



Pregnancy Related leave and other
Pregnancy related protections

CT Paid Leave's Conference

Kimberly Jacobsen
CHRO Legal Director and Commission Counsel,
Employment

The Connecticut Commission on Human Rights

Our mission is to eliminate discrimination through civil and human rights law enforcement and to establish equal opportunity and justice for all persons within the state through advocacy and education.



Laws

CFEPA
(Connecticut's
Fair Employment
Act)
**C.G.S. § 46a-60
et al**

Title 7 of the
Civil's Right Act
of 1964

The Pregnant
Workers'
Fairness Act

The Pump Act

Pregnancy

- CFEPA defines pregnancy as: “pregnancy, childbirth or a related condition, including, but not limited to lactation”.



C.G.S. § 46a-60

It is illegal to terminate or otherwise discriminate an employee due to pregnancy, childbirth or a related condition.

- Termination
- Failure to hire
- Failure to fire
- Failure to accommodate
- Sex based harassment
- retaliation
- Applies to employers with one or more employee



CFEPA requires Reasonable Accommodations for Pregnant Workers



- Accommodating in the same way that you would accommodate a disabled worker
- Unless that accommodation would present “an undue hardship”
- Can not force leave if accommodation could be provided

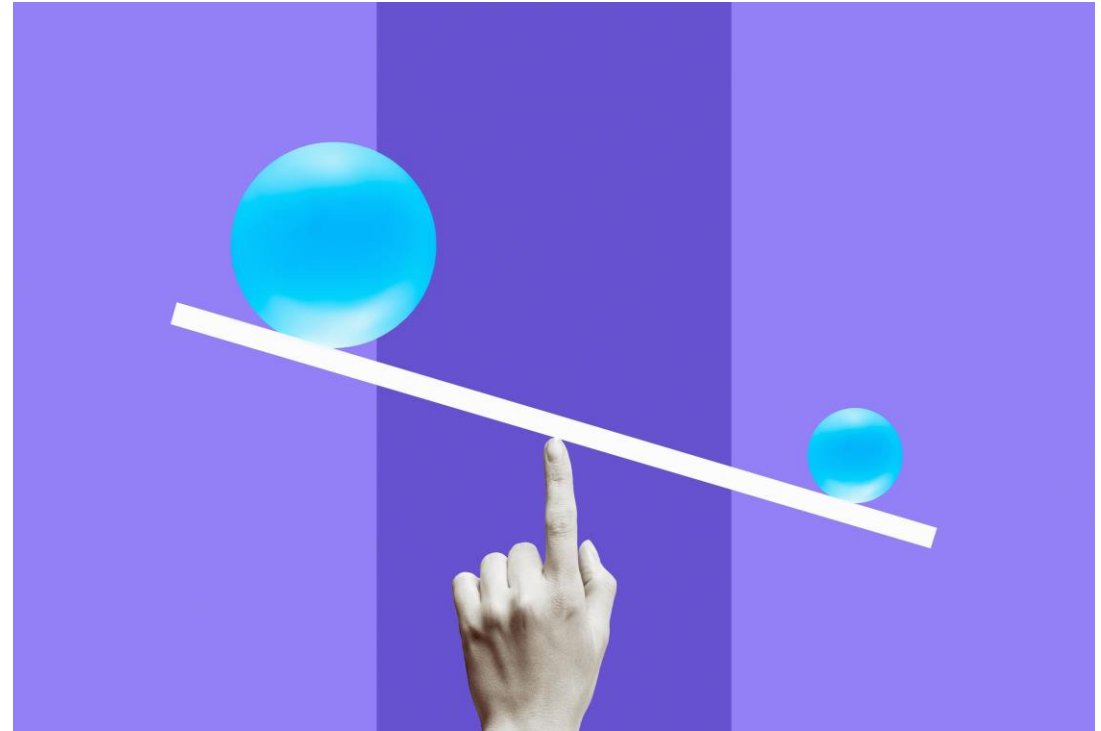
Interactive Process

- Same as disability inquiries
- Medical certification may or may not be needed (treat employees same as employees with disabilities)
- What prompts the discussion?
- Good faith interactive process
- Duty to communicate



What is undue hardship?

