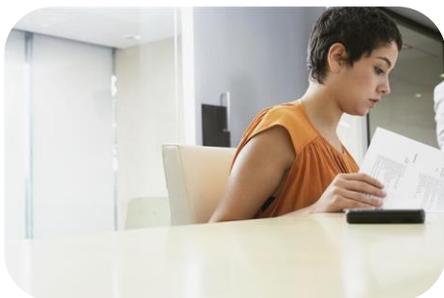


Reminder: NYC employers must provide pregnancy rights notices by May 30

The New York City Human Rights Law was amended to require most NYC employers to provide reasonable accommodations for pregnancy, childbirth, and related medical conditions, effective January 30, 2014. The amendment also requires employers to provide written notice to new employees when they begin employment and to existing employees by May 30, 2014. Employers should review their procedures and practices to ensure that they have updated new hire materials and policies in place to comply with the new accommodation and notice requirements.

Background

The New York City Human Rights Law ([NYCHRL](#)) provides broad protections against employment discrimination based on age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage or citizenship status, sexual or domestic violence victim status, or unemployment status. The NYCHRL applies to New York City employers (including employment agencies) with four or more employees (including independent contractors), and is enforced by the NYC Human Rights Commission (Commission).



On October 2, 2013, then NYC Mayor Michael Bloomberg signed into law an amendment ([Int. No. 974-2012A](#)) to the NYCHRL, expanding protections against employment discrimination to pregnant employees. Although the NYCHRL already prohibited discrimination on the basis of gender and disability, the amended law protects pregnant employees regardless of whether their condition would be considered to be a disability under federal, state, or city law. The amendment took effect on January 30, 2014.

The amended law

Under the new law, employers are required to provide reasonable accommodations to pregnant women and those who suffer medical conditions related to pregnancy or childbirth, provided the employer knows or should have

known of the employee's pregnancy, childbirth, or related medical condition. Reasonable accommodations under the amended law must be made in the same manner as those required because of a disability under the NYCHRL.

Buck comment. By requiring employers to provide reasonable accommodations to women who are pregnant or have medical conditions related to pregnancy and childbirth but do not have an accompanying disability, the NYCHRL provides broader protections than federal and state anti-discrimination laws such as the Americans with Disabilities Act and New York State Human Rights Law.

Under the NYCHRL, an accommodation is "reasonable" as long as it allows the employee to perform the essential requirements of the job but does not cause the employer an undue hardship. Examples of reasonable workplace accommodations may include bathroom breaks, breaks to facilitate increased water intake, periodic rest for those who stand for long periods of time, assistance with manual labor, changes to the work environment, or leave.

Notice requirement

Under the amended law, employers must provide written notice of the right to be free from pregnancy-related discrimination to new hires upon the commencement of their employment and to existing employees no later than May 30, 2014. The Commission has provided for download in seven languages a [Pregnancy and Employee Rights poster](#) that may be distributed to satisfy the notice requirement as well as an information [card](#). Employers may also, but are not required to, conspicuously display the poster in the workplace.

In closing

New York City employers should review and, as needed, update their procedures and practices to ensure compliance with the NYCHRL's new accommodation and notice requirements. They should also ensure that they have trained managers on handling workplace accommodation requests for pregnancy, childbirth, or related medical conditions.

Authors

Nancy Vary, JD
Abe Dubin, JD

Produced by the Knowledge Resource Center of Buck Consultants at Xerox

The Knowledge Resource Center is responsible for national multi-practice compliance consulting, analysis and publications, government relations, research, surveys, training, and knowledge management. For more information, please contact your account executive or email fyi@xerox.com.

You are welcome to distribute FYI® publications in their entirety. To manage your subscriptions, or to sign up to receive our mailings, visit our [Subscription Center](#).

This publication is for information only and does not constitute legal advice; consult with legal, tax and other advisors before applying this information to your specific situation.

©2014 Xerox Corporation and Buck Consultants, LLC. All rights reserved. Xerox® and Xerox and Design® are trademarks of Xerox Corporation in the United States and/or other countries. Buck Consultants® is a registered trademark of Buck Consultants, LLC in the United States and/or other countries.