

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND NINETEEN

H.P. 487 - L.D. 666

An Act To Protect Pregnant Workers

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 known limitation of an employee's ability to perform the functions of a job due to pregnancy, childbirth or related medical conditions, including but not limited to lactation.

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~~ that result from pregnancy.

2. Pregnant persons who are able to work. ~~It shall be~~ is 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, employment agency or labor organization to fail upon request to provide a reasonable accommodation to any employee with a pregnancy-related condition, unless the employer, employment agency or labor organization can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the employer, employment agency or labor organization.

C. Reasonable accommodations for a pregnancy-related condition may include, but are not limited to providing more frequent or longer breaks; temporary modification in work schedules, seating or equipment; temporary relief from lifting requirements; temporary transfer to less strenuous or hazardous work; and provisions for lactation in compliance with Title 26, section 604.

3. Pregnant persons who are not able to work. It shall ~~also be~~ is 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~~ that 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 ~~woman~~ 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. Reasonable accommodations for pregnancy-related conditions are not additional benefits.