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**MAYOR DE BLASIO ANNOUNCES STRONGER PREGNANCY PROTECTIONS IN
THE WORKPLACE, HOUSING AND PUBLIC SPACES**

*Before Mother's Day, Commission on Human Rights releases new guidance that defines
violations of pregnancy protections under the NYC Human Rights Law and requires
reasonable accommodations for pregnant employees*

*Guidance ensures pregnant employees are not unfairly terminated, pushed out of workforce or
discriminated against based on their pregnancy*

NEW YORK—Today, Mayor de Blasio and Human Rights Commissioner Carmelyn P. Malalis released new guidance that defines violations of pregnancy protections under the New York City Human Rights Law, and provides clear examples of when and how employers should make accommodations for employees based on pregnancy, childbirth or a related medical condition.

“Pregnant employees should never be penalized for wanting to start or expand their family and should never have their health or safety put at risk in the workplace,” said **Mayor de Blasio**. “Pregnant employees deserve safe work environments and the same opportunities to grow and thrive in their careers. I applaud the Commission for issuing this guidance, which helps pregnant employees understand their rights and clarifies employers’ responsibilities so they don’t unknowingly violate the law. I look forward to working with Commissioner Malalis and her team to further strengthen and clarify protections under the New York City Human Rights Law, one of the strongest anti-discrimination laws in the nation.”

“Pregnant employees should never have to choose between their jobs and having a family,” said **First Lady and Honorary Chair of the City's Commission on Gender Equity Chirlane McCray**. “Women increasingly serve as the primary breadwinners for their families, working later into pregnancy than ever before. Employers should not be allowed to deprive employees of their livelihood because they are pregnant. When women suffer, so do their families.”

“Far too often, pregnant employees are denied basic accommodations in the workplace, unnecessarily putting their pregnancy and health at risk,” said **NYC Human Rights Commissioner and Chair Carmelyn P. Malalis**. “The Commission’s new Legal Enforcement Guidance on Pregnancy Discrimination will enable pregnant employees to understand their rights so they can request reasonable accommodations without fear of retaliation. The guidance also provides employers with a clear roadmap of how to negotiate complex accommodation

scenarios without violating the law. Every New Yorker deserves a safe and equitable work environment and this guidance helps ensure they get it.”

Although employers in New York City have been required to provide reasonable accommodations to pregnant workers since 2014, many pregnant employees are still routinely denied basic accommodations – such as minor changes to work schedules and bathroom breaks – and are unfairly passed up for promotions due to their pregnancy, putting their careers and health in jeopardy. Today’s guidance clearly defines such violations and makes clear how employers should accommodate pregnant employees, providing examples and policies to help employers comply with law.

Today’s enforcement guidance provides clear examples of what constitutes discrimination based on pregnancy, childbirth or a related medical condition under the New York City Human Rights Law in employment, housing and public accommodations and outlines how employers must identify and accommodate pregnant employees, including:

- **Defining specific violations of pregnancy protections under the Law in employment, housing, and public spaces**, including firing or refusing to hire or promote employees because they are pregnant, refusing to accept a housing application based on an applicant’s pregnancy or denying entry to a public accommodation, such as bars or clubs, based on pregnancy.
- **Requiring employers to accommodate reasonable requests** from employees related to pregnancy, childbirth, or a related medical condition, including minor changes in work schedules, allowing for drinking, snacking, and bathroom breaks; allowing employees to eat at their desks; providing seating; arranging for light duty or desk duty assignment; transferring workers to other available positions that are less strenuous or hazardous; and allowing for unpaid leave to recover from childbirth.
- **Defines what an employer must prove in order to deny an accommodation**, such as undue hardship or that an employee would not be able to satisfy the essential requisites of a job even with a reasonable accommodation.
- **Clarifying that employees undergoing fertility treatment, who have had abortions or miscarriages, or who are breastfeeding are entitled to reasonable accommodations** under the New York City Human Rights Law, such as a more flexible schedule to attend fertility appointments, additional unpaid leave to recover from a procedure, and a private space to express breast milk.
- **Requiring employers to initiate and engage in a “cooperative dialogue”** with employees when the employer is on notice that an employee is in need of an accommodation based on pregnancy, childbirth or a related medical condition, noting that failure to do so may result in a violation of the law.
- **Clarifying that an employer may not retaliate against employees for requesting reasonable accommodations** for pregnancy, childbirth or a related medical condition.

Many pregnant employees are still being denied minor accommodations in the workplace, especially low-wage workers. According to a [report](#) by the National Women’s Law Center and A Better Balance, over 40 percent of low-wage workers report that their employers do not permit them to decide when to take their breaks; three-quarters report being unable to choose start and quit times; and roughly half report having very little or no control over the scheduling of hours. Denying accommodations to pregnant employees can lead to pregnancy complications such as preterm birth, low birth weight, pregnancy-induced hypertension and preeclampsia, miscarriage and congenital anomalies, [studies](#) show.

