

ASSEMBLY, No. 4487

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED FEBRUARY 24, 2026

Sponsored by:

**Assemblywoman LUANNE M. PETERPAUL
District 11 (Monmouth)**

Co-Sponsored by:

Assemblyman Kearney

SYNOPSIS

Prohibits workplace discrimination based on menstruation, perimenopause, and menopause.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/9/2026)

1 AN ACT concerning workplace discrimination based on
2 menstruation, perimenopause, and menopause and amending
3 P.L.1945, c.169.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read
9 as follows:

10 5. As used in P.L.1945, c.169 (C.10:5-1 et seq.), unless a
11 different meaning clearly appears from the context:

12 a. "Person" includes one or more individuals, partnerships,
13 associations, organizations, labor organizations, corporations, legal
14 representatives, trustees, trustees in bankruptcy, receivers, and
15 fiduciaries.

16 b. "Employment agency" includes any person undertaking to
17 procure employees or opportunities for others to work.

18 c. "Labor organization" includes any organization which exists
19 and is constituted for the purpose, in whole or in part, of collective
20 bargaining, or of dealing with employers concerning grievances,
21 terms or conditions of employment, or of other mutual aid or
22 protection in connection with employment.

23 d. "Unlawful employment practice" and "unlawful
24 discrimination" include only those unlawful practices and acts
25 specified in section 11 of P.L.1945, c.169 (C.10:5-12).

26 e. "Employer" includes all persons as defined in subsection a.
27 of this section and "hiring entities" as defined by section 2 of
28 P.L.2023, c.262 (C.34:11-70), unless otherwise specifically exempt
29 under another section of P.L.1945, c.169 (C.10:5-1 et seq.), and
30 includes the State, any political or civil subdivision thereof, and all
31 public officers, agencies, boards, or bodies.

32 f. (Deleted by amendment, P.L.2023, c.262)

33 g. "Liability for service in the Armed Forces of the United
34 States" means subject to being ordered as an individual or member
35 of an organized unit into active service in the Armed Forces of the
36 United States by reason of membership in the National Guard, naval
37 militia or a reserve component of the Armed Forces of the United
38 States, or subject to being inducted into such armed forces through
39 a system of national selective service.

40 h. "Division" means the "Division on Civil Rights" created by
41 P.L.1945, c.169 (C.10:5-1 et seq.).

42 i. "Attorney General" means the Attorney General of the State
43 of New Jersey or the Attorney General's representative or designee.

44 j. "Commission" means the Commission on Civil Rights
45 created by P.L.1945, c.169 (C.10:5-1 et seq.).

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 k. "Director" means the Director of the Division on Civil
2 Rights.

3 l. "A place of public accommodation" shall include, but not be
4 limited to: any tavern, roadhouse, hotel, motel, trailer camp,
5 summer camp, day camp, or resort camp, whether for entertainment
6 of transient guests or accommodation of those seeking health,
7 recreation, or rest; any producer, manufacturer, wholesaler,
8 distributor, retail shop, store, establishment, or concession dealing
9 with goods or services of any kind; any restaurant, eating house, or
10 place where food is sold for consumption on the premises; any
11 place maintained for the sale of ice cream, ice and fruit preparations
12 or their derivatives, soda water or confections, or where any
13 beverages of any kind are retailed for consumption on the premises;
14 any garage, any public conveyance operated on land or water or in
15 the air or any stations and terminals thereof; any bathhouse,
16 boardwalk, or seashore accommodation; any auditorium, meeting
17 place, or hall; any theatre, motion-picture house, music hall, roof
18 garden, skating rink, swimming pool, amusement and recreation
19 park, fair, bowling alley, gymnasium, shooting gallery, billiard and
20 pool parlor, or other place of amusement; any comfort station; any
21 dispensary, clinic, or hospital; any public library; and any
22 kindergarten, primary and secondary school, trade or business
23 school, high school, academy, college and university, or any
24 educational institution under the supervision of the State Board of
25 Education or the Commissioner of Education of the State of New
26 Jersey. Nothing herein contained shall be construed to include or to
27 apply to any institution, bona fide club, or place of accommodation,
28 which is in its nature distinctly private; nor shall anything herein
29 contained apply to any educational facility operated or maintained
30 by a bona fide religious or sectarian institution, and the right of a
31 natural parent or one in loco parentis to direct the education and
32 upbringing of a child under his control is hereby affirmed; nor shall
33 anything herein contained be construed to bar any private secondary
34 or post-secondary school from using in good faith criteria other than
35 race, creed, color, national origin, ancestry, gender identity, or
36 expression or affectional or sexual orientation in the admission of
37 students.