- An action requiring **significant difficulty or expense** when considered in light of factors such as (A) the **nature and cost** of the accommodation; (B) the **overall financial resources** of the employer; (C) 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 (D) the **effect** on expenses and resources or the impact otherwise of the accommodation upon the operation of the employer.



Is medical documentation required to provide an accommodation?

- Would you require medical documentation from a similarly situated disabled employee?
- Is the need evident without the need for medical documentation?



Examples of
Pregnancy Related
Conditions that may
Require
Accommodations

Nausea

Gestational Diabetes

Fatigue

Anemia

Bladder issues

Sciatica

Postpartum depression

Lactation

Examples of Reasonable Accommodations Pregnant Workers Might Need

- Being permitted to sit or eat while working
- More frequent or longer breaks for use of bathroom, water or rest
- Assistive equipment such as a stool or assistive lifting equipment
- Job restructuring
- Modified work schedule
- Telework
- Modified dress code or uniform
- Time off for prenatal or postnatal appointments

Reasonable Leave of absence as a Reasonable Accommodation Under CFEPA

- Time off for disability related to pregnancy
- No length of employment requirement, unlike FMLA
- A reasonable amount of leave - *Typically, 6-8 weeks depending on type of birth*
- May be longer due to medical complications
- Cannot force employee to take leave



Leave as a CFEPA accommodation intersection with other laws

- FMLA (State and Federal)
- State paid leave



Leave request Example

- An employee just started working for the Respondent, a small ice cream shop with 4 employees, on September 1, 2026. They worked 20 hours per week. On October 1, 2026, the employee informs the employer that they are pregnant and will need to take 6-8 weeks leave to deliver the baby and reoperate starting on or about October 25, 2026.
- Has the Complainant worked long enough to qualify for the leave under CEPA?
- Is the leave reasonable?
- Is it legally an undue hardship?

Breast feeding or Milk Expression (pumping)

- Intersection with DOL laws
 - CGS Sec. 31-40w allows employees to breastfeed or express breastmilk at work and requires the employer to provide accommodations to do so
 - Public Act 26-12 amends Sec. 31-40w (effective 10-1-26) gives the employee the right to reasonable break times (in addition to scheduled break times) and requires the employer to provide private room with an outlet near refrigeration (where feasible)
 - DOL can investigate and fine
- CEPA also requires lactation accommodation. Allows employee to sue for failure to accommodate.
- 2022 Pump Act – expanded right to breastfeed and pump at work and allows right to sue for failure to provide provisions under the law.

Other provisions related to pregnancy

- Reasonable accommodation for fertility treatment
- Confidentiality (like medical diagnosis)
- Maintenance of pay, seniority and benefits during and after leave if provided to similarly situated disabled workers
- Reinstatement to original job or equivalent job unless it is a private employer who can show impossibility or unreasonableness (i.e., lay off that would have happened anyway)
- Notification of rights (DOL poster)
- No retaliation



More provisions . . .

- You cannot assign or remove responsibilities of a pregnant worker in a way that would deprive them of employment opportunities
- You cannot force a pregnant worker to take an accommodation they did not ask for
- You cannot request information on employees or prospective employees' child rearing plans (unless related to exposure of hazardous materials that could cause harm to reproductive system or fetus)

*Long v. Town
of Putnam,*
236 Conn.
App. 290
(2025)

- Case was heard on a denial of a motion for Summary Judgment
- Due to high turn over in the position and a history of late audit submissions town was using another town's director with the hopes of promoting the Assistant at some point.
- Long was hired as the Town's Assistant Finance Director and on 7/1/19, her first day, she informed them of her pregnancy.
- According to Long her employer told her he was doing a great job before she left on maternity leave in 02/2020.
- When she was on leave the town hired a Finance Director at a higher salary

Long, cont'd

- Long's duties shifted upon her return to lesser duties and hours, and her pay dropped by \$15, 000
- Putnum argued poor performance prior to the leave – the court found issues with the explanation
- The Appellate court reversed Summary Judgment on pregnancy discrimination claim based discrimination based on genuine issues of material fact about whether the timing and sequence of events showed discrimination.

Questions?

