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Pregnancy, Childbirth & Breastfeeding

It is unlawful for an employer to treat you less favorably in the workplace on the basis of pregnancy, childbirth, or a related medical condition. This type of treatment is a form of sex discrimination. An employer is also prohibited from discriminating against workers for pumping breast milk at work and you have the right to take breaks to do so. Depending on your situation, you may have the right to additional workplace protections to adjust your working conditions or to take paid or unpaid leave if needed.



Employers routinely fire pregnant workers, refuse to hire them, strip them of seniority rights, and deny them sick leave and medical benefits given other workers. Such policies have a lifetime impact on women's careers... discrimination against women workers cannot be eradicated unless the root discrimination, based on pregnancy and childbirth, is also eliminated."

— Susan Deller Ross,
Lawyer and Professor of Law, on behalf of the
Coalition to End Discrimination Against Pregnant
Workers in her 1977 hearing testimony advocating in
favor of enacting the Pregnancy Discrimination Act.

The Workplace and Pregnancy, Childbirth, and Breastfeeding

Women who are working while pregnant, recovering from childbirth, or breastfeeding, may encounter various obstacles in the workplace, including discrimination or the unlawful denial of critical legal protections. Discriminatory or unlawful conduct by an employer is often subtle, but can have a profound impact on a woman's job, career, or financial stability.

Many employers are unaware of their legal obligations and still operate under old-fashioned ideas about pregnant or parenting women in the workplace. Thus, it is critical that you know how to identify discrimination on these grounds and are aware that you have rights you can assert to protect yourself.

Some examples of discriminatory or unlawful conduct include:

- Your employer fires you shortly after learning you are pregnant or starts issuing you negative employment evaluations.
- Your employer forces you to go on leave or work fewer hours

because you are pregnant, even though you are still able to fulfill your regular duties.

- You are pregnant and your employer denies you a promotion and tells you to try again after you have your baby.
- Your employer allows people to take paid leave for various injuries that occur outside the workplace but refuses to allow you to take paid leave to recover from complications from childbirth.
- You apply for a job and the employer asks you if you are pregnant or planning to have a child during the interview.
- You ask for a private location to pump milk at work and you are told to pump in the bathroom.
- You ask for breaks to pump milk at work and you are told that is not an option given the nature of your work. You are then disciplined every time you take a break to pump.

What are My Legal Rights?

NON-DISCRIMINATION: Under federal law, which applies to employers with **15 or more employees**, or under New York State law, which applies to employers with **4 or more employees**, an employer is prohibited from treating you less favorably on the basis of pregnancy, childbirth, or a related medical condition.¹⁴³ Discrimination on these grounds is a form of sex discrimination. In New York, it may also constitute familial status discrimination.

This means that it is unlawful for an employer to pass you over for a job or promotion, fire you, pay you less, or deny you workplace opportunities or benefits because you are pregnant. Your employer cannot force you to take a leave of absence upon learning of your pregnancy or related medical condition, unless you are prevented from performing your duties in a reasonable manner.

If you are temporarily unable to perform your job functions due to a medical condition related to pregnancy or childbirth, your employer must treat you the same way it treats other employees who need changes on the job because of injury or illness, who may be temporarily disabled employees. You should be eligible for the same benefits or accommodations as other temporarily disabled workers, and you cannot be forced to comply with stricter procedures to verify eligibility.

REASONABLE ACCOMMODATIONS: If you are pregnant and working, you may need to request certain adjustments to your work conditions in order to fulfill your duties while pregnant. This is called a reasonable accommodation.

Examples of Reasonable Accommodation Requests:

- A request for additional bathroom breaks.
- A request to use of a chair or to take periodic rest if you stand for long periods of time.
- A request to be transferred to a job with lighter duty if you have to do lifting above the limit specified by your doctor.
- A request to take leave for a condition arising from pregnancy or childbirth.
- A request to work from home or to change your work schedule.
- A request for a fan based on workplace conditions and impact on your pregnancy.
- A request to work at an alternative site if you work in a very hot location.

