

Mayor Bloomberg Signs Pregnancy Discrimination Ban Into Law

Earlier this month, Mayor Michael Bloomberg signed into law legislation prohibiting pregnancy discrimination by New York City employers. The legislation, passed unanimously last month by the New York City Council, bars employers from refusing to provide a reasonable accommodation for pregnant women. The law is an amendment to the New York City Human Rights Law and applies to all businesses with four or more employees or independent contractors. Employers must provide an accommodation unless they can show either that they would face an "undue hardship" in making a needed accommodation or that the employee seeking an accommodation could not, if given the requested accommodation, perform his or her essential job duties. Thus, for covered New York City employers, the law institutes an Americans with Disabilities Act-style reasonable accommodation requirement for all pregnant employees.

According to the legislative findings that accompanied the law, reasonable accommodations for pregnant employees may include bathroom breaks, leave for a period of disability arising from childbirth, breaks to facilitate increased water intake, periodic rest for those who stand for long periods of time, and assistance with manual labor, among other things.

In addition to requiring that employers provide reasonable accommodations, employers will be required to give pregnant workers written information about their rights. New employees must be given notice at the commencement of employment and existing employees within one hundred twenty days after the effective date of the law. The law allows an employee who believes she has been discriminated against to file a civil lawsuit to seek damages or changes in policy, or to make a complaint to the New York City Human Rights Commission. Employers who do not comply could be fined up to \$250,000, face imprisonment, or be required to change practices, provide compensation, or re-hire employees who were discriminated against.

Similar legislation has been proposed (but not passed) at the statewide level in New Jersey, Pennsylvania, and New York, and similar laws are on the books in a number of states (including California and Connecticut). Accommodations for pregnant women are not provided for by federal law, making this a significant expansion of rights for New York City employees. Pregnant employees may, of course, become disabled and thus entitled to protections under the Americans with Disabilities Act. The new law will take effect on January 30, 2014.

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Lisa E. Cleary

212.336.2159

lecleary@pbwt.com

Catherine A. Williams

212.336.2207

cawilliams@pbwt.com

Sarah H. Lorr

212.336.2474

slorr@pbwt.com

Adam Pinto

212.336.2156

apinto@pbwt.com

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