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**HB 17 - Employment Standards - Retail Establishments - Seating for Employees
House Economic Matters Committee
February 7, 2023**

SUPPORT

**Donna S. Edwards
President**

Maryland State and DC AFL-CIO

Chairman and members of the Committee, thank you for the opportunity to submit testimony in support of HB 17 - Employment Standards - Retail Establishments - Seating for Employees. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of Maryland's 300,000 union members, I offer the following comments.

HB 17 requires certain retail establishments to provide seating for their workers if that work can be performed while seated. New retail establishments covered by the bill would also have to take seating into account when designing new workspaces. It also empowers the Commissioner of Labor and Industry to draft regulations that determine whether work can be performed while seated. HB 17 establishes a fine system that allows workers to help enforce this law, allowing them to collect damages from their employer for failure to comply. HB 17 only applies to retail establishments with 20 or more employees working on a given day. HB 17 also excludes restaurants, wholesalers, office workers, and state and local employees. It also contains carve outs for workers covered by the provisions of a more generous workplace policy.

Workplace injuries from prolonged standing are common in retail and service sectors. To add insult to injury, many of these are entirely preventable when you consider whether the job really requires standing at all times. U.S. Department of Health and Human Services sponsored studies found that prolonged standing could lead to “potentially serious health outcomes, such as lower back and leg pain, cardiovascular problems, fatigue, discomfort, and pregnancy related health outcomes.” The same study recommended government intervention and guidelines to protect worker safety.¹ The International Labor Organization even mandated that “if a job must be done in a standing position, a chair or stool should be provided for the worker and he or she should be able to sit down at regular intervals.”

¹ Waters, Thomas R, and Robert B Dick. “Evidence of health risks associated with prolonged standing at work and intervention effectiveness.” *Rehabilitation nursing : the official journal of the Association of Rehabilitation Nurses* vol. 40,3 (2015): 148-65. doi:10.1002/rmj.166

I would like the members of this committee to imagine attending every hearing – and I have seen some of them last up to 10 hours – during this Session, without sitting at all. Imagine standing up for the entirety of all the hearings in Economic Matters for the next 90 days, when the nature of your job does not require it. That is the unfortunate daily reality for many workers who are forced by their employer to stand at work simply because the employer prefers it.

HB 17 corrects this by mandating businesses provide seating for employees if the nature of their work can be reasonably performed while seated. This bill does not affect businesses that require workers to stand, move, or otherwise be active to complete their assigned duties. This simple measure reduces no one's productivity and does not hurt the bottom line of any businesses.

Forcing workers to stand when they do not have to, however, has cost Walgreens and Walmart millions in damages awarded through lawsuits by their workers. Walmart, alone, had to settle their case for \$65 million in damages to over 80,000 employees.

This bill is simple, commonsense, and we ask for a favorable report on HB 17.