Under the federal Pregnancy Discrimination Act (PDA), your employer must treat pregnant workers the same way it treats workers with an illness, injury, or a disability who need a workplace adjustment. That means that if your employer provides a reasonable accommodation to one of your colleagues who was suffering from a medical condition based on a car accident, your employer is responsible for also providing you a reasonable accommodation if you are suffering from a medical condition based on your pregnancy or due to childbirth.

Pregnancy itself is not a disability, however, you may also be entitled to a reasonable accommodation under federal and

state disability laws, if you have medical condition as a result of pregnancy or childbirth that qualifies as a disability,¹⁴⁴ such as hypertension, severe nausea, sciatica, or gestational diabetes. Your employer must work with you to find a reasonable accommodation that works for you so long as it does not create an undue hardship for the employer or prevent you from completing your essential work functions.

NOTE: Under federal law, a person with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. Under New York State law, a disability is defined as a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques.¹⁴⁵

Under New York State law, if you work for an employer with **4 or more employees**, you are entitled to a reasonable accommodation if you have a pregnancy-related medical condition, unless the employer can show that it would be very difficult or costly for your employer to comply.¹⁴⁶ Your employer's refusal to do so may constitute unlawful discrimination. You are required to provide medical documentation to verify the condition if your employer requests it.

NOTE: If you are able to perform your work functions, it is unlawful for your employer to force you to take unpaid leave and must let you keep working. If you can no longer perform your essential work functions and your employer legitimately cannot provide a workable accommodation or refuses to provide one because it is not legally required to do so, your employer may give you the option to go on unpaid leave. This can create a host of problems. If you are placed in this position, speak with your employer and your doctor to see if there are any workable solutions that would allow you to keep your job.

NYC: Protections are stronger if you work in New York City (NYC), where any employer with **4 or more employees** must provide a reasonable accommodation for pregnancy, childbirth, and related medical conditions (e.g., post-partum depression, miscarriage, and abortion) to help you perform the essential functions of your job.¹⁴⁷ You do not need to have a pregnancy-related condition. Your employer can still deny the request if it would be too difficult or costly to comply or if the request prevents you from performing the basic requirements of your job. Employers in NYC also have an obligation to provide notice to new and existing employees about their rights under this provision.

TIME OFF: Under your employer policy or handbook, you may be able to use available vacation, sick, or personal time off to address your needs. Note, that your employer may be engaging in unlawful discrimination if it denies your request but has approved requests from your coworkers on other comparable grounds such as for personal needs, doctor's appointments, and family emergencies. Be sure to inform your employer in advance and as early as possible and comply with your workplace policy for requesting and taking personal time off. As discussed above, you may also be able to request time off as a reasonable accommodation.

Under the federal Family and Medical Leave Act (FMLA) you may be eligible for 12 weeks of unpaid, job-protected leave to recover from a serious health condition, which can include health conditions that arise from pregnancy or childbirth. To be eligible, you must work for a private employer with more than 50 employees or a public employer, regardless of the number of employees. You must also have worked for your employer for at least 12 months for at least 1,250 hours over the past 12 months.

SHORT-TERM DISABILITY BENEFITS: Under New York State Law, employers must provide temporary disability benefits for pregnancy and child-birth related disabilities.¹⁴⁸ The typical period of pregnancy-related disability is four to six weeks prior to a woman's due date and four to six weeks after delivery. Eligible workers can receive 50% of the employee's average weekly wage capped at the maximum benefit allowed.

HARASSMENT: It is unlawful for an employer, supervisor, co-worker, or client to harass a woman at work due to pregnancy, childbirth, or a related medical condition. For example, it is unlawful for your boss or co-workers to make negative comments about your pregnancy and then question your ability to do your job. However, to be legally actionable, the harassment has to result in a negative employment action, such as termination, demotion, reduction in hours, or be so severe or frequent that it creates a hostile or offensive work environment.

BREASTFEEDING: Your employer, regardless of size, is prohibited from discriminating against you or penalizing you for pumping breast milk at work.¹⁴⁹ All employers must provide a reasonable unpaid break or allow you to use paid break time or meal time to pump breast milk for up to 3 years after your child's birth.¹⁵⁰ Your employer must provide a room or location close to your work area to pump in private (shielded from view and intrusion).¹⁵¹ This should not be a bathroom. If you know that you plan to pump, you should notify your employer in advance so that necessary arrangements can be made.

