

LATE

**Testimony to the House Committee on Finance
Thursday, April 4, 2013 at 2:00 P.M.
Conference Room 308, State Capitol**

**RE: SENATE BILL 532 SD 1 HD 1 RELATING TO BREASTFEEDING IN THE
WORKPLACE**

Chair Luke, Vice Chairs Nishimoto and Johanson, and Members of the Committee:

The Chamber of Commerce of Hawaii ("The Chamber") **has serious concerns on SB 532 SD 1 HD 1 Relating to Breastfeeding in the Workplace.**

The Chamber is the largest business organization in Hawaii, representing more than 1,100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

The Chamber understands and supports women in the workplace. One main concern is that enforcement of complaints should be with the Department of Labor and Industrial Relations (DLIR) and not the courts. DLIR is local agency and has offices in each county unlike the US Department of Labor who could never be expected to enforce the federal version of this law throughout the country. If you make complaints go through the court system, employees might be more hesitant to hire an attorney to file a complaint and businesses will have to hire an attorney pay legal fees. This is adding more cost to business and Hawaii's high cost of living.

We believe that the penalty language should be permissive and not mandatory should there be a complaint. We believe that discretion be left up to the investigating staff of the Department of Labor and Industrial Relations.

We oppose the change from 50 employees to 20 employees for an exemption where there is undue hardship to comply. There are many small businesses that do not have the resources to fully comply with the bill. Some will not have the space, especially those in a mall or part of a complex.

We also request that the language be changed in the civil action section (We prefer DLIR) to be similar to federal law where it has to be an employee who files charges. The bill as drafted would allow any individual or organization to walk around and police businesses. It can even be a competitor.

Lastly we ask the committee to amend this bill to clarify that the leave required for breastfeeding is unpaid leave like that in the federal law.

Thank you for the opportunity to express our views.

April 4, 2013

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Testimony in Support: SB 532 SD1 HD1

To: Chair Sylvia Luke, Vice Chair Scott Nishimoto, Vice Chair Aaron Ling Johanson and Members of the House Committee on Finance

From: Katie Reardon Polidoro, Director of Government Relations & Public Affairs

Re: Testimony in Support of HB 532 SD1 HD1, Relating to Breastfeeding in the Workplace

Thank you for hearing HB SB 532 SD1 HD1. Planned Parenthood of Hawaii (PPHI) supports this bill, which would require employers to provide a clean and private location for new mothers to express breast milk in the workplace.

We do provide one comment. We believe that the amendment added by the Senate that creates a civil right of action as employees' sole remedy is overly burdensome. By taking away the possibility of an administrative remedy through the Department of Labor, the bill now requires a new mother to enforce her right to express breast milk at work by taking the time consuming and costly route of filing suit against her employer, often jeopardizing her employment. This process will no doubt discourage women from taking advantage of this law.

Many new mothers are faced with difficult choices when returning to the workplace, including the ability to continue breastfeeding. The health benefits of breast milk for both infants and mothers have long been established. According to the US Department of Health and Human Services Office on Women's Health, breastfeeding can help improve an infant's immune system, protecting her from germs and illness. It may also prevent illness such as ear infections, stomach viruses, asthma, obesity, types 1 and 2 diabetes, childhood leukemia, and some respiratory infections.¹ Mothers also benefit from breastfeeding, as it lowers the risk of breast and ovarian cancer, type 2 diabetes, and reduces post partum depression.²

As the flow of breast milk is slowed by less frequent feeding, returning to the workplace may mean ceasing breastfeeding for some women. Employees who are offered a clean and safe space at work to express milk are able to work without compromising their ability to breastfeed. Currently, the Fair Labor Standards Act requires that employers with more than 50 employees provide reasonable break time for employees to breastfeed as well as a private and clean space for expressing breast milk, other than a bathroom.³

PPHI believes in providing all individuals with the information and tools they need to raise healthy and strong families. Accordingly, we support SB 532 SD1 HD1 and we ask this Committee to pass it. Thank you.

¹ US Dept. of Health and Human Services, Office of Women's Health, *Breastfeeding Fact Sheet*, <http://www.womenshealth.gov/publications/our-publications/fact-sheet/breastfeeding.cfm#a>

² Id.

³ Fair Labor Standards Act, 29 U.S.C. §207(r)(1) (2010)