



NEW YORK STATE SENATOR

Hugh T. Farley

Sen. Farley Reports Senate Passes Bill to End Pregnancy Discrimination in the Workplace

HUGH T. FARLEY June 12, 2014

| ISSUE: **WOMEN**



State Senator Hugh T. Farley (R, C, I – Schenectady) reports that he and his colleagues in the New York State Senate unanimously passed legislation today that would require employers to provide reasonable accommodations to employees with pregnancy-related medical conditions.

Bill S5880 would require employers to perform a reasonable accommodation analysis for employees with conditions related to pregnancy and childbirth. A pregnancy-related condition would be treated as a temporary disability. Additionally, it would codify in law a regulation that an employee must provide medical or other information to verify the existence of the condition. The reasonable accommodation would not have to be granted if it imposed an undue hardship on an employer.

Some pregnant workers require modest adjustments on the job for conditions related to pregnancy and childbirth in order to stay healthy and keep working. Employees may require a stool to sit on, extra restroom breaks, a transfer away from hazardous duties, a temporary reprieve from heavy lifting, or a reasonable time for childbirth recovery.

While the Division of Human Rights has interpreted the gender and disability protections of the Human Rights Law to encompass pregnancy-related conditions, recent court decisions have resulted in confusion as to the availability and extent of this protection.

In order to protect the rights of pregnant workers, this bill would create a specific protection in the Human Rights Law requiring employers to provide a reasonable accommodation for pregnancy-related conditions, unless doing so would create an undue hardship.

This bill was also passed in 2013 as part of the Senate's Women's Equality Agenda.

The bill was sent to the Assembly.