

Philly Employers Must Accommodate Pregnant Workers

By Michael J. Soltis on February 8, 2014

Add Philly to the quickly growing list of jurisdictions requiring employers to accommodate pregnant employees.

The Philadelphia Ordinance requires employers, upon request, to reasonably accommodate an employee “for needs related to pregnancy, childbirth, or a related medical condition” unless to do so will cause an undue hardship.

Examples of reasonable accommodation include “restroom breaks, periodic rest for those who stand for long periods of time, assistance with manual labor, leave for a period of disability arising from childbirth, reassignment to a vacant position, and job restructuring.”

The Ordinance lists a variety of factors relating to the employer’s overall operations and the facility involved that determine whether an accommodation would be an “undue hardship.” These include: the nature and cost of accommodation; type of operation, size and financial resources, number of employees, and any other impact on the operation.

In addition, an employer may raise as an affirmative defense to any denial of an accommodation claim that the person aggrieved could not, with reasonable accommodations, satisfy the “requisites of the job,” a term which is not defined in the Ordinance.

Concerning the ongoing challenge of integrating local, state and federal laws on the same disability management topic, the Philadelphia Ordinance states that it should not be construed to affect any other law relating to sex or pregnancy discrimination.

Maryland, New Jersey and NYC are some of the more recent jurisdictions to enact similar laws. For our posts on these laws, [click here](#) and [here](#).

Expect more states and cities to follow suit, creating a patchwork of laws on this issue, to be followed—when if, the political stars align—by a federal law purporting to add a “federal blanket” over the patchwork but, in : merely adding a patch.

Disability, Leave & Health Management Blog

Jackson Lewis, P.C. | One North Broadway, 15th Floor | White Plains, NY 10601 Phone: 914-328-0404 Fax: 914-328-1882