RETALIATION: It is unlawful for your employer to engage in "retaliation" (punish you) if you address or challenge discrimination on the basis of pregnancy, childbirth, or a related medical condition or for requesting a reasonable accommodation on these grounds. This means that your employer is violating the law if it fires you, demotes you, suspends you, cuts your pay or work hours, assigns you more

difficult work duties, or starts issuing poor performance evaluations to punish you for asserting your rights.

Note that while retaliation is illegal, there are always risks to reporting and your employer may still penalize you for taking

action. If that happens, remember that retaliation is a separate violation of the law. This means that, in some cases, even if an employer is found not to have discriminated against you, they may still be held accountable for retaliating against you and may be required to pay damages.



What Can I Do to Assert My Rights?

If you have concerns or believe that your rights have been violated, there are various actions you can take to advocate for yourself. In addition to the general guidance in Section 1, consider the following:

NOTIFY YOUR EMPLOYER ABOUT THE LAW:

Many employers are not well-informed about their legal obligations, especially since there have been recent changes to the law. If you think that your employer is not complying with the legal requirements above or is improperly denying you a benefit to which you are entitled, consider speaking with your employer and notifying them about the legal requirements. You can speak with a legal services organization or advocate like Legal Momentum, to get more guidance on whether you are covered and how to speak with your employer.

REVIEW YOUR WORKPLACE POLICY, EMPLOYMENT CONTRACT, AND/OR UNION CONTRACT:

Your workplace policy or union contract may include stronger protections, so you should review them to see if you are entitled to more than what the law requires.

FILE AN ADMINISTRATIVE COMPLAINT: If your employer did not appropriately address your discrimination complaint, you can contact or file a formal administrative complaint. Depending on the type of benefit you are seeking, the agency may vary. To file a discrimination complaint or to challenge the denial of a reasonable accommodation request, you can file with your local equal employment agency, the New York State Division of Human Rights (<https://dhr.ny.gov/contact-us>), or the EEOC (<https://www.eeoc.gov/field/newyork/charge.cfm>).

