

NEW LAW: Oregon Expands Protections to Pregnant Employees

On May 22, 2019, Oregon Governor Kate Brown signed [HB 2341 \(Employer Accommodation for Pregnancy Act\)](#) into law. This new law amends Oregon's employment discrimination statute by expanding the protections provided to pregnant employees (and job applicants).

Under the current law, employers are required to provide reasonable accommodations, including leaves of absence, to employees with pregnancy-related disabilities or serious health conditions.

However, the new law, which goes into effect on January 1, 2020, greatly expands employers' responsibilities by requiring that reasonable accommodation be provided to employees (and job applicants) who have known limitations related to pregnancy, childbirth, lactation, or pregnancy-related medical conditions. Under the statute, reasonable accommodation may include, but is not limited to:

- Acquisition or modification of equipment or devices;
- More frequent or longer break periods or periodic rest;
- Assistance with manual labor; or
- Modification of work schedules or job assignments.

In addition, the new law also expands protections against pregnancy-related discrimination by making it unlawful for an employer to:

- Deny employment opportunities to an applicant or employee if the denial is based on the need of the employer to make reasonable accommodation to the known limitations.
- Fail or refuse to make reasonable accommodation to the known limitations, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the employer.
- Take an adverse employment action or in any manner discriminate or retaliate against an applicant or an employee, with respect to hire or tenure, or any other term or condition of employment, because the applicant or employee has inquired about, requested or used a reasonable accommodation under this section.(d)
- Require an applicant or an employee to accept a reasonable accommodation that is unnecessary for the applicant or the employee to perform the essential duties of the job or to accept a reasonable accommodation if the applicant or employee does not have a known limitation.
- Require an employee to take family leave or any other leave, if the employer can make reasonable accommodation to the known limitations.

Finally, employers will be required to post a notice that informs employees of the new employment protections. This poster has yet to be developed by the Oregon Bureau of Labor and Industries. In addition, employers are required to provide a written notification of the Employer Accommodation for Pregnancy Act to

- All new hires at the time of hire (starting on January 1, 2020);
- Within 180 days of the Act's effective date (i.e., by June 29, 2020) to all existing employees; and
- Within 10 days to an employee who has informed her employer of a pregnancy.