Today’s guidance provides clear examples and steps employers must take to accommodate pregnant employees, strengthening protections under the New York City Human Rights Law, which goes further than many U.S. municipalities in protecting the rights of pregnant individuals in the workplace, including state and federal law. New York State pregnancy protections allow employers to require a doctor’s note before granting minor accommodation to pregnant employees, whereas New York City’s law does not. Federal law does not explicitly require employers to make accommodations for pregnant employees.

New York City continues to strengthen the rights of women and employees against discrimination in the workplace, including recent guidelines that clarify gender identity protections, new protections for caregivers in the workplace, new amendments on criminal and credit history discrimination, and, as of July 26, added protections for victims of domestic violence in housing.

The New York City Human Rights Commission is the City agency charged with enforcing the New York City Human Rights Law, which protects against citywide discrimination based on 22 protected categories. The Commission will investigate and prosecute all instances of pregnancy discrimination based on this legal guidance.

If a member of the public believes they have been discriminated against based on pregnancy, childbirth or a related medical condition at work, in housing or in public accommodation, they should call 311 and ask for the Commission on Human Rights to get assistance.

Read the guidance [here](#).

“In this day and age, a woman should not be forced to choose between her career and motherhood,” said **State Senator Toby Ann Stavisky**. “Pregnancy should be a happy time for both parents, and yet many women are being unfairly treated by employers. No soon-to-be mother should be denied basic accommodations or passed up for a promotion. I commend the Commission on Human Rights, not only for recognizing the problem, but for offering clear guidance and definitions of pregnancy protections. With this initiative and the recent passage of Paid Family Leave, New York is becoming an even better place for families.”

"In 2016, a woman's choice to grow her family should not have a negative effect on her career. I applaud the Commission on Human Rights for clearly laying out violations and policies to hold employers accountable. The hope is that with guidelines like these and Paid Family Leave on the books, we will move closer to a more equal world for all men and women," said **Assembly Member Nily Rozic**.

"If we are truly serious about closing the wage gap and attacking income inequality, we need to support pregnant women. I want to thank Mayor Bill de Blasio and the Commission on Human Rights for protecting women in the workplace," said **Council Member Helen Rosenthal, Co-Chair of the Women's Caucus.**

"GELC applauds the release of the City Commission's Pregnancy Discrimination Guidance. The specificity of these guidelines will help us enforce the rights of our clients to obtain reasonable accommodations on the job, while pregnant. So often, we see even minor modifications denied that result in women being prematurely pushed out of their jobs. It will also lead to better enforcement of the law by making clear to employers what their actual obligations are under the Pregnant Workers Fairness Act," said **Allegra L. Fishel, Executive Director of the Gender Equity Law Center.**

"Accommodation of pregnant women cannot be a favor. It is a human right and the law in New York City," said **Azadeh Khalili, Executive Director of the Commission on Gender Equity.** "Our administration is taking all the necessary steps to ensure that pregnant women can work in humane environments free of discrimination. This Guide will help women understand their rights and know what to do when they are violated. "

"Discrimination against pregnant women in the workplace persists even today. The new enforcement guidance will ensure pregnant women receive the accommodations they need to continue earning an income while maintaining a healthy pregnancy," said **Founding Director of the Center for WorkLife Law and Distinguished Professor of Law at the University of California, Hastings College of the Law Joan Williams.** "Employers generally find that providing accommodations for pregnant women is inexpensive and easy to do. I applaud the Commission for providing New York City employers with the guidance they need to comply with the law and ensure fairness for pregnant employees."

"Today's new guidance ensures that pregnant workers in New York City are clearly informed of their rights on the job," said **co-Founder and co-President of A Better Balance Dina Bakst.** "A Better Balance applauds the Commission's aggressive enforcement of the NYC Pregnant Workers Fairness Act and looks forward to partnering to ensure that no worker has to choose between earning a paycheck and maintaining a healthy pregnancy."

"We applaud the Commission for issuing guidance that clarifies the rights of pregnant employees and the obligations of employers in a range of situations relating to pregnancy and childbirth," said **Executive Director at the New York Civil Liberties Union Donna Lieberman.** "These guidelines will help ensure that pregnant workers can continue working without discrimination and without compromising their health or safety."

"Moms-to-be deserve a safe and stable work environment," said **co-Founder and co-Executive Director of the Make It work Campaign Vivien Labaton.** "They also deserve the same opportunities as every other employee. I applaud the Commission for issuing this much-needed guidance that spells out pregnancy protections under the law. Other cities and states ought to follow their lead – it's long past time that our workplace rules are brought into the 21st century."

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