Endnotes

- 1 Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*
- 2 New York State Human Rights Law, N.Y. Exec. Law §§ 292 (for definition of “employer”), 296; New York City Human Rights Law, N.Y. Admin. Code § 8-101 *et seq.* See 9 NYCRR § 466.13 (for regulations specifying who is covered).
- 3 N.Y. Exec. Law § 296-b.
- 4 N.Y. Admin. Code § 8-107(1).
- 5 Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a.
- 6 42 U.S.C. § 2000e-3(a).
- 7 Immigration and Nationality Act, 8 U.S.C. § 1324b.
- 8 N.Y. Exec. Order No. 170 (Sep. 15, 2017), <https://www.governor.ny.gov/news/no-1701-amendment-executive-order-170-state-policy-concerning-immigrant-access-state-services>.
- 9 N.Y.C. Exec. Order No. 41 (Sep. 17, 2003), <https://www1.nyc.gov/site/immigrants/about/local-laws-executive-orders.page>.
- 10 See *Hoffman Plastic Compounds, Inc. v. National Labor Relations Board*, 535 U.S. 137 (2002).
- 11 N.Y. Exec. Law § 296-b.
- 12 N.Y. Exec. Law § 292(5); N.Y. Admin. Code § 8-102(2018).
- 13 N.Y. Exec. Law § 296-b; N.Y. Exec. Law § 292(5); N.Y. Admin. Code § 8-102(2018).
- 14 N.Y. Exec. Law § 292(5); N.Y. Admin. Code § 8-102(2018).
- 15 42 U.S.C. § 2000e-2; *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986) (confirming that sexual harassment is a form of sex discrimination prohibited under Title VII); N.Y. Exec. Law § 296; N.Y. Admin. Code § 8-107.
- 16 N.Y. Lab. Law § 201-g.
- 17 The Equal Pay Act of 1963, 29 U.S.C. § 206(d); Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*
- 18 N.Y. Lab. Law § 194 (prohibiting difference in rate of pay because of sex); 9 NYCRR § 466.13; N.Y. Exec. Law § 296. See also N.Y. Lab. Law § 190(3) (definition of “employer”).
- 19 N.Y. Admin. Code §§ 8-102-107.
- 20 29 U.S.C. § 206(d); N.Y. Labor Law § 194.
- 21 N.Y. Labor Law § 194(a)-(d).
- 22 N.Y. Labor Law § 194(d).
- 23 See N.Y. Admin. Code § 8-107(25); Westchester Co. Human Rights Law § 700.3; Suffolk Co. Code § 528-7.
- 24 Albany Co. Human Rights Law § 48-26.
- 25 N.Y. Lab. Law §§ 652, 673.
- 26 N.Y. Lab. Law § 191.
- 27 N.Y. Lab. Law § 191.
- 28 N.Y. Lab. Law § 191.
- 29 N.Y. Lab. Law § 191.
- 30 N.Y. Lab. Law § 191; New York State Domestic Workers Bill of Rights: <https://www.labor.ny.gov/legal/laws/pdf/domestic-workers/facts-for-domestic-workers.pdf>.
- 31 N.Y. Lab. Law § 195.
- 32 N.Y. Lab. Law § 195.
- 33 N.Y. Lab. Law § 195.
- 34 N.Y. Lab. Law § 195.
- 35 N.Y. Lab. Law § 195.
- 36 N.Y. Lab. Law § 195.
- 37 N.Y. Lab. Law § 195.
- 38 12 N.Y.C.R.R. § 146-2.2.
- 39 12 N.Y.C.R.R. § 146-2.2.
- 40 N.Y. Lab. Law § 861-g.
- 41 N.Y. Lab. Law § 652.
- 42 See N.Y. Dept. of Labor, N.Y. Labor Standards Fact Sheet, *Know Your Right as a Worker: How to Prevent labor Violations in the Workplace* (Dec. 2015), <https://www.labor.ny.gov/formsdocs/factsheets/pdfs/p711.pdf>.
- 43 N.Y. Lab. Law § 193.
- 44 Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*; 12 NYCRR § 142-2.2.
- 45 N.Y. Lab. Law § 167.
- 46 See Trafficking Victims Protection Act, 22 U.S.C. § 7101 *et seq.*; N.Y. Penal Law §§ 135.35, 230.34.
- 47 N.Y. Lab. Law § 215.
- 48 N.Y. Lab. Law §§ 652, 673; 12 NYCRR § 190-1.3(b).
- 49 N.Y. Lab. Law § 673-a; 12 NYCRR § 190-6.1.
- 50 N.Y. Correction Law Art. 23-A.
- 51 N.Y. Correction Law Art. 23-A.
- 52 N.Y. Exec. Law § 296(16).
- 53 N.Y. Admin. Code §§ 8-102(5), 8-107(10)-(11-a).
- 54 N.Y. Admin. Code §§ 8-102(5), 8-107(10)-(11-a).
- 55 The Immigration and Nationality Act, 8 U.S.C. § 1324b.
- 56 N.Y. Exec. Law § 296(1-a).
- 57 Studies have found that women entrepreneurs in New York City have a more difficult time accessing credit to start their businesses—in fact, men are twice as likely to launch their

