

EDUCATION & LABOR COMMITTEE

Congressman George Miller, Chairman

Tuesday, February 12, 2008
Press Office, 202-226-0853

Chairman Andrews Statement at Subcommittee Hearing on Protecting American Employees from Workplace Discrimination

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. Rob Andrews (D-NJ), chairman of the House Subcommittee on Health, Employment, Labor, and Pensions, for a subcommittee hearing on “Protecting American Employees from Workplace Discrimination.”*

Good morning and welcome to the HELP Subcommittee’s hearing on “Protecting American Employees from Workplace Discrimination.”

Today the Subcommittee will focus its attention on anti-discrimination protections for our service-members, volunteer firefighters and emergency medical personnel (EMS) personnel, individuals of a particular faith and all Americans with respect to mandatory arbitration clauses in employment contracts. Whether it is a reservist returning home from Afghanistan who has been demoted or a volunteer firefighter whose employer prohibits him from assisting in the rebuilding Louisiana after Hurricane Katrina or a Muslim American who is denied a job because of her hijab “injustice anywhere is a threat to justice everywhere,” and therefore, we have a responsible to not allow these instances to go unchecked.

The specific issues we will address today include whether mandatory arbitration clauses in employment contracts usurp an employee’s right to judicial review for statutory claims, whether there is a lack of employment protections for volunteer firefighters and EMS personnel, whether there are loopholes in the Uniformed Services Employment and Reemployment Rights Act (USERRA) and whether Title VII of the Civil Rights Act needs to be strengthened to further provide protection for individuals of a particular religion.

A rising number of employers require their employees to sign mandatory arbitration agreements. These agreements force employees to seek redress for any employment dispute through an arbitrator or panel of arbitrators rather than by a judge or jury. While employers see this as a faster and less expensive way to address disputes many employee rights advocates believe these agreements put workers at a huge disadvantage.

We rely on our volunteer firefighters and EMS personnel as the first line of defense in a wide array of emergencies across the country every day including fires, emergency medical incidents, terrorist events, natural disasters, hazardous materials incidents, water rescue emergencies, high-angle and confined space emergencies, and other general public service calls. Despite the invaluable help these first responders provide to our communities, they are often put in the position of having to choose between their jobs and responding to a major disaster.

USERRA was signed into law by U.S. President Bill Clinton on October 13, 1994 in order to protect the civilian employment of non-full time military service members in the United States called to active

duty. In spite of these protections, discrimination in the workplace persists. According to a Department of Defense report, more than 33,000 reserve service members from 2001 to 2005 have complained to the agency about a reduction in pay, benefits or even failing to receive prompt reemployment as required by law.

Although Congress amended Title VII of the Civil Rights Act in 1972 to require employers, in cases of religious discrimination, to provide a reasonable accommodation for employees' religious beliefs, individuals continue to get fired, demoted or not hired by an employer due to their religious affiliation without recourse.

I thank all of the witnesses for their testimony today and look forward to having a robust debate on the abovementioned issues.

<http://edlabor.house.gov/>