



New Jersey Issues Comprehensive Guidance on Workplace Protections for Pregnant and Lactating Employees

NEW JERSEY HAS BROAD WORKPLACE PROTECTIONS for employees who are pregnant, postpartum, breastfeeding, or lactating. The guidance setting forth these protections is intended to help both employees and employers understand their rights and obligations under the state's Law Against Discrimination (LAD), as expanded by the Pregnant Workers Fairness Act.

Requirements Under the NJ LAD

At its core, the guidance makes clear that most employers are required by law to provide reasonable accommodations for pregnancy-related needs unless doing so would impose an undue hardship on the business. It also underscores that employers should go beyond merely avoiding discrimination and instead take proactive steps to support pregnant and lactating employees. Furthermore, employers are expected to respond promptly to accommodation requests and, if a request is too costly or difficult to implement, work cooperatively with the employee to identify a suitable alternative.

For pregnant employees, required accommodations include:

- Bathroom and hydration breaks
- Periodic rest breaks
- Assistance with manual labor
- Modified work schedules or job restructuring
- Temporary transfers to less strenuous or hazardous positions

For breastfeeding or lactating employees, employers must provide:

- Reasonable break time each day to express milk
- A private, non-bathroom space near the work area for milk expression

Beyond the minimum requirements, the guidance identifies a range of additional accommodations that may be warranted based on the employee's individual circumstances including:

- Flexible scheduling or time off for medical appointments
- Remote work arrangements
- Workstation modifications to reduce discomfort
- Adjustments to uniforms or dress codes
- Modifications to eating and drinking policies
- Adjustments to productivity quotas to account for lactation breaks

Broad Coverage for Related Medical Conditions

The guidance further clarifies that the protections go beyond pregnancy alone and extend to a broad range of pregnancy-related and reproductive health issues. These include medical conditions during pregnancy, postpartum issues, lactation-related conditions, fertility-related conditions, pregnancy loss, and pre-existing conditions exacerbated by pregnancy or childbirth.

It is worth noting that New Jersey's protections operate independently from federal law and, in many cases, offer broader safeguards and more comprehensive coverage. The guidance is part of ongoing state efforts to strengthen protections for pregnant and postpartum workers, particularly in the wake of shifting federal legal landscapes affecting reproductive rights. ■

If you would like more information about the state's guidance on workplace protections for pregnant and lactating employees, contact the NIEDWESKE LAW FIRM, LLC at 908-738-8500 and one of our highly skilled employment attorneys will assist you.