- businesses with as much as double the capital. Women entrepreneurs find it harder to identify and assess potential mentors and business advisors. These challenges are more pronounced for women of color, many of whom must overcome language barriers when starting a business. Women with low-to-moderate income often highlighted lack of confidence and experience as a challenge. See Women Entrepreneurs NYC, *Unlocking the Power of Women Entrepreneurs in New York City*, (November 2015), https://we.nyc/media/filer_public/97/a1/97a19bc2-261c-4168-b70d-4873f7bec894/wenyc_report_2015-11_2.pdf.
- 58 Equal Credit Opportunity Act, 15 U.S.C. § 1691; N.Y. Exec. Law § 296-a.
 - 59 N.Y. Exec. Law § 312. See also N.Y. Order 177 (covered state entities prohibited from entering into contracts with entities that have institutional policies or practices that fail to address harassment or discrimination based on sex and other protected classifications).
 - 60 Stop Credit Discrimination in Employment Act, N.Y. Admin. Code §§ 8-102(29), 8-107(9)(d)(24).
 - 61 See NYC Business Solutions, *NYC Sector Guide on Worker Cooperatives*, http://www.nyc.gov/html/sbs/nycbiz/downloads/pdf/educational/sector_guides/worker_cooperative.pdf.
 - 62 See NYC Department of Small Business Services, *Building Your Business in New York City: A Guide for Immigrant Entrepreneurs*, https://www1.nyc.gov/assets/sbs/downloads/pdf/about/reports/ibi_toolkit.pdf.
 - 63 See National Institute for Occupational Safety and Health, *Women's Safety and Health Issues at Work*, Publication No. 2001-123, <https://www.cdc.gov/niosh/docs/2001-123/default.html>.
 - 64 See U.S. Dep't of Labor, Bureau of Labor Statistics, *Women at Work* (March 2017), <https://www.bls.gov/spotlight/2017/women-at-work/pdf/women-at-work.pdf>.
 - 65 Occupational Safety and Health Act, 29 U.S.C. § 652.
 - 66 29 U.S.C. § 654; 29 C.F.R. § 1926 *et seq.*
 - 67 29 U.S.C. § 654; 29 C.F.R. § 1926 *et seq.*; N.Y. Lab. Law § 200.
 - 68 N.Y. Lab. Law § 200(1).
 - 69 N.Y. Lab. Law §§ 200(1), 880.
 - 70 29 U.S.C. § 657(c)(3); 29 C.F.R. § 1926 *et seq.*
 - 71 29 U.S.C. § 657(c)(3); 29 C.F.R. § 1926 *et seq.*
 - 72 N.Y. Lab. Law § 162.
 - 73 N.Y. Lab. Law § 162(4).
 - 74 N.Y. Lab. Law § 161.
 - 75 N.Y. Lab. Law § 161.
 - 76 N.Y. Lab. Law § 161.
 - 77 N.Y. Lab. Law § 724.
 - 78 N.Y. Admin. Code Ch. 8.
 - 79 N.Y. Admin. Code Ch. 8.
 - 80 N.Y. Admin. Code Ch. 8.
 - 81 N.Y. Admin. Code Ch. 8.
 - 82 Westchester Co. Laws, Ch. 700.
 - 83 Westchester Co. Laws, Ch. 700.
 - 84 The Family and Medical Leave Act, 29 U.S.C. § 2601 *et seq.*
 - 85 29 U.S.C. § 2601 *et seq.*
 - 86 New York Paid Family Leave Benefits Law, N.Y. Workers Comp. Law, Art. 9.
 - 87 New York Paid Family Leave Benefits Law, N.Y. Workers Comp. Law, Art. 9.
 - 88 See 29 U.S.C. § 654; 29 C.F.R. § 1926 *et seq.*; N.Y. Lab. Law § 740.
 - 89 See N.Y. Admin. Code Ch. 8.
 - 90 See Trafficking Victims Protection Act, 22 U.S.C. § 7101 *et seq.*; N.Y. Penal Law §§ 135.35, 230.34.
 - 91 29 C.F.R. §§ 1904.35-36.
 - 92 N.Y. Admin. Code § 20-1251.
 - 93 N.Y. Admin. Code § 20-1252.
 - 94 N.Y. Admin. Code § 20-1221.
 - 95 N.Y. Admin. Code § 20-1222.
 - 96 N.Y. Admin. Code § 20-1231.
 - 97 N.Y. Workers Comp. Law § 3, Group 14-b.
 - 98 N.Y. Labor Law §191.
 - 99 See U.S. Dep't of Labor, Agricultural Operations, <https://www.osha.gov/dsg/topics/agriculturaloperations/>.
 - 100 Occupational Health and Safety Administration, OSHA Instruction CPL 02-00-051, *Enforcement Exceptions and Limitations under the Appropriations Act* (May 28, 1998), <https://www.osha.gov/enforcement/directives/cpl-02-00-051>.
 - 101 See U.S. Dep't of Labor, Agricultural Operations: Hazards and Controls, https://www.osha.gov/dsg/topics/agriculturaloperations/hazards_controls.html.
 - 102 See Violence Against Women Reauthorization Act of 2013, 18 U.S.C. § 2261; N.Y. Exec. Law § 292(34); N.Y. Admin. Code § 8-107.1(a); New York State Dep't of Labor, Domestic Violence and UI Benefits, <https://www.labor.ny.gov/ui/claimantinfo/domesticviolenceanduibenefits.shtm#1>.
 - 103 See Violence Against Women Reauthorization Act of 2013, 18 U.S.C. § 2261; N.Y. Admin. Code § 8-107.1(a). See also Office on Violence Against Women, U.S. Dep't of Justice, Sexual Assault, <https://www.justice.gov/ovw/sexual-assault>.
 - 104 See Violence Against Women Reauthorization Act of 2013, 18 U.S.C. § 2261; N.Y. Admin. Code § 8-107.1(a).

