

The Women's Legal Defense and Education Fund

FACT SHEET: NEW YORK CITY'S PREGNANT WORKERS FAIRNESS ACT

Pregnancy discrimination has been illegal since at least 1978 but many pregnant women still lose their jobs unnecessarily while pregnant. New York City has a new law called the "Pregnant Workers Fairness Act" (PWFA), which clarifies an employer's responsibilities towards employees with special needs arising from pregnancy or childbirth.

AM I COVERED?

Which employers are covered under the PWFA? All New York City employers who employ four or more people must obey the PWFA.

What if I am an "independent contractor"? If the employer uses "independent contractors," but the contractors do not employ anyone else, they count as "employees" toward the four-employee requirement.

What if I am not working legally in the United States? Employers must obey the PWFA regardless of your immigration status.

HOW DOES THE LAW WORK?

If I need help at work because of pregnancy or childbirth, what can I ask for? Employees with pregnancy- or childbirth-related conditions can ask for a "reasonable accommodation." A reasonable accommodation is something that allows you to perform your basic job tasks without causing "undue hardship" for the employer's business.

What are some of examples of reasonable accommodations under PWFA?

- Allowing more frequent bathroom breaks
- Providing time off to recover from childbirth
- Permitting the employee to carry a water bottle for hydration while working
- Allowing a stool at the workstation or sitting breaks for employees who stand for long periods of time
- Instructing other employees to help with manual labor or eliminating heavy lifting
- These are only a few possibilities; the law calls for many different types of reasonable accommodation.

HOW DO I USE THE PWFA?

How do I use this law? It is best to write your employer a note or an e-mail explaining that you are pregnant, the issue you are having on the job because of it, and the accommodation you want. Keep a copy of the communication. If possible, ask for an accommodation that is relatively easy, cheap, temporary, and enables you to do the basic tasks of your job. Keep a copy of your employer's response.

What if my employer says no? Negotiate! Ask if your employer has a suggestion of an accommodation that would work as well. Try to keep a record of all conversations, whether spoken or written. If your employer still refuses to provide you with a reasonable accommodation, consider filing a charge of discrimination with the New York City Commission on Human Rights, seeking other legal assistance or calling Legal Momentum's Helpline.

OTHER FEDERAL, STATE, AND CITY LAWS It is also illegal for an employer to do these things to an employee because of her pregnancy: fail to hire or promote, demote, terminate, pay lower wages, deny benefits to, or treat differently than other employees that are similar in their ability or inability to work.

If you think your employer is discriminating against you because you are pregnant or retaliating because you requested a pregnancy accommodation, contact **Legal Momentum's Helpline at 212-925-6635, ext. 650.**