

Pittsburgh Now Requires Pregnancy Accommodations for Employees and Partners

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In major news for employers in Pittsburgh, the City Council just unanimously passed a new ordinance greatly expanding protections for pregnant employees and imposing several new requirements on private employers, much like those under the federal Pregnancy Discrimination Act, Americans with Disabilities Act, and related EEOC guidance.

The ordinance also makes Pittsburgh one of the first cities nationwide to offer protections for *partners* of pregnant women—which is defined broadly to mean a person of any gender with whom a pregnant woman has a relationship of mutual emotional and/or physical support (and does not require a marital or domestic relationship). Committee members called the legislation “trailblazing” and “leading the way nationwide.”

Section 659.02 of Article V, Chapter 659 of the Pittsburgh City Code, the City Fair Practices Provisions, already treats pregnancy discrimination as a form of sex discrimination—prohibiting employers with 5 or more employees from discriminating on the basis of “sex including pregnancy, childbirth, or a related medical condition.” The new ordinance amends and supplements these existing provisions, elevating protections for pregnant workers by making pregnancy its own protected class. It also makes nearly all of the law’s antidiscrimination provisions apply to partners of pregnant workers, as well.

Under the new ordinance, Pittsburgh employers can be liable for discrimination if they fail to reasonably accommodate their pregnant employees, unless they can prove that doing so would cause undue hardship. Examples of reasonable accommodations listed by the ordinance include, among other things, schedule modifications, granting leave requests, modified duties and job requirements, and modified work stations.

The ordinance requires employers to initiate an interactive process with pregnant employees who are having an issue with their work performance or conduct at work related to their or a partner’s pregnancy, childbirth, or related medical condition —regardless of whether the employee has asked for an accommodation. In addition, it limits when employers may request medical documentation from pregnant workers and forbids retaliation against employees who request reasonable

accommodations under the new law.

The Pittsburgh Commission on Human Relations is the City agency tasked with investigating complaints under this ordinance.

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