

## Client Alert

### NEW YORK CITY PROHIBITS DISCRIMINATION IN EMPLOYMENT BASED ON PREGNANCY, CHILDBIRTH OR RELATED MEDICAL CONDITION

**September 25, 2013** – Yesterday, the New York City Council approved a new law, the Pregnant Workers Fairness Act, that prohibits most employers in New York City from failing to provide reasonable accommodation for pregnant women or those suffering from a pregnancy or childbirth-related medical condition. The new law, which amends the New York City Human Rights Law, grants those who believe they have suffered discrimination based on their employer's failure to provide such accommodation the right to file a civil action. The law also allows individuals to file a complaint with the City's Commission on Human Rights. The Act, which passed by a unanimous vote (thus making it "veto proof"), applies to all businesses with four or more employees, including those engaged by such employers as independent contractors. Businesses that would face "undue hardship" in making such accommodations would also be excluded; however, the burden of proving undue hardship is on the employer, pursuant to a variety of factors specifically outlined in the statute.

The law also requires employers to provide written notice to its employees of their right to be free from discrimination on the basis of pregnancy, childbirth or a related medical condition.

The law becomes effective in 120 days. A copy of the new law can be found by clicking [here](#). Similar legislation has been introduced, but not yet passed, in both the New York State legislature and the U.S. Congress – so employers who operate outside the City limits could conceivably face similar restrictions and requirements in the future.

For more information about the Pregnant Workers Fairness Act, or any other employment-related matters, please contact either of the Morrison Cohen LLP partners named below, or your usual Morrison Cohen LLP attorney contact.

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