- 105 N.Y. Exec. Law §§ 292, 296.
- 106 N.Y. Admin. Code § 8-107.1(b).
- 107 Westchester Co. Laws §§ 700.02, 700.03(a)(8).
- 108 N.Y. Exec. Law § 296(1)(a).
- 109 The Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*; N.Y. Exec. Law §§ 292(21), 292(21-e), 295(5), 296(3); 9 NYCRR § 466.11.
- 110 42 U.S.C. § 12102.
- 111 N.Y. Exec. Law § 292(21).
- 112 N.Y. Admin. Code §§ 8-102(5); 8-107.1.
- 113 Westchester Co. Laws, §§ 700.02 (for definitions), 700.03.
- 114 N.Y. Admin. Code § 8-102; *see also* New York City Commission on Human Rights, *Legal Enforcement Guidance on Discrimination on the Basis of Disability* (June 2018), https://www1.nyc.gov/assets/cchr/downloads/pdf/NYCCHR_LegalGuide-DisabilityFinal.pdf.
- 115 N.Y. Penal Law § 215.14.
- 116 N.Y. Admin. Code §§ 20-912 (for definitions), 20-913, 20-914.
- 117 N.Y. Admin. Code § 20-913.
- 118 N.Y. Admin. Code § 20-913.
- 119 N.Y. Real Prop. Law § 227-d.
- 120 N.Y. Real Prop. Law § 227-c. *See also* N.Y. Crim. Proc. § 530.12-13 (establishing that a court may issue orders of protection for victims of family offenses); N.Y. Dom. Rel. § 240 (describing, among other things, the court's power to issue orders of protection); N.Y. Family Ct. Act §§ 446 (orders of protection), 656, 842, 1056.
- 121 Immigration and Nationality Act, 8 U.S.C. § 1324b.
- 122 *See* Center for Reproductive Rights, *Standing up for Reproductive Rights: A Look Back at the 114th Congress* (Mar. 20, 2017), <https://www.reproductiverights.org/114th-Congress-Wrap-Up>; Heather D. Boonstra, *Abortion in the Lives of Women Struggling Financially: Why Insurance Coverage Matters*, 19 Guttmacher Policy Rev., 2016, at 46, 50.
- 123 Heather D. Boonstra, *Abortion in the Lives of Women Struggling Financially: Why Insurance Coverage Matters*, 19 Guttmacher Policy Rev., 2016, at 46.
- 124 11 NYCRR § 52.1(r)(i); N.Y. Ins. Law § 3221(16).
- 125 11 NYCRR § 52.1(r)(ii).
- 126 11 NYCRR § 52.1(r)(v).
- 127 11 NYCRR § 52.1(r)(vi).
- 128 11 NYCRR § 52.1(r)(vi).
- 129 N.Y. Ins. Law §§ 3221(l)(16)(A); 3221 (5)(A)(1).
- 130 N.Y. Pub. Health Law § 2599-AA (2019).
- 131 11 NYCRR § 52.1(p)(1-2).
- 132 11 NYCRR § 52.71.
