

New Requirements for New Jersey Employers

Employees should take note of the newly effective Pregnant Worker's Fairness Act that must be posted in the workplace.

On January 21, 2014, New Jersey Governor Chris Christie signed the Pregnant Worker's Fairness Act (PWFA) into law, and New Jersey joined a growing number of jurisdictions that require employers to provide workplace accommodations to employees who are "affected by pregnancy," regardless of whether those employees are "disabled" and regardless of whether the requested accommodations are necessary for the employees to perform the essential functions of their jobs.

PWFA

The New Jersey Pregnancy Worker's Fairness Act (PWFA) is an amendment to the New Jersey Law Against Discrimination (NJLAD). This act expressly bans pregnancy discrimination and imposes new workplace accommodation requirements on employers. The PWFA is effective immediately and applies to all employers in New Jersey (except federal employers). Although the new law expressly provides that it does not extend a pregnant employee's entitlement to a leave of absence, the PWFA goes significantly further than its federal law counterparts—the Pregnancy Discrimination Act and the Americans with Disabilities Act (ADA)—in the protections that it affords to pregnant employees.

For example, the PWFA compels employers to make reasonable workplace accommodations for female employees who the employer "knows or should know" are "affected by pregnancy"—i.e., women who are pregnant and women who have medical conditions relating to pregnancy or childbirth—regardless of whether those employees would be considered "disabled" under the ADA or NJLAD. Potential accommodations identified in the PWFA include providing bathroom breaks, breaks for increased water intake, periodic rest, modified work schedules, assistance with manual labor, and temporary transfers to less strenuous or hazardous work.