

Bill to Ban Pregnancy Discrimination Unanimously Passed by New Jersey Senate

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Similar to [recent legislation passed in New York City](#), the New Jersey Senate unanimously passed a bill on Monday that would explicitly prohibit employment discrimination based on pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, including recovery from childbirth.

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S-2995, sponsored by Senate Majority Leader Loretta Weinberg (D-Bergen) and designed to fill gaps in federal and state law, would amend New Jersey's Law Against Discrimination to prohibit employers from treating pregnant women in a manner less favorable than the treatment of others who are not affected by pregnancy but similar in their ability or inability to work. (The Law Against Discrimination applies to New Jersey employers of all sizes, regardless of the number of employees.) In a statement, Senator Weinberg said: "Unfortunately, pregnant women continue to be subjected to discriminatory treatment on the job in ways that are blatant or subtle. Low-wage workers are especially susceptible to on-the-job conditions that are unfair and unhealthy because they are more likely to have physically demanding jobs and less obliging employers. They are frequently denied basic accommodations in work environments that can be hostile to employee flexibility and they are more likely to lose income, insurance coverage and even their jobs."

Under the bill, employers would also be required to make reasonable workplace accommodations for an employee's pregnancy-related needs when requested with the advice of her physician, including bathroom breaks, breaks for increased water intake, periodic rest, assistance with manual labor, job restructuring or modified work schedules, and temporary transfers to less strenuous or hazardous work. An employer can deny an accommodation request if it can demonstrate that the accommodation would cause an undue hardship on its business operations. In determining whether an accommodation would impose undue hardship on the operation of an employer's business, the factors to be considered include: (1) the overall size of the employer's business with respect to the number of employees, number and type of facilities, and size of budget; (2) the type of the employer's operations, including the composition and structure of the employer's workforce; (3) the nature and cost of the accommodation needed, taking into consideration the availability of tax credits, tax deductions, and outside funding; and (4) the extent to which the accommodation would involve waiver of an essential requirement of a job as opposed to a tangential or non-business necessity requirement.

The bill next proceeds to the New Jersey Assembly, where it has been referred for approval to the Assembly Women and Children Committee.

Authors