- 133 42 U.S.C. § 2000e(k); *see also* Equal Employment Opportunity Center, *EEOC Enforcement guidance on Pregnancy Discrimination and Related Issues*, EEOC Notice No. 915.003 (June 25, 2015) (citing 42 U.S.C. § 2000e(k); Questions and Answers on the Pregnancy Discrimination Act, 29 C.F.R. pt. 1604 app., Question 34 (1979) (“An employer cannot discriminate in its employment practices against a woman who has had or is contemplating having an abortion.”); H.R. Conf. Rep. No. 95-1786, at 4 (1978), as reprinted in 95th Cong., 2d Sess. 4, 1978 U.S.C.C.A.N. 4749, 4766 (“Thus, no employer may, for example, fire or refuse to hire a woman simply because she has exercised her right to have an abortion.”); *see also Doe v. C.A.R.S. Protection Plus, Inc.*, 527 F.3d 358, 364 (3d Cir. 2008), *cert. denied*, 129 S. Ct. 576 (2008) (PDA prohibits employer from discriminating against female employee because she has exercised her right to have an abortion); *Turic v. Holland Hospitality, Inc.*, 85 F.3d 1211, 1214 (6th Cir. 1996) (discharge of pregnant employee because she contemplated having abortion violated PDA)), https://www.eeoc.gov/laws/guidance/pregnancy_guidance.cfm#_ftn58.
- 134 11 NYCRR § 52.16(o).
- 135 N.Y. Penal Law §§ 240.70-240.71.
- 136 N.Y. Admin. Code § 8-107(22), New York City Commission on Human Rights, *Legal Enforcement Guidance on Discrimination on the Basis of Pregnancy: Local Law No. 78* (2013); https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/Pregnancy_InterpretiveGuide_2016.pdf.
- 137 N.Y. Ins. Law § 3217-c.
- 138 N.Y. Ins. Law § 3216(i)(8)(E) (10)(A)(i).
- 139 42 U.S.C. § 300gg-13; 29 C.F.R. §§ 2590.75-2713.
- 140 *See* New York Dep't of Health, *Medicaid Family Planning Services*, https://www.health.ny.gov/health_care/managed_care/famplan10ques.htm.
- 141 *See* New York Dep't of Health, *Comprehensive Family Planning and Reproductive Health Care Services Program*, https://www.health.ny.gov/community/pregnancy/family_planning/.
- 142 *See* New York Dep't of Health, *Family Planning Benefit Program*, https://www.health.ny.gov/health_care/medicaid/program/longterm/familyplanbenprog.htm.
- 143 Pregnancy Discrimination Act, 42 U.S.C. § 2000e(k); N.Y. Exec. Law §§ 292 (for definition of “employer”), 296.1; *see also* New York State Division of Human Rights, *Guidance on Pregnancy Discrimination and Reasonable Accommodation of Pregnancy-Related Conditions for Employers in New York State*, <https://dhr.ny.gov/sites/default/files/pdf/guidance-pregnancy-discrimination-employers.pdf>.
- 144 The Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*; N.Y. Exec. Law §§ 292(21), 292(21-e), 295(5), 296(3); 9 NYCRR 466.11.