38 m. "A publicly assisted housing accommodation" shall include
39 all housing built with public funds or public assistance pursuant to
40 P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949, c.303,
41 P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and P.L.1949,
42 c.184, and all housing financed in whole or in part by a loan,
43 whether or not secured by a mortgage, the repayment of which is
44 guaranteed or insured by the federal government or any agency
45 thereof.

46 n. The term "real property" includes real estate, lands,
47 tenements and hereditaments, corporeal and incorporeal, and
48 leaseholds, provided, however, that, except as to publicly assisted

1 housing accommodations, the provisions of this act shall not apply
2 to the rental: (1) of a single apartment or flat in a two-family
3 dwelling, the other occupancy unit of which is occupied by the
4 owner as a residence; or (2) of a room or rooms to another person or
5 persons by the owner or occupant of a one-family dwelling
6 occupied by the owner or occupant as a residence at the time of
7 such rental. Nothing herein contained shall be construed to bar any
8 religious or denominational institution or organization, or any
9 organization operated for charitable or educational purposes, which
10 is operated, supervised, or controlled by or in connection with a
11 religious organization, in the sale, lease, or rental of real property,
12 from limiting admission to or giving preference to persons of the
13 same religion or denomination or from making such selection as is
14 calculated by such organization to promote the religious principles
15 for which it is established or maintained. Nor does any provision
16 under this act regarding discrimination on the basis of familial
17 status apply with respect to housing for older persons.

18 o. "Real estate broker" includes a person, firm, or corporation
19 who, for a fee, commission, or other valuable consideration, or by
20 reason of promise or reasonable expectation thereof, lists for sale,
21 sells, exchanges, buys or rents, or offers or attempts to negotiate a
22 sale, exchange, purchase, or rental of real estate or an interest
23 therein, or collects or offers or attempts to collect rent for the use of
24 real estate, or solicits for prospective purchasers or assists or directs
25 in the procuring of prospects or the negotiation or closing of any
26 transaction which does or is contemplated to result in the sale,
27 exchange, leasing, renting, or auctioning of any real estate, or
28 negotiates, or offers or attempts or agrees to negotiate a loan
29 secured or to be secured by mortgage or other encumbrance upon or
30 transfer of any real estate for others; or any person who, for
31 pecuniary gain or expectation of pecuniary gain conducts a public
32 or private competitive sale of lands or any interest in lands. In the
33 sale of lots, the term "real estate broker" shall also include any
34 person, partnership, association, or corporation employed by or on
35 behalf of the owner or owners of lots or other parcels of real estate,
36 at a stated salary, or upon a commission, or upon a salary and
37 commission or otherwise, to sell such real estate, or any parts
38 thereof, in lots or other parcels, and who shall sell or exchange, or
39 offer or attempt or agree to negotiate the sale or exchange, of any
40 such lot or parcel of real estate.

41 p. "Real estate salesperson" includes any person who, for
42 compensation, valuable consideration or commission, or other thing
43 of value, or by reason of a promise or reasonable expectation
44 thereof, is employed by and operates under the supervision of a
45 licensed real estate broker to sell or offer to sell, buy or offer to buy
46 or negotiate the purchase, sale, or exchange of real estate, or offers
47 or attempts to negotiate a loan secured or to be secured by a
48 mortgage or other encumbrance upon or transfer of real estate, or to

1 lease or rent, or offer to lease or rent any real estate for others, or to
2 collect rents for the use of real estate, or to solicit for prospective
3 purchasers or lessees of real estate, or who is employed by a
4 licensed real estate broker to sell or offer to sell lots or other parcels
5 of real estate, at a stated salary, or upon a commission, or upon a
6 salary and commission, or otherwise to sell real estate, or any parts
7 thereof, in lots or other parcels.

