
BILL NO.: House Bill 258
TITLE: Employment Standards - Seating for Employees (Right to Sit Act of 2022)
COMMITTEE: House Economic Matters Committee
DATE: January 25, 2022
POSITION: SUPPORT

House Bill 258 seeks to require employers with 15 or more employees to provide seating accommodations for employees, where the nature of the work is such that it can be reasonably performed while seated. It further requires employers with 14 or fewer employees to provide the same accommodation so long as it does not create an unreasonable hardship for the employer.

Having the ability to sit is a frequently requested, and often unreasonably denied, accommodation for many workers, but in particular it can be necessary for pregnant workers in order for them to maintain a healthy pregnancy. Currently, pregnant workers in the private sector¹ with a documented complication are entitled to a reasonable accommodation from their employer. But employees who are experiencing a normal, healthy pregnancy but have been advised by their doctor that they should take certain precautions as a preventative measure are not afforded the same right. Instead, they are required to put their health at risk, and jeopardize their pregnancy, by performing work that goes against common sense, or their doctor's orders, before they are entitled those same, temporary accommodations. As we know, medical needs for temporary accommodations can arise from a normally progressing pregnancy to ensure the pregnancy remains healthy. Shouldn't our laws be pro-active, rather than wait until a pregnancy has developed serious medical conditions?

House Bill 258 would assist pregnant workers in their ability to continue working and providing for their families while at the same time maintaining their health. Significantly, there are safeguards in the bill that provide that if an employee's request would create an undue burden, the employer **does not** have to provide an accommodation. This is an accommodation that many employers are already providing to employees with documented disabilities; this change would likely be small and inconsequential to the employers, but significant in improving the health and quality of life of employees.

For the foregoing reasons, the WLC urges a favorable report for HB 258.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.

¹ In 2020, the Maryland General Assembly passed HB523 - State Personnel – Employee Accommodations – Pregnancy and Childbirth, which provides pregnant State employees with reasonable accommodations prior to complications arising, including accommodations such as the ability to sit while performing their work.