- 145 N.Y. Exec. Law § 292.
- 146 N.Y. Exec. Law § 296(3); see also New York State Division of Human Rights, *Guidance on Pregnancy Discrimination and Reasonable Accommodation of Pregnancy-Related Conditions for Employers in New York State*, <https://dhr.ny.gov/sites/default/files/pdf/guidance-pregnancy-discrimination-employers.pdf>.
- 147 N.Y. Admin. Code § 8-107(22); New York City Commission on Human Rights, *Legal Enforcement Guidance on Discrimination on the Basis of Pregnancy: Local Law No. 78 (2013)*; <https://www1.nyc.gov/site/cchr/law/legal-guidances.page>.
- 148 N.Y. Work. Comp. Law Ch. 9, § 201(9)(B).
- 149 N.Y. Lab. Law § 206-c.
- 150 N.Y. Lab. Law § 206-c; N.Y. Dep't of Labor, *Guidelines Regarding the Rights of Nursing Mothers to Express Breast Milk in the Work Place*, <https://www.labor.ny.gov/workerprotection/laborstandards/PDFs/guidelinesexpressionofbreastmilkFINAL.pdf>. See also Fair Labor Standards Act, 29 U.S.C. § 207(r) (requires employers to provide reasonable unpaid break time for an employee to express breast milk for her nursing child for 1 year after the child's birth in a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public).
- 151 29 U.S.C. § 207(r); N.Y. Lab. Law § 206-c. See also N.Y. Dep't of Labor, *Guidelines Regarding the Rights of Nursing Mothers to Express Breast Milk in the Work Place*, <https://www.labor.ny.gov/workerprotection/laborstandards/PDFs/guidelinesexpressionofbreastmilkFINAL.pdf>.
- 152 New York Paid Family Leave Benefits Law, N.Y. Workers Comp. Law Art. 9; 12 NYCRR § 355, Part 380.
- 153 The Family and Medical Leave Act, 29 U.S.C. § 2601 *et seq.*
- 154 N.Y. Work. Comp. Law Ch. 9, § 201(9)(B).
- 155 N.Y. Admin. Code §§ 20-912 (for definitions), 20-913, 20-914.
- 156 Westchester Co. Laws, Ch. 700.
- 157 N.Y. Exec. Law § 296. See also New York State Division of Human Rights, *Guidance on Familial Status Discrimination for Employers in New York State*, <https://dhr.ny.gov/sites/default/files/pdf/guidance-familial-status-employers.pdf>.
- 158 N.Y. Admin. Code § 8-107.
- 159 Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), the federal government provides block grant funding to states to provide Temporary Assistance to Needy Families (TANF), under which states must operate temporary assistance programs for needy families. See 42 U.S.C. Ch. 7, Subchapter IV; 45 C.F.R. Part 260.
- 160 See 8 U.S.C. § 1621 (for non-eligible categories).
- 161 Immigration and Nationality Act, 8 U.S.C. § 1182.
- 162 See Center on Budget and Policy Priorities, *A Quick Guide to SNAP Eligibility and Benefits* (Oct. 16, 2018), <https://www.cbpp.org/research/food-assistance/a-quick-guide-to-snap-eligibility-and-benefits>.
- 163 42 U.S.C. § 300gg-13; 29 C.F.R. §§ 2590.75-2713.
- 164 24 C.F.R. § 100.600.
- 165 See Consent Decree in *Callahan v. Carey* (1981), <http://www.coalitionforthehomeless.org/our-programs/advocacy/legal-victories/the-callahan-legacy-callahan-v-carey-and-the-legal-right-to-shelter/>.
- 166 42 U.S.C. § 1436a.
- 167 24 C.F.R. §§ 5.512, 5.520.
- 168 See N.Y. Labor Law § 591; see also New York Dep't of Labor, *Before you Apply for Unemployment: Frequently Asked Questions*, <https://www.labor.ny.gov/ui/claimantinfo/beforeyouapplyfaq.shtm#22>.
- 169 N.Y. Exec. Order No. 26 (Oct. 6, 2011), <https://www.governor.ny.gov/news/no-26-statewide-language-access-policy>.
- 170 National Labor Relations Act, 29 U.S.C. §§ 151-169.
- 171 N.Y. Civ. Serv. Law § 200 *et seq.* (also called the Public Employees Fair Employment Act, or the "Taylor Law").
- 172 29 U.S.C. § 152(3).
- 173 29 U.S.C. § 158.
- 174 See *Intermodal Bridge Transp.*, No. 21-CA-157647 (Nov. 28, 2017).
- 175 29 U.S.C. § 157.
- 176 29 U.S.C. § 157.
- 177 29 U.S.C. § 157.
- 178 29 U.S.C. § 158.
- 179 N.Y. Civ. Serv. Law §§ 202-03, 210.
- 180 N.Y. Lab. Law § 194.
- 181 29 U.S.C. § 158; N.Y. Civ. Serv. Law § 209-a.
- 182 See National Labor Relations Board, *Immigrant Employee Rights under the National Labor Relations Act*, https://www.nlrb.gov/sites/default/files/attachments/basic-page/node-3024/immigrant_employee_rights_one_pager_english_pdf_21860.pdf.
- 183 See National Labor Relations Board, *Immigrant Employee Rights under the National Labor Relations Act*, https://www.nlrb.gov/sites/default/files/attachments/basic-page/node-3024/immigrant_employee_rights_one_pager_english_pdf_21860.pdf.
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