8 q. "Disability" means physical or sensory disability, infirmity,
9 malformation, or disfigurement which is caused by bodily injury,
10 birth defect, or illness including epilepsy and other seizure
11 disorders, and which shall include, but not be limited to, any degree
12 of paralysis, amputation, lack of physical coordination, blindness or
13 visual impairment, deafness or hearing impairment, muteness or
14 speech impairment, or physical reliance on a service or guide dog,
15 wheelchair, or other remedial appliance or device, or any mental,
16 psychological, or developmental disability, including autism
17 spectrum disorders, resulting from anatomical, psychological,
18 physiological, or neurological conditions which prevents the typical
19 exercise of any bodily or mental functions or is demonstrable,
20 medically or psychologically, by accepted clinical or laboratory
21 diagnostic techniques. Disability shall also mean AIDS or HIV
22 infection.

23 r. "Blind person" or "person who is blind" means any
24 individual whose central visual acuity does not exceed 20/200 in the
25 better eye with correcting lens or whose visual acuity is better than
26 20/200 if accompanied by a limit to the field of vision in the better
27 eye to such a degree that its widest diameter subtends an angle of
28 no greater than 20 degrees.

29 s. "Guide dog" means a dog used to assist persons who are
30 deaf, or which is fitted with a special harness so as to be suitable as
31 an aid to the mobility of a person who is blind, and is used by a
32 person who is blind and has satisfactorily completed a specific
33 course of training in the use of such a dog, and has been trained by
34 an organization generally recognized by agencies involved in the
35 rehabilitation of persons with disabilities, including, but not limited
36 to, those persons who are blind or deaf, as reputable and competent
37 to provide dogs with training of this type.

38 t. "Guide or service dog trainer" means any person who is
39 employed by an organization generally recognized by agencies
40 involved in the rehabilitation of persons with disabilities, including,
41 but not limited to, those persons who are blind, have visual
42 impairments, or are deaf or have hearing impairments, as reputable
43 and competent to provide dogs with training, as defined in this
44 section, and who is actually involved in the training process.

45 u. "Housing accommodation" means any publicly assisted
46 housing accommodation or any real property, or portion thereof,
47 which is used or occupied, or is intended, arranged, or designed to
48 be used or occupied, as the home, residence, or sleeping place of

1 one or more persons, but shall not include any single family
2 residence the occupants of which rent, lease, or furnish for
3 compensation not more than one room therein.

4 v. "Public facility" means any place of public accommodation
5 and any street, highway, sidewalk, walkway, public building, and
6 any other place or structure to which the general public is regularly,
7 normally, or customarily permitted or invited.

8 w. "Deaf person" or "person who is deaf" means any person
9 whose hearing is so severely impaired that the person is unable to
10 hear and understand conversational speech through the unaided ear
11 alone, and who must depend primarily on an assistive listening
12 device or visual communication such as writing, lip reading, sign
13 language, and gestures.

14 x. "Atypical hereditary cellular or blood trait" means sickle cell
15 trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic
16 fibrosis trait.

17 y. "Sickle cell trait" means the condition wherein the major
18 natural hemoglobin components present in the blood of the
19 individual are hemoglobin A (normal) and hemoglobin S (sickle
20 hemoglobin) as defined by standard chemical and physical analytic
21 techniques, including electrophoresis; and the proportion of
22 hemoglobin A is greater than the proportion of hemoglobin S or one
23 natural parent of the individual is shown to have only normal
24 hemoglobin components (hemoglobin A, hemoglobin A2,
25 hemoglobin F) in the normal proportions by standard chemical and
26 physical analytic tests.

27 z. "Hemoglobin C trait" means the condition wherein the major
28 natural hemoglobin components present in the blood of the
29 individual are hemoglobin A (normal) and hemoglobin C as defined
30 by standard chemical and physical analytic techniques, including
31 electrophoresis; and the proportion of hemoglobin A is greater than
32 the proportion of hemoglobin C or one natural parent of the
33 individual is shown to have only normal hemoglobin components
34 (hemoglobin A, hemoglobin A2, hemoglobin F) in normal
35 proportions by standard chemical and physical analytic tests.

