

CONNECTICUT EMPLOYMENT LAW Fair Employment Laws – Pregnancy Discrimination



The federal Pregnancy Discrimination Act prohibits employers with 15 or more employees from discriminating against individuals based on pregnancy or related medical conditions. Connecticut has enacted a similar law, the Connecticut Fair Employment Practices Act (CFEPA), that applies to a broader range of employers in the state.

Although the CFEPA prohibits employment discrimination based on several additional traits as well (such as age, race, color, disability and others), this Employment Law Summary focuses solely on the CFEPA's protections against discrimination based on **pregnancy**. This document also addresses recent expansions to these protections, which became **effective as of Oct. 1, 2017**.

CFEPA OVERVIEW

In general, the CFEPA prohibits **all private employers that have three or more employees** in Connecticut from taking any adverse employment action against an employee or applicant because of her pregnancy.

Effective Oct. 1, 2017, the CFEPA also requires these employers to provide reasonable accommodations for their employees' or job applicants' pregnancies, unless it would cause undue hardship.

Under the CFEPA, "pregnancy" includes **childbirth** and **related conditions**, including, but not limited to, **lactation**.

EXISTING PROHIBITED PRACTICES

The CFEPA amendments that became effective as of Oct. 1, 2017, did not change certain prohibitions against pregnancy discrimination that had already been in place. Specifically, **the CFEPA still prohibits employers from:**

- Terminating a woman's employment because of her pregnancy;
- Refusing to grant a reasonable leave of absence to an employee who is disabled by pregnancy;
- Denying any compensation to which an employee who is disabled by pregnancy is entitled as a result of the accumulation of disability or leave benefits accrued under employer-sponsored plans; and
- Failing or refusing to reinstate a pregnant employee to her original job, or to an equivalent position, with equivalent pay and accumulated seniority, retirement,

STATE RESOURCES

Connecticut Commission on Human Rights and Opportunities [website](#)

Connecticut Department of Labor [website](#)

Required Notice

Employers subject to the CFEPA must provide [written notice](#) to their employees regarding the law's pregnancy discrimination provisions.

Laws

Text of the CFEPA's provisions relating to pregnancy is available [here](#).

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fringe benefits and other service credits, once she signifies an intent to return (unless a change in the employer's circumstances makes it impossible or unreasonable to do so).

ACTIONS PROHIBITED AS OF OCT. 1, 2017

Under the CFEPFA amendments that went into effect on Oct. 1, 2017, the CFEPFA further prohibits employers from taking any of the following actions based on an individual's pregnancy:

- Limiting, segregating or classifying an employee in a way that would deprive her of employment opportunities;
- Discriminating against an employee or job applicant in the terms or conditions of her employment;
- Failing or refusing to make a reasonable accommodation for an employee or job applicant (unless the employer can demonstrate that the accommodation would impose an undue hardship);
- Denying employment opportunities to an employee or job applicant because she requested a reasonable accommodation;
- Forcing an employee or job applicant to accept a reasonable accommodation when she either:
 - Does not have a known limitation related to her pregnancy; or
 - Does not require a reasonable accommodation to perform the essential duties related to her employment.
- Requiring an employee to take a leave of absence when a reasonable accommodation can be provided instead; and
- Retaliating against an employee in the terms, conditions or privileges of her employment because she requested a reasonable accommodation.

REASONABLE ACCOMMODATIONS

As noted above, the CFEPFA now requires employers to provide reasonable accommodations for the pregnancy of an employee or job applicant. Under the law, reasonable accommodations include, but are not limited to:

- Being permitted to sit while working;
- More frequent or longer breaks;
- Periodic rest;
- Assistance with manual labor;
- Job restructuring;
- Light duty assignments;
- Modified work schedules;
- Temporary transfers to less strenuous or hazardous work;
- Time off to recover from childbirth; and
- Break time and appropriate facilities for expressing breast milk.

UNDUE HARDSHIP EXCEPTION

An employer may deny a reasonable accommodation for an individual's pregnancy only if it can demonstrate that the accommodation would impose an undue hardship. To demonstrate undue hardship, an employer must prove that the requested accommodation would require significant difficulty or expense when considered in light of the following factors:

- The nature and cost of the accommodation;
- The overall financial resources of the employer;

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- The overall size of the business of the employer with respect to the number of employees, and the number, type and location of its facilities; and
- The effect on expenses and resources or the impact otherwise of such accommodation upon the operation of the employer.

NOTICE REQUIREMENT

Effective Oct. 1, 2017, the CFEPa requires employers to provide their employees with **written notice** of their rights relating to discrimination based on pregnancy and the right to a reasonable accommodation for known limitations related to pregnancy. Employers must provide this notice as follows:

- If not provided already, then to all existing employees **immediately** (employers were required to comply by Jan. 28, 2018);
- To all new employees at the commencement of employment; and
- To any employee who notifies the employer of her pregnancy, within 10 days of the notification.

Employers may also satisfy these notice requirements by displaying posters that contain the required information, in both English and Spanish, in conspicuous and accessible locations within their employees' workplaces. The Connecticut Department of Labor provides model notices, in both [English](#) and [Spanish](#), that employers may use for these requirements.

ENFORCEMENT

The CFEPa is enforced by the [Connecticut Commission on Human Rights and Opportunities](#) (CHRO). Individuals who believe their rights under the CFEPa have been violated must file a complaint with the CHRO within **180 days** after the date of an alleged violation. After a complaint is filed, the CHRO will conduct an investigation and may:

- Engage the employer in mediation or other processes to resolve the dispute;
- Conduct a hearing;
- File a lawsuit in court against the employer; or
- Grant permission to the individual who filed the complaint to sue the employer in court.

If the CHRO or a court determines that an employer has violated the CFEPa, the employer may be ordered to:

- Hire or reinstate any individual who was affected by the violation;
- Pay back wages and other damages to any affected individual; and
- Pay any costs or attorney's fees associated with the action.

MORE INFORMATION

Contact Compass Consulting Group or visit the CHRO's [website](#) for more information on employment discrimination laws in Connecticut.