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MEMORANDUM

CONFIDENTIAL

DATE: October 7, 2013

TO: Kane Kessler Clients

FROM: Kane Kessler, P.C.
Labor & Employment Dept.

RE: The Pregnant Workers Fairness Act, New York City Council Bill

On October 2, 2013 Mayor Bloomberg signed “The Pregnant Workers Fairness Act,” a bill passed unanimously by the New York City Council on September 24, 2013 prohibiting employers of four or more employees from discriminating against pregnant employees or employees who have delivered a child. The law becomes effective 120 days after October 2, 2013, on January 30, 2014.

The law requires an employer to provide reasonable accommodations, such as more frequent bathroom breaks, breaks to increase intake of water, periodic rest and assistance with manual labor to pregnant workers (employees who the employer knows or should have known are pregnant), absent a showing of undue hardship. Factors to be considered in determining undue hardship are the nature and cost of the accommodation, the overall resources of the employer, including the number of employees, and the type of operation. Although the original bill contained a requirement that the employee must provide medical documentation, the amended bill deleted a showing from a health care provider. The law requires notice to new employees and notice posting available from the New York City Human Rights Commission. The Commission shall also develop a course of instruction to inform employers, employees and job applicants of the new law.

If you have any questions, please do not hesitate to contact [David R. Rothfeld](#), [Judith A. Stoll](#), [Robert L. Sacks](#), [Lois M. Traub](#), [Niki J. Franzitta](#) or [Alexander Soric](#) in our Labor & Employment Department.