36 aa. "Thalassemia trait" means the presence of the thalassemia
37 gene which in combination with another similar gene results in the
38 chronic hereditary disease Cooley's anemia.

39 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene
40 which in combination with another similar gene results in the
41 chronic hereditary disease Tay-Sachs.

42 cc. "Cystic fibrosis trait" means the presence of the cystic
43 fibrosis gene which in combination with another similar gene
44 results in the chronic hereditary disease cystic fibrosis.

45 dd. "Service dog" means any dog individually trained to the
46 requirements of a person with a disability including, but not limited
47 to minimal protection work, rescue work, pulling a wheelchair or
48 retrieving dropped items. This term shall include a "seizure dog"

- 1 trained to alert or otherwise assist persons with epilepsy or other
2 seizure disorders.
- 3 ee. "Qualified Medicaid applicant" means an individual who is a
4 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
- 5 ff. "AIDS" means acquired immune deficiency syndrome as
6 defined by the Centers for Disease Control and Prevention of the
7 United States Public Health Service.
- 8 gg. "HIV infection" means infection with the human
9 immunodeficiency virus or any other related virus identified as a
10 probable causative agent of AIDS.
- 11 hh. "Affectional or sexual orientation" means male or female
12 heterosexuality, homosexuality, or bisexuality by inclination,
13 practice, identity, or expression, having a history thereof or being
14 perceived, presumed, or identified by others as having such an
15 orientation.
- 16 ii. "Heterosexuality" means affectional, emotional, or physical
17 attraction or behavior which is primarily directed towards persons
18 of the other gender.
- 19 jj. "Homosexuality" means affectional, emotional, or physical
20 attraction or behavior which is primarily directed towards persons
21 of the same gender.
- 22 kk. "Bisexuality" means affectional, emotional, or physical
23 attraction or behavior which is directed towards persons of multiple
24 genders.
- 25 ll. "Familial status" means being the natural parent of a child,
26 the adoptive parent of a child, the resource family parent of a child,
27 having a "parent and child relationship" with a child as defined by
28 State law, or having sole or joint legal or physical custody, care,
29 guardianship, or visitation with a child, or any person who is
30 pregnant or is in the process of securing legal custody of any
31 individual who has not attained the age of 18 years.
- 32 mm. "Housing for older persons" means housing:
- 33 (1) provided under any State program that the Attorney General
34 determines is specifically designed and operated to assist persons
35 who are elderly (as defined in the State program); or provided under
36 any federal program that the United States Department of Housing
37 and Urban Development determines is specifically designed and
38 operated to assist persons who are elderly (as defined in the federal
39 program); or
- 40 (2) intended for, and solely occupied by, persons 62 years of age
41 or older; or
- 42 (3) intended and operated for occupancy by at least one person
43 55 years of age or older per unit. In determining whether housing
44 qualifies as housing for older persons under this paragraph, the
45 Attorney General shall adopt regulations which require at least the
46 following factors:
- 47 (a) the existence of significant facilities and services
48 specifically designed to meet the physical or social needs of older

1 persons, or if the provision of such facilities and services is not
2 practicable, that such housing is necessary to provide important
3 housing opportunities for older persons; and

4 (b) that at least 80 percent of the units are occupied by at least
5 one person 55 years of age or older per unit; and

6 (c) the publication of, and adherence to, policies and procedures
7 which demonstrate an intent by the owner or manager to provide
8 housing for persons 55 years of age or older.

9 Housing shall not fail to meet the requirements for housing for
10 older persons by reason of: persons residing in such housing as of
11 September 13, 1988 not meeting the age requirements of this
12 subsection, provided that new occupants of such housing meet the
13 age requirements of this subsection; or unoccupied units, provided
14 that such units are reserved for occupancy by persons who meet the
15 age requirements of this subsection.

16 nn. "Genetic characteristic" means any inherited gene or
17 chromosome, or alteration thereof, that is scientifically or medically
18 believed to predispose an individual to a disease, disorder, or
19 syndrome, or to be associated with a statistically significant
20 increased risk of development of a disease, disorder, or syndrome.

21 oo. "Genetic information" means the information about genes,
22 gene products, or inherited characteristics that may derive from an
23 individual or family member.

