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Employment Law Alert

Employers in the City of Philadelphia, New York City and the State of New Jersey Must Provide Reasonable Accommodations for Pregnancy and Childbirth

Philadelphia

Effective January 20, 2014, the Philadelphia Fair Practices Ordinance (“PFPO”) was amended whereby employers are required to provide reasonable accommodations to employees for needs related to pregnancy, childbirth, or a related medical condition, provided the employee requests such accommodations and such accommodations will not cause an undue hardship to the employer. Phila. Code § 9-1101, et seq.

The Philadelphia Fair Practices Ordinance applies to “any person who does business in the City of Philadelphia through employees, or who employs one or more employees exclusive of parents, spouse or children, including any public agency or authority.” § 9-1102(h).

It should be noted that Philadelphia employers are required to provide written notice to all employees of the right to be free from discrimination in relation to pregnancy, childbirth, and related medical conditions, and the right to reasonable accommodations within 90 days of the effective date of the amendment, or before April 20, 2014.

New Jersey

On January 21, 2014, New Jersey Governor Chris Christie signed legislation, effective immediately, which amended the New Jersey Law Against Discrimination (“NJLAD”), now prohibiting an employer from discriminating against a pregnant employee. The amendment also requires New Jersey employers to make available to pregnant employees reasonable accommodations in the workplace such as bathroom breaks, breaks for increased water intake, periodic rest, assistance with manual labor, job restructuring or modified work schedules, and temporary transfers to less strenuous or hazardous work.

New York City

Effective January 30, 2014, the New York City Human Rights Law (“NYCHRL”) was amended to prohibit employers from refusing to provide reasonable accommodations to the needs of an employee for pregnancy, childbirth, or related medical condition that will allow the employee to perform the essential requisites of the job. NY Admin. Code. § 8-107(22)(a). New York City employers are required to provide written notice to their employees regarding the right to be free from discrimination relating to pregnancy, childbirth, and related medical condition. § 8-107(22)(b).

It is important for employers in any of these jurisdictions to review and update their personnel policies to include the pregnancy discrimination and accommodation laws, and to make appropriate postings in the workplace as required by the amendments.

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