An Act To Protect Pregnant Workers

Reference to the Committee on Labor and Housing suggested and ordered printed.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §4553, sub-§8-E is enacted to read:

8-E. Pregnancy-related condition. "Pregnancy-related condition" means a limitation of an employee's ability to perform the functions of a job caused by pregnancy, childbirth or a medical condition related to pregnancy or childbirth.

Sec. 2. 5 MRSA §4572-A, as amended by PL 1995, c. 393, §14, is further amended to read:

§4572-A. Unlawful employment discrimination on the basis of sex

1. Sex defined. For the purpose of this Act, the word "sex" includes pregnancy and medical conditions which result from pregnancy.

2. Pregnant persons who are able to work. It shall be unlawful employment discrimination in violation of this Act, except where based on a bona fide occupational qualification, for an employer, employment agency or labor organization to treat a pregnant woman person who is able to work in a different manner from other persons who are able to work.

2-A. Accommodations for pregnancy-related conditions. Accommodations for pregnancy-related conditions are set forth in this subsection.

A. Nothing in this section may be construed to indicate or deem that a pregnancy-related condition necessarily constitutes a disability.

B. It is unlawful employment discrimination in violation of this Act for an employer to fail to provide a reasonable accommodation for an employee's pregnancy-related condition, unless it would impose an undue hardship on the employer.

C. An employee with a pregnancy-related condition, regardless of whether the employee is a person with a physical or mental disability as defined in section 4553-A, has the same rights and is subject to the same standards with respect to the provision of a reasonable accommodation as a qualified individual with a disability as defined in section 4553, subsection 8-D.

D. Nothing in this section may be construed to diminish the rights, privileges or remedies of an employee pursuant to federal or state law, a collective bargaining agreement or an employment contract.

3. Pregnant persons who are not able to work. It shall also be unlawful employment discrimination in violation of this Act, except where based on a bona fide occupational qualification, for an employer, employment agency or labor organization to treat a pregnant woman person who is not able to work because of a disability or illness resulting from pregnancy, or from medical conditions which result from pregnancy, in a different manner from other employees who are not able to work because of other disabilities or illnesses.
4. Employer not responsible for additional benefits. Nothing in this section may be construed to mean that an employer, employment agency or labor organization is required to provide sick leave, a leave of absence, medical benefits or other benefits to a person because of pregnancy or other medical conditions that result from pregnancy, if the employer, employment agency or labor organization does not also provide sick leaves, leaves of absence, medical benefits or other benefits for the employer's other employees and is not otherwise required to provide those leaves or benefits under other state or federal laws.

SUMMARY

This bill provides that it is unlawful employment discrimination for an employer to fail to provide a reasonable accommodation for an employee's pregnancy-related condition, unless provision of an accommodation would impose an undue hardship on the employer.