24 pp. "Genetic test" means a test for determining the presence or
25 absence of an inherited genetic characteristic in an individual,
26 including tests of nucleic acids such as DNA, RNA, and
27 mitochondrial DNA, chromosomes, or proteins in order to identify a
28 predisposing genetic characteristic.

29 qq. "Domestic partnership" means a domestic partnership
30 established pursuant to section 4 of P.L.2003, c.246 (C.26:8A-4).

31 rr. "Gender identity or expression" means having or being
32 perceived as having a gender related identity or expression whether
33 or not stereotypically associated with a person's assigned sex at
34 birth.

35 ss. "Civil Union" means a legally recognized union of two
36 eligible individuals established pursuant to R.S.37:1-1 et seq. and
37 P.L.2006, c.103 (C.37:1-28 et al.).

38 tt. "Premium pay" means additional remuneration for night,
39 weekend, or holiday work, or for standby or irregular duty.

40 uu. "Premium benefit" means an employment benefit, such as
41 seniority, group life insurance, health insurance, disability
42 insurance, sick leave, annual leave, or an educational or pension
43 benefit that is greater than the employment benefit due the
44 employee for an equivalent period of work performed during the
45 regular work schedule of the employee.

46 vv. "Race" is inclusive of traits historically associated with race,
47 including, but not limited to, hair texture, hair types, and protective
48 hairstyles.

1 ww. "Protective hairstyles" includes, but is not limited to, such
2 hairstyles as braids, locks, and twists.

3 xx. "Family member" means a child, parent, parent-in-law,
4 sibling, grandparent, grandchild, spouse, partner in a civil union
5 couple, domestic partner, or any other individual related by blood to
6 the person, and any other individual that the person shows to have a
7 close association with the person which is the equivalent of a family
8 relationship.

9 yy. "Menopause" means the permanent end of a menstrual cycle,
10 diagnosed by a licensed medical provider after 12 consecutive
11 months without a menstrual period.

12 zz. "Perimenopause" means the transitional period leading to
13 menopause, marked by fluctuating hormone levels and changes in
14 menstrual cycles.

15 (cf: P.L.2023, c.262, s.3)

16

17 2. Section 11 of P.L.1945, c.169 (C.10:5-12) is amended to
18 read as follows:

19 11. It shall be an unlawful employment practice, or, as the case
20 may be, an unlawful discrimination:

21 a. For an employer, because of the race, creed, color, national
22 origin, ancestry, age, marital status, civil union status, domestic
23 partnership status, affectional or sexual orientation, genetic
24 information, pregnancy or breastfeeding, sex, gender identity or
25 expression, disability or atypical hereditary cellular or blood trait of
26 any individual, or because of the liability for service in the Armed
27 Forces of the United States or the nationality of any individual, or
28 because of the refusal to submit to a genetic test or make available
29 the results of a genetic test to an employer, or because of
30 menstruation, perimenopause, or menopause, if the symptoms of
31 menstruation, perimenopause, or menopause substantially interfere
32 with an employee's ability to perform one or more job functions, to
33 refuse to hire or employ or to bar or to discharge or require to retire,
34 unless justified by lawful considerations other than age, from
35 employment such individual or to discriminate against such
36 individual in compensation or in terms, conditions or privileges of
37 employment; provided, however, it shall not be an unlawful
38 employment practice to refuse to accept for employment an
39 applicant who has received a notice of induction or orders to report
40 for active duty in the armed forces; provided further that nothing
41 herein contained shall be construed to bar an employer from
42 refusing to accept for employment any person on the basis of sex in
43 those certain circumstances where sex is a bona fide occupational
44 qualification, reasonably necessary to the normal operation of the
45 particular business or enterprise; provided further that it shall not be
46 an unlawful employment practice for a club exclusively social or
47 fraternal to use club membership as a uniform qualification for
48 employment, or for a religious association or organization to utilize

1 religious affiliation as a uniform qualification in the employment of
2 clergy, religious teachers or other employees engaged in the
3 religious activities of the association or organization, or in
4 following the tenets of its religion in establishing and utilizing
5 criteria for employment of an employee; provided further, that it
6 shall not be an unlawful employment practice to require the
7 retirement of any employee who, for the two-year period
8 immediately before retirement, is employed in a bona fide executive
9 or a high policy-making position, if that employee is entitled to an
10 immediate non-forfeitable annual retirement benefit from a pension,
11 profit sharing, savings or deferred retirement plan, or any
12 combination of those plans, of the employer of that employee which
13 equals in the aggregate at least \$27,000.00; and provided further
14 that an employer may restrict employment to citizens of the United
15 States where such restriction is required by federal law or is
16 otherwise necessary to protect the national interest.

