



PREGNANCY DISCRIMINATION IS AGAINST THE LAW

All pregnant people are protected against discrimination under the New York State Human Rights Law. **It is against the law** to terminate an employee or refuse to hire an applicant because they are pregnant or because of a pregnancy-related condition, or to cut an employee's hours, pay or otherwise discriminate in the terms, conditions, and privileges of employment because of pregnancy or childbirth.

- **It is also unlawful** to penalize employees, by a point system or otherwise, for taking lawful time off due to pregnancy, childbirth, or a related condition. Employers may charge employees' accrued leave as necessary but may not discipline or take any other negative action against an employee for taking time off for pregnancy related conditions.
- **It is unlawful to** involuntarily change an employee's work assignments or responsibilities due to their pregnancy. It is also unlawful to require a pregnant worker to take a mandatory leave of absence, unless the employee is prevented by the pregnancy from performing the essential activities involved in the job in a reasonable manner.
- **An employer must provide reasonable accommodations** to allow an employee or job applicant with a pregnancy-related condition to perform their job in a reasonable manner, unless doing so would impose an undue hardship on the employer. Any medically-advised need or restriction related to pregnancy will trigger the need to accommodate. Examples of accommodations include but are not limited to: extra breaks to rest, use the bathroom, drink, or eat; temporary assignment to a less physically demanding role; and a modified job schedule. It is unlawful to retaliate against a person for needing, requesting, or using a reasonable accommodation. An employer may require medical documentation only if necessary for consideration of the accommodation and must keep that documentation confidential.

Employers are required to hold jobs and maintain health insurance coverage for workers who are absent due to pregnancy, recovery from childbirth, or a related condition, as they do for employees who take leave for other reasons.

For up to three years following childbirth, employees have the right to take reasonable unpaid break time or use paid break time or meal time each day to express breast milk at work. Employers must make reasonable efforts to provide a room or another non-bathroom location, in close proximity to the employee's work area, where the employee can express breast milk in private. It is unlawful to discriminate against or harass a person for their decision to express breast milk at work.

Employees may also have rights under the NYS Paid Family Leave, NYS Paid Sick Leave, federal Family and Medical Leave Act, federal Americans with Disabilities Act and state disability accommodations law, and local law.

