



# Are You Pregnant or Breastfeeding?

## Know Your Rights



Division of  
Human  
Rights

Department  
of Labor

Workers'  
Compensation  
Board

Pregnancy discrimination in the workplace violates federal and New York State law.

### **WORKING WHILE PREGNANT**

It is illegal for an employer<sup>1</sup> to fire an employee because she is pregnant or may become pregnant—or to change the terms, conditions, and privileges of employment because of pregnancy, childbirth, or related conditions.<sup>2</sup> It is also illegal for an employer to refuse to hire or to promote a candidate because she is pregnant or may become pregnant.

As of January 2016, New York State law explicitly guarantees pregnant workers the right to reasonable accommodations for any pregnancy-related conditions, including:

- occasional breaks to rest or drink water,
- a modified work schedule,
- leave for related medical needs,
- available light duty assignments, and
- transfers away from hazardous duty.

Your employer may not require you to take leave because you are pregnant. If you take medical leave due to a pregnancy-related condition or childbirth, your employer must hold your job for you as long as they do for employees who take medical leave for other reasons. You may have other return-to-work rights under the federal Family and Medical Leave Act, the New York State Disability Benefits Law, and the New York State Paid Family Leave Law.

### **WORKING WHILE BREASTFEEDING**

Under New York State law, it is illegal for your employer to treat you differently because you are breastfeeding. Nursing mothers are guaranteed break time to pump breast milk at work.

- For up to three years following childbirth, you have the right to take reasonable unpaid break time or to use paid break time or meal time each day, so that you can express breast milk at work.
- Your employer must make reasonable efforts to provide a room or another location, in close proximity to your work area, where you can express breast milk in private.
- Your employer may not discriminate against you based on your decision to express breast milk at work.

<sup>1</sup> For this purpose, the N.Y. Human Rights Law defines employer to include any employer with four or more persons in his or her employ.

<sup>2</sup> The Human Rights Law covers any medical condition related to pregnancy or childbirth that inhibits a person's normal bodily functions or can be demonstrated by medically accepted diagnostic techniques, including lactation, miscarriage, and abortion.

## **TAKING PAID FAMILY LEAVE**

In 2016, Governor Cuomo signed into law the nation's strongest and most comprehensive Paid Family Leave policy. Working families will no longer have to choose between caring for their loved ones and risking their economic security.

As of January 1, 2018, most employees who work in New York State for private employers are eligible to take Paid Family Leave. If you are a public employee, your employer may choose to offer Paid Family Leave.

New York's Paid Family Leave provides job-protected, paid time off so you can:

- **bond** with a newly born, adopted or fostered child;
- **care** for a close relative with a serious health condition; or
- **assist** loved ones when a family member is deployed abroad on active military service.

You can continue your health insurance while on leave and are guaranteed the same or a comparable job after your leave ends. If you contribute to the cost of your health insurance, you must continue to pay your portion of the premium cost while on Paid Family Leave.

Your employer cannot discriminate or retaliate against you for requesting or taking Paid Family Leave or pregnancy and childbirth-related short-term disability.

For more information, visit [ny.gov/pregnancyrights](https://ny.gov/pregnancyrights)  
or text **PREGNANT** to **81336**.

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If you believe that you have been discriminated because of your pregnancy, or denied a reasonable accommodation for a medical condition related to pregnancy or childbirth, you can file a complaint with the **New York State Division of Human Rights**:  
visit [dhr.ny.gov](https://dhr.ny.gov) or call **1-888-392-3644**