

Connecticut Expands Anti-Discrimination and Accommodation Protections for Pregnant Employees and Applicants

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Earlier this month, Connecticut Governor Dannel Malloy has signed into law [“An Act Concerning Pregnant Women in the Workplace”](#) (the “Act”), which enhances employment protections for pregnant employees and applicants under the state’s existing anti-discrimination law. The expanded protections amend the Connecticut Fair Employment Practices Act (“CFEPA”) and will go into effect October 1, 2017.

The Act maintains most of the current employer obligations that CFEPA requires for pregnant employees, including prohibitions on, among other things, terminating employment due to pregnancy, refusing to provide reasonable leave for disability resulting from pregnancy, or refusing to reinstate an employee after leave for such a pregnancy-related disability unless the employer’s circumstances have otherwise so changed that it is no longer possible to do so.

However, once effective, the Act will now make it a discriminatory practice for Connecticut employers to:

- limit, segregate, or classify an employee in a way that would deprive her of employment opportunities because of her pregnancy;
- discriminate on the basis of an employee or applicant’s pregnancy in the terms or conditions of her employment;
- fail to accommodate a current or prospective employee during her pregnancy, unless providing such accommodation would constitute an undue hardship on the employer;
- deny employment opportunities to a pregnant employee or applicant if denial is due to a request for reasonable accommodation;
- require a pregnant employee or applicant to accept a reasonable accommodation if one is not needed;
- require a pregnant employee take a leave of absence where a different reasonable accommodation may exist that would allow the employee to continue to perform the essential functions of her position; and
- retaliate against an employee based on her request for reasonable accommodation relating to

pregnancy.

The Act further provides expansive new definitions for the terms “pregnancy,” “reasonable accommodation,” and “undue hardship” under CFEPA, as follows:

- The traditional statutory definition of “pregnancy” is expanded to cover any condition related to pregnancy and childbirth, including but not limited to, lactation. This definition is significantly broader than both the federal Pregnancy Discrimination Act (which limits “pregnancy” to including related medical conditions, rather than all related conditions) and the prior CFEPA definition (which limited employer accommodation requirements to situations involving “disability” resulting from pregnancy rather than requests relating to healthy pregnancies or conditions that do not otherwise rise to the level of a disability).
- “Reasonable accommodation” is defined to include, without limitation, such things as permission to sit while working, longer or more frequent breaks, intermittent rest, assistance with manual labor, restructuring of job duties, modified assignments and work schedules, temporary reassignments, time off after childbirth, and break time and facilities for expressing breast milk in the workplace.
- “Undue hardship” is defined an action requiring significant difficulty or expense, considered in light of factors such as nature and cost, employer financial resources, employer business size, and the effect on expenses and resources of such an accommodation.

Finally, the Act also includes express notice requirements to which Connecticut employers must adhere. Specifically, employers must provide existing employees with written notice of employee rights under the Act within 120 days of the law going into effect, and must also provide notice (going forward) to all new employees upon hire, and to any employee who notifies the employer of a pregnancy within ten days of such notification. Notice can be satisfied by displaying a poster containing all relevant information in both Spanish and English in a conspicuous location at the employer’s place of business. It is anticipated that the CT Commission on Human Rights and Opportunities will issue a form posting for this purpose.

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