

Louisiana to Require Employers to Provide Reasonable Accommodations for Pregnancy

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Beginning August 1, 2021, Louisiana employers will be required to provide reasonable accommodations to employees who need such accommodations due to pregnancy, childbirth, or related medical conditions, unless it would pose an undue hardship on the employer.

Currently, employers are only required to provide accommodations if they accommodate others who are similar in their ability or inability to work.

The new statute provides examples of possible reasonable accommodations, including:

- Making facilities used by employees readily accessible to and usable by an applicant or employee (however, an employer is not required to construct a permanent, dedicated space for expressing milk);
- Providing more frequent breaks;
- Providing light duty, if available;
- Acquiring or modifying equipment devices necessary for performing essential functions; and
- Modifying work schedules.

The statute makes clear, however, that employers are not required to create positions that do not already exist (including light duty), unless the employer does so for other employees who need accommodations. Employers also are not required to discharge or bump another employee to make any accommodations.

The statute prohibits an employer from refusing to select a pregnant worker for a training program leading to a promotion, as long as the employee can complete the program at least three months prior to her pregnancy leave. The statute further prohibits an employer from discharging a pregnant worker from employment or to discriminate against her in compensation or in the terms, conditions, or privileges of employment.

The new law does not change an employer's existing obligations to provide a reasonable leave of absence of at least six weeks for a normal pregnancy or childbirth or for a period of time that an employee is disabled on account of pregnancy, childbirth, or related medical conditions not to exceed four months.

Employers must provide existing employees notice of the new requirements by December 1, 2021, and notification to all new employees at the commencement of employment. The notification must be conspicuously posted in an area accessible to employees.

Jackson Lewis attorneys are available to answer inquiries regarding the new law and assist employers in their compliance efforts.

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