

## KNOW YOUR RIGHTS:

# Pregnancy Accommodations At Work

If you are working while pregnant, or recovering from childbirth, you don't have to risk your health to stay at your job.

As of January 19, 2016, New York State law guarantees you an explicit right to reasonable workplace accommodations so you can keep earning a paycheck when you need it most.

### What does this law do?

The law strengthens antidiscrimination protections for pregnant employees and post-partum mothers who work in New York State. Under the new law, employers have to allow employees with pregnancy-related conditions to make changes to their work duties or schedule in order to stay healthy, unless doing so would be an "undue hardship." These changes are called "reasonable accommodations."

#### Examples of accommodations that you might need at work:

- Light duty, help with lifting, or a temporary transfer to a less physically demanding position
- Time off for pregnancy-related absences
- Occasional breaks to rest or drink water
- Time off for recovery from childbirth
- Modified work schedule

### Am I covered?

If you are pregnant, recovering from childbirth, or have a related medical condition and work for, or are applying to work for, an employer in New York State who has four or more employees, then you are covered.

### What are my rights?

Your employer must provide a "reasonable accommodation" to keep you healthy and safe at work. Your employer is allowed to deny your request for an accommodation if it would cause an "undue hardship" or, if you cannot, with accommodation, perform the activities of your job in a reasonable manner. If your employer refuses to accommodate you for either reason, but accommodates other workers with similar limitations, such as those with disabilities or on-the-job injuries, consult an attorney. This may be evidence of pregnancy discrimination.

Your employer may request medical certification to confirm the need for an accommodation. You have the right to have such medical information kept confidential.



### What should I do if I am not being accommodated at work?

Call A Better Balance for free legal counseling at (212) 430-5982 or contact another attorney if you think your right to pregnancy accommodations has been violated. You may file a complaint with the New York State Division of Human Rights to vindicate your rights, though you may also have other options under federal and local laws.

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balance*

the work and family legal center

abetterbalance.org 212.430.5982