

Protections for Pregnant Employees in Connecticut and Select States

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Issue

Describe the protections Connecticut, Massachusetts, New York, and Washington laws provide pregnant employees. (A summary of the protections provided under federal law is also included.)

Summary

Connecticut, Massachusetts, New York, and Washington prohibit employers from discriminating on the basis of pregnancy and pregnancy-related conditions. These states' laws generally (1) prohibit certain employers from treating pregnant employees or job applicants less favorably than other employees and (2) require the employers to provide reasonable accommodations to such employees. Of these states, only Connecticut and Massachusetts require employers to notify employees of their right to be free from pregnancy-related discrimination. All four states apply the anti-discrimination provisions to varying employer sizes and, in doing so, generally exempt certain small employers, as shown in Table 1.

The federal [Pregnancy Discrimination Act \(PDA\)](#) prohibits employment discrimination on the basis of pregnancy, childbirth, or related medical conditions. Among other things, the PDA prohibits employers from refusing to hire a woman based on pregnancy or singling out a pregnancy-related condition to determine an employee's ability to work. Additionally, employers must (1) provide health insurance that covers expenses for pregnancy-related conditions on the same basis as costs for other medical conditions and (2) make reasonable accommodations for pregnant employees the same as temporarily disabled employees.

Table 1 lists the different provisions of each state's pregnancy discrimination law as well as the federal PDA. Column one identifies the provision. Columns two through six identify whether the provision is included in Connecticut, Massachusetts, New York, Washington, or the PDA.

Table 1: Pregnancy Discrimination Laws in Select States

<i>Provision</i>	<i>Connecticut</i>	<i>Massachusetts</i>	<i>New York</i>	<i>Washington</i>	<i>PDA</i>
Applicable employer size	3+ employees	6+ employees	4+ employees	15+ employees	15+ employees
Prohibits discrimination on basis of pregnancy in terms or conditions of employment	Yes	Yes	Yes	Yes	Yes
Applies to prospective employees	Yes	Yes	Yes	Yes	Yes
Requires workplace accommodations	Yes	Yes	Yes	Yes	Yes
Permits employer-imposed leaves of absence	No	No	No	No	No
Prohibits retaliation for requesting reasonable accommodation	Yes	Yes	Yes	Yes	No
Requires employer notification to employees of right to be free from discrimination due to pregnancy	Yes	Yes	No	No	No
Enforcement agency (acronym provided below)	CHRO	MCAD	DHR	OAG	U.S. EEOC

Source: Office of Legislative Research

Pregnancy Discrimination Laws in Select States

Connecticut

Under the Connecticut Fair Employment Practices Act, it is unlawful to terminate or otherwise discriminate against an employee or applicant because of pregnancy, childbirth, or a related condition. The state Commission on Human Rights and Opportunities (CHRO) is responsible for enforcing pregnancy discrimination laws in Connecticut. Generally, employers of three or more employees must make reasonable accommodations for an employee, or job applicant, due to pregnancy, childbirth or a related condition. Among other things, reasonable accommodations include, but are not limited to (1) frequent or longer breaks, (2) modified policies concerning food or drinks, (3) assistance with manual labor, (4) increased time-off, and (5) modified dress code or uniform requirements. The law allows an employer to deny an accommodation if it can demonstrate that making the accommodation would cause the employer undue hardship. In addition, employees may request reasonable leaves of absence due to pregnancy. Employers cannot retaliate against an employee because of such a request. Similarly, under Connecticut law an employer may not compel an employee to (1) accept an accommodation if the employee does not have a known limitation due to her pregnancy or does not require an accommodation or (2) take a leave of absence if a reasonable accommodation can be provided ([CGS 46a-60](#)).

Massachusetts

The Massachusetts Pregnant Workers Fairness Act prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions and applies to all employers with six or more employees. The Massachusetts Commission Against Discrimination (MCAD) enforces and administers the state’s anti-discrimination laws. Under state law, such employers must accommodate conditions related to pregnancy unless doing so would cause the employer undue hardship (e.g., significant difficulty or expense). Generally, employers cannot: (1) require pregnant

employees to accept particular accommodations or impose parental leave; (2) refuse to hire a job applicant based on pregnancy or a pregnancy-related condition; (3) deny employment opportunities or take retaliatory action because of pregnancy or pregnancy-related accommodations; and (4) require medical documentation for a pregnancy-related accommodation. Similar to Connecticut, the Massachusetts employers must notify employees of their right to be free from discrimination due to pregnancy and pregnancy-related conditions ([Mass. Gen. Laws ch. 151B, §4](#)).

New York

Under New York Human Rights Law, the medical needs of women who are pregnant, or who have recently given birth, must be treated the same as the medical needs of all other employees (*Union Free School District No. 6 v. N.Y. State Human Rights App. Bd.*, 35 N.Y.2d 371 (1974)). Among other things, state law prohibits employers of four or more employees from terminating or refusing to hire an employee because of pregnancy or a pregnancy-related condition. Additionally, an employer is prohibited from compelling an employee to take a leave of absence in lieu of providing a reasonable accommodation. Employers must consider reasonable accommodations that enable a pregnant employee to continue performing her job in a reasonable manner and may not take retaliatory action against an employee who has sought such accommodations. New York law requires employers to hold jobs for women who are absent due to pregnancy or childbirth, the same as they must do for employees who take leave for other reasons. Employers are not required to provide written notice of reasonable accommodations to pregnant employees but are strongly recommended to do so by the state's Division of Human Rights (DHR), the agency responsible for investigating and enforcing pregnancy discrimination claims ([N.Y. Exec. Law § 296](#)).

Washington

Washington's Pregnant Workers Fairness Act requires employers with 15 or more employees to make reasonable accommodations for pregnant employees so long as doing so does not cause the employer undue hardship. In addition, employers are prohibited from (1) taking adverse action against employees who request reasonable accommodations, (2) denying employment opportunities to qualified employees based on pregnancy, or (3) requesting medical documentation to support a reasonable accommodation request. Under state law, reasonable accommodation means, among other things: (1) providing temporary transfer to a less hazardous position; (2) providing seating or allowing an employee to sit more frequently; (3) job restructuring; and (4) any other pregnancy accommodation an employee may request. In Washington, the Office of the Attorney General (OAG) is tasked with enforcement of the state's pregnancy discrimination laws ([Wash. Rev. Code § 43.10.005](#)).

Federal Pregnancy Discrimination Act (PDA)

The [PDA](#) prohibits employment discrimination on the basis of pregnancy, childbirth, or a pregnancy-related condition. The law's protections cover employees who work for an employer having at least 15 employees. Under the law, such employers are prohibited from (1) forcing a pregnant worker to take a leave of absence, (2) refusing to hire a woman because of a pregnancy-related condition, or (3) treating job applicants differently because of pregnancy or a pregnancy-related condition. In addition, employers may not require such employees to submit medical documentation in support of a reasonable accommodation request unless a similar documentation is required for accommodation requests from employees with disabilities. Among other things, employers must

also cover pregnancy-related expenses on the same basis as costs for other medical conditions. PDA related complaints are investigated and enforced by the United States Equal Employment Opportunity Commission.

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