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New Requirements to Accommodate Pregnant Workers

New York City, Philadelphia and the State of New Jersey have all become the latest jurisdictions to require employers to provide reasonable accommodations to pregnant workers and those who have a medical condition relating to pregnancy or childbirth, even if that condition does not constitute a disability under the law. New Jersey and Philadelphia's laws apply to employers of any size. New York City's law applies to employers of four or more employees or independent contractors (so long as the contractors are not themselves employers).

These new laws go a step further than existing federal law. For example, pregnant employees now could be entitled to an accommodation even if they are experiencing a healthy pregnancy. Employers have a heightened obligation to respond to requests from pregnant workers for additional bathroom breaks, longer rest periods, assistance with lifting, scheduling changes or other accommodations.

When receiving an accommodation request from a pregnant worker, employers subject to these laws should consider engaging in an interactive dialogue similar to that required by the Americans with Disabilities Act to determine whether reasonable accommodation may be provided. Guidance for engaging in such a dialogue is available at [here](#). Although the laws do include certain exceptions (for example, due to undue hardship of the employer), employers should consult with the appropriate human resources professional or legal counsel to determine whether those exceptions apply to their specific circumstance.

The laws also contain differing notice requirements. The New York City poster is available at [here](#). By April 20, 2014, Philadelphia employers must post or otherwise provide to employees in writing the notice available at [here](#). New Jersey's new law amended the existing New Jersey Law Against Discrimination and employer postings should therefore be updated accordingly. Workforce Development) should be provided to employees as well. ■

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