

KD Alert: New York City Broadens Protections for Pregnant Employees in the Workplace

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On October 2, Mayor Bloomberg signed an amendment to the New York City Anti-Discrimination Law requiring employers to provide reasonable accommodations to pregnant employees and independent contractors.

New York City employers were already prohibited under federal, state and city law from discriminating against pregnant employees. However, the amendment mandates employers go beyond what those statutes require. New York City employers will now be legally required to provide employees with “reasonable accommodations” for the needs of their pregnancy, childbirth, and conditions associated with them. This requirement applies to even the simplest of needs, such as time for bathroom breaks, time to consume extra water, and time for employees frequently on their feet to sit down. These accommodations must be provided, unless they impose an undue hardship on the employer, which the employer would be required to prove. The amendment actually sets out what factors are to be evaluated when determining whether an undue hardship exists, including (i) the cost of the accommodation; (ii) the impact the accommodation can have on operations; (iii) the financial resources of the employer and the size (by employee) of its business; and (iv) the type of operations that make up the employer’s business.

The law applies to all New York City employers with four or more employees or independent contractors (as long as those independent contractors do not have their own employees). The law, which will take effect on January 30, 2014, also mandates that New York City employers distribute written notice of the new law to their employees. It is also suggested in the statute, but not required, that employers publicly post the notice that is distributed.

It is recommended that employers update their anti-discrimination policies and properly train their supervisory staff to ensure all managers have a full understanding of what the new law requires, particularly the day-to-day accommodations employers will now need to provide and which supervisors will likely have to implement and uphold.

For more information on the New York City Anti-Discrimination Law, or the recent amendment, please contact the attorneys in Kaufman Dolowich & Voluck’s Employment Law practice. Our firm provides employers with guidance in formulating and implementing employment practices and decisions to stay ahead of new and complex statutory regulations, and minimize their potential liability exposure.