

Pregnancy Accommodations Could Soon Be Required In Illinois

June 3, 2014 | [Employee Health Issues, Pregnancy, Currents - Employment Law](#)

Illinois employers will be required to provide reasonable accommodations to pregnant employees under new legislation that is awaiting action by the governor. The Illinois legislature passed expansive amendments to the Illinois Human Rights Act that, effective January 1, 2015, will allow employees to request reasonable accommodations in the workplace for medical and other common conditions related to pregnancy or childbirth. The changes will apply to employers of one or more employees, thus adding pregnancy to the existing Illinois Human Rights Act provision that already applies disability discrimination and sexual harassment prohibitions to employers of one or more employees. The reasonable accommodation provision includes a list of possible accommodations such as more frequent breaks, assistance with manual labor, light duty, part-time or modified work schedules, and leaves of absence. Employers will be able to require an employee to provide medical certification to support the need for a requested accommodation. The legislation puts the burden squarely on employers to prove that a reasonable accommodation would impose an “undue hardship” on the business. In addition, employers will be prohibited from requiring a pregnant employee to accept an accommodation that the employee did not request. Employers also will not be able to require an employee to take leave under any leave law or policy of the employer if another reasonable accommodation can be provided. Pregnant employees and those who have given birth also will have reinstatement rights upon notifying the employer of intent to return to work or when the need for the reasonable accommodation ceases. The amendments to the Act also include a requirement for employers to post a notice and include information in employee handbooks regarding the right to use a reasonable accommodation. In addition, the Act as amended makes clear that employers cannot retaliate against an individual who has “requested, attempted to request, used or attempted to use” a reasonable accommodation. The full text of the legislation can be accessed [here](#).

RELATED PRACTICE AREAS

Affirmative Action/OFCCP Compliance
Disability, Leave and Medical Issues
Labor and Employment
Workers' Compensation

RELATED TOPICS

Illinois
Pregnancy