



## Changes to New York City's Human Rights Law for Pregnant Employees

On October 2, 2013, departing New York City Mayor Michael Bloomberg signed a law amending the New York City Human Rights Law (NYCHRL) to add protections for pregnant employees.

The new law, went into effect on January 30, 2014, requires that employers with four or more employees provide reasonable accommodations to an employee due to pregnancy, birth, or a related medical condition that is known or should be known by the employer. "Reasonable accommodation" is defined as one that does not cause undue hardship to the employer. The new law applies to all pregnant employees even if a pregnant employee's condition does not qualify for disability protection under applicable federal, state, or local law.

### Reasonable Accommodations

Employers must offer qualifying employees reasonable accommodations to assist them in performing the essential functions of their jobs. The new law provides the following examples of what may constitute a reasonable accommodation to a pregnant employee:

- Leave for a period of disability due to childbirth;
- Additional bathroom breaks;
- Lighter workloads/shorter hours;
- Assistance with manual labor; and
- Breaks to facilitate increased water intake.

### Notice Requirements

Covered employers are also required to provide written notice of the new law to all current employees on or before May 30, 2014. The notice must describe the employees' rights to be free from discrimination in connection with pregnancy, childbirth, and related medical conditions. Moreover, effective January 30, 2014, all new hires must receive this notice when they begin their employment. There are no requirements that written notice be distributed in any language other than English. Employers are also encouraged to post this notice in an area where employees are likely to see it, but must still ensure that all employees receive an individual copy of written notice.

To satisfy this notice requirement, employers may provide their employees with the poster found on the New York City Commission on Human Rights' website:

<http://www.nyc.gov/html/cchr/html/publications/pregnancy-employment-poster.shtml>. There are no current guidelines for how the notice should be distributed.

### Further Considerations

Keep in mind that the New York City Human Rights Law is among the broadest and most "pro-employee" anti-discrimination laws in the country. It provides not only for punitive damages, but also for individual liability. Our clients are urged to take great care when dealing with hiring, discipline and/or discharge decisions where it is known (or reasonably believed) that the employee in question is pregnant.

## Recommendations

As previously stated, the new law went into effect January 30, 2014. Thus, to ensure employer compliance and limit exposure to potential claims under the new law, we recommend the following:

- Provide reasonable accommodations to employees due to pregnancy, childbirth, or related medical conditions. Consider obtaining legal advice and guidance to navigate particular situations.
- Review and update, to the extent that they must be updated, existing reasonable accommodation policies and practices.
- Distribute written notice to current employees by May 30, 2014.
- Ensure that any new hire materials or training packets include written notice for all new employees hired on or after January 30, 2014.
- Require that employees acknowledge receipt of the written notice and keep a copy of this acknowledgment on file for six (6) years.
- Train/educate supervisory staff on the procedure for reasonable accommodation requests.

If you have any questions, or require assistance with any matters related to the above, please contact Laurent S. Drogin or Richard L. Steer:

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