

# Louisiana to Require Employers to Provide Reasonable Accommodations for Pregnancy

July 8, 2021

## Related Services

Disability, Leave and Health Management

Beginning August 1, 2021, Louisiana employers will be required to provide reasonable accommodations to employees who need such accommodations due to pregnancy, childbirth, or related medical conditions, unless it would pose an undue hardship on the employer.

Currently, employers are only required to provide accommodations if they accommodate others who are similar in their ability or inability to work.

The new statute provides examples of possible reasonable accommodations, including:

- Making facilities used by employees readily accessible to and usable by an applicant or employee (however, an employer is not required to construct a permanent, dedicated space for expressing milk);
- Providing more frequent breaks;
- Providing light duty, if available;
- Acquiring or modifying equipment devices necessary for performing essential functions; and
- Modifying work schedules.

The statute makes clear, however, that employers are not required to create positions that do not already exist (including light duty), unless the employer does so for other employees who need accommodations. Employers also are not required to discharge or bump another employee to make any accommodations.

The statute prohibits an employer from refusing to select a pregnant worker for a training program leading to a promotion, as long as the employee can complete the program at least three months prior to her pregnancy leave. The statute further prohibits an employer from discharging a pregnant worker from employment or to discriminate against her in compensation or in the terms, conditions, or privileges of employment.

The new law does not change an employer's existing obligations to provide a reasonable leave of absence of at least six weeks for a normal pregnancy or childbirth or for a period of time that an employee is disabled on account of pregnancy, childbirth, or related medical conditions not to exceed four months.

Employers must provide existing employees notice of the new requirements by December 1, 2021, and notification to all new employees at the commencement of employment. The notification must be conspicuously posted in an area accessible to employees.

Jackson Lewis attorneys are available to answer inquiries regarding the new law and assist employers in their compliance efforts.

©2021 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.