

New Connecticut Act Expands Protection For Pregnant Employees

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By C. Scott Schwefel

On July 6, 2017, Governor Dannel P. Malloy signed into law Public Act No. 17-118, entitled “*An Act Concerning Pregnant Women in the Workplace*,” (the “Act”). The law, which is effective October 1, 2017, amends the Connecticut Fair Employment Practices Act (“CFEPA”) to strengthen protection for pregnant employees.

Currently, the CFEPA provides protection for pregnant workers which will be unaffected by the Act. Under the CFEPA, an employer is prohibited from terminating a pregnant employee because of her pregnancy; refusing to provide a reasonable leave of absence needed due to the pregnancy; and refusing to reinstate an employee, returning from leave needed due to her pregnancy, to her original position or an equivalent position.

The Act, once effective, will make also it a discriminatory practice to:

- Limit, segregate or classify an employee in a way that would deprive her of employment opportunities due to her pregnancy;
- Discriminate against an employee or person seeking employment on the basis of her pregnancy in the terms or conditions of her employment;
- Fail or refuse to make a reasonable accommodation for an employee or person seeking employment due to her pregnancy, unless the employer can demonstrate that the accommodation would impose an undue hardship;
- Deny employment opportunities to an employee or person seeking employment if the denial is due to the request for a reasonable accommodation due to her pregnancy;
- Force an employee or person seeking employment affected by pregnancy to accept a reasonable accommodation if she (i) does not have known limitation related to her pregnancy, or (ii) does not require a reasonable accommodation to perform the essential duties related to her employment;
- Require an employee to take a leave of absence if a reasonable accommodation can be provided in lieu of such leave; and
- Retaliate against an employee in the terms, conditions or privileges of her employment based upon the employee’s request for a reasonable accommodation.



The Act also requires that employers provide written notice to employees notifying them of their right to be “free from discrimination in relation to pregnancy, childbirth and related conditions, including the right to a reasonable accommodation to the known limitations related to pregnancy.” Existing employees must be provided the notice within 120 days of the Act and new employees must be provided notice at the commencement of employment. An employee who notifies an employer of her pregnancy must be provided with written notice within 10 days of her notification.

Employers should review their policies, employee handbooks, and employment agreements so as to ensure compliance with the new law. If you would like more information regarding the law, please contact Scott Schwefel at (860) 606-1712 or scott@shipmanlawct.com. You may also contact the Shipman Shaiken & Schwefel, LLC attorney with whom you usually work to discuss a comprehensive approach for complying with state and federal laws and regulations governing your workplace.