



Apr 16, 2019

Categories:
[Publications](#)

Authors:
[Souhila EL Moussaoui](#)
[Kyle D. Johnson](#)

Kentucky Passes the Pregnant Workers Act

On the last day of the 2019 legislative session, the Kentucky General Assembly passed the Pregnant Workers Act, which requires covered employers to provide reasonable accommodations to employees for pregnancy, childbirth, and related medical conditions, unless doing so would create an undue hardship for the employer. Governor Matt Bevin signed the Act on April 9, 2019.

While the Kentucky Civil Rights Act already prohibits covered employers from discriminating against employees on the basis of pregnancy, childbirth, or related medical conditions, the Act requires employers to go a step further and provide these employees with reasonable accommodations, such as:

- More frequent or longer breaks;
- Time off to recover from childbirth;
- Acquisition or modification of equipment;
- Appropriate seating;
- Temporary transfer to a less strenuous or less hazardous position;
- Job restructuring;
- Light duty;
- Modified work schedule; and
- Private space other than a bathroom for expressing breast milk.

Although the Act provides employers with a defense if providing a reasonable accommodation would create an undue burden, the bar for meeting this undue-burden standard will likely be set very high and require an analysis of factors that include the nature and cost of the accommodation needed; the employer's financial resources; the size of the business; the type of operation; the duration of the requested accommodation; and whether similar accommodations are required by policy to be made, have been made, or are being made for other employees for any reason.

In addition, the Act requires an employer to conspicuously post a notice of employees' rights under the Act on the business premises, and to also provide written notice to new employees upon hire and to all existing employees within 30 days after the Act becomes effective. The Act will become effective on June 27, 2019, meaning that written notice will have to be provided to existing employees by no later than July 27, 2019.

While the current prohibition in the Kentucky Civil Rights Act against pregnancy-related discrimination applies to employers with eight or more employees within the state, the requirements of the Pregnant Workers Act only apply to employers with fifteen or more employees within the state.

© 2026 FBT Gibbons LLP. May be considered attorney advertising in some jurisdictions.