

New Pregnancy Laws Deliver Additional Protections for Women

Article By:

Kristine J. Feher

New Jersey lawmakers recently amended the **New Jersey Law Against Discrimination (NJLAD)** to provide additional protections for women whom employers know, or should know, are affected by pregnancy, childbirth, or related medical conditions. Following in the footsteps of recent New York City legislation, New Jersey's amendment is designed to prevent women from being removed from their positions, fired, or forced to go on leave as a result of pregnancy or childbirth.

The NJLAD now includes pregnancy on its list of **protected classes**. This means that an employee cannot be treated less favorably because she is pregnant or has given birth. It also means that covered employees are entitled to reasonable accommodations needed to perform their jobs and function comfortably in the workplace. Appropriate accommodations may include providing bathroom breaks, breaks for increased water intake, periodic rest, modified work schedules, assistance with manual labor, and temporary transfers to less strenuous or less hazardous work.

Much like the reasonable accommodation requirements in place for disabled employees, employers may deny requests for accommodations related to pregnancy or childbirth if they would impose an undue burden on the employer, considering such factors as the nature and cost of the accommodation and the size and resources of the employer. The NJLAD also specifies that "the extent to which the accommodation would require waiving an essential requirement of a job as opposed to a tangential or non-business necessity requirement" is a factor to be considered in determining whether the accommodation would pose an undue hardship.

The NJLAD does not provide for any additional paid or unpaid leave for affected employees. However, to the extent employers provide paid or unpaid leave to employees for other purposes, they must make such leave available to employees affected by pregnancy, childbirth or related medical conditions.

Employers with employees in New York City are encouraged to review our recent posting on the similar amendment to the New York City Human Rights Law (which requires notice to employees).

Source URL: <https://natlawreview.com/article/new-pregnancy-laws-deliver-additional-protections-women>