiring, promotion and other employment decisions. We support H.B. 2271, which will serve to make workplaces in Pennsylvania more family-friendly, strengthen the economy and ensure that workers with family or caregiving responsibilities receive the same opportunities as other members of the workforce.

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1 H.B. 2271 (Pa. 2014).

2 The Center for WorkLife Law at UC Hastings. *What is Family Responsibilities Discrimination?* The Center for WorkLife Law Publication. Retrieved 2 June 2014, from <http://worklifelaw.org/frd/faqs/>

3 Ibid.

4 Alaska Stat. § 18.80.220; D.C. Code §§ 2-1401.02(12), (17), 2-1402.11.

5 Conn. Gen. Stat. § 46a-60(a)(1), (9).

6 Minn. Stat. § 363A.08.

7 Correll, S. J., Benard, S., & Paik, I. (2007). Getting a job: Is there a motherhood penalty? *American Journal of Sociology*, 112(5), 1297-1338. Retrieved 2 June 2014, from <http://gender.stanford.edu/sites/default/files/motherhoodpenalty.pdf>.

8 Bornstein, S. & Weber, J. (2008, December). *Policy Brief: Addressing Family Responsibilities Discrimination*. Sloan Work and Family Research Network Publication. Retrieved 2 June 2014, from <http://www.worklifelaw.org/pubs/policybriefrd.pdf>.

9 National Women's Law Center. (2013, April). *Fact Sheet: Explaining the Wage Gap*. National Women's Law Center Publication. Retrieved 3 June 2014, from [http://www.nwlc.org/sites/default/files/pdfs/explaining\\_the\\_wage\\_gap.pdf](http://www.nwlc.org/sites/default/files/pdfs/explaining_the_wage_gap.pdf).

10 Child Care Aware of America. (2012). *2012 Childcare in the State of Pennsylvania*. Child Care Aware of America Publication. Retrieved 2 June 2014, from [http://www.naccrra.org/sites/default/files/default\\_site\\_pages/2012/full2012cca\\_state\\_factsheetbook.pdf](http://www.naccrra.org/sites/default/files/default_site_pages/2012/full2012cca_state_factsheetbook.pdf)