17 The provisions of subsections a. and b. of section 57 of
18 P.L.2003, c.246 (C.34:11A-20), and the provisions of section 58 of
19 P.L.2003, c.246 (C.26:8A-11), shall not be deemed to be an
20 unlawful discrimination under P.L.1945, c.169 (C.10:5-1 et seq.).

21 For the purposes of this subsection, a "bona fide executive" is a
22 top level employee who exercises substantial executive authority
23 over a significant number of employees and a large volume of
24 business. A "high policy-making position" is a position in which a
25 person plays a significant role in developing policy and in
26 recommending the implementation thereof.

27 For the purposes of this subsection, an unlawful employment
28 practice occurs, with respect to discrimination in compensation or
29 in the financial terms or conditions of employment, each occasion
30 that an individual is affected by application of a discriminatory
31 compensation decision or other practice, including, but not limited
32 to, each occasion that wages, benefits, or other compensation are
33 paid, resulting in whole or in part from the decision or other
34 practice.

35 In addition to any other relief authorized by the "Law Against
36 Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.) for
37 discrimination in compensation or in the financial terms or
38 conditions of employment, liability shall accrue and an aggrieved
39 person may obtain relief for back pay for the entire period of time,
40 except not more than six years, in which the violation with regard to
41 discrimination in compensation or in the financial terms or
42 conditions of employment has been continuous, if the violation
43 continues to occur within the statute of limitations.

44 Nothing in this subsection shall prohibit the application of the
45 doctrine of "continuing violation" or the "discovery rule" to any
46 appropriate claim as those doctrines currently exist in New Jersey
47 common law. It shall be an unlawful employment practice to
48 require employees or prospective employees to consent to a

1 shortened statute of limitations or to waive any of the protections
2 provided by the "Law Against Discrimination," P.L.1945, c.169
3 (C.10:5-1 et seq.).

4 b. For a labor organization, because of the race, creed, color,
5 national origin, ancestry, age, marital status, civil union status,
6 domestic partnership status, affectional or sexual orientation,
7 gender identity or expression, disability, pregnancy or
8 breastfeeding, or sex of any individual, or because of the liability
9 for service in the Armed Forces of the United States or nationality
10 of any individual, or because of menstruation, perimenopause, or
11 menopause, if the symptoms of menstruation, perimenopause, or
12 menopause substantially interfere with an employee's ability to
13 perform one or more job functions, to exclude or to expel from its
14 membership such individual or to discriminate in any way against
15 any of its members, against any applicant for, or individual included
16 in, any apprentice or other training program or against any
17 employer or any individual employed by an employer; provided,
18 however, that nothing herein contained shall be construed to bar a
19 labor organization from excluding from its apprentice or other
20 training programs any person on the basis of sex in those certain
21 circumstances where sex is a bona fide occupational qualification
22 reasonably necessary to the normal operation of the particular
23 apprentice or other training program.

24 c. For any employer or employment agency to print or circulate
25 or cause to be printed or circulated any statement, advertisement or
26 publication, or to use any form of application for employment, or to
27 make an inquiry in connection with prospective employment, which
28 expresses, directly or indirectly, any limitation, specification or
29 discrimination as to race, creed, color, national origin, ancestry,
30 age, marital status, civil union status, domestic partnership status,
31 affectional or sexual orientation, gender identity or expression,
32 disability, nationality, pregnancy or breastfeeding, or sex or liability
33 of any applicant for employment for service in the Armed Forces of
34 the United States, or because of menstruation, perimenopause, or
35 menopause, if the symptoms of menstruation, perimenopause, or
36 menopause substantially interfere with an employee's ability to
37 perform one or more job functions, or any intent to make any such
38 limitation, specification or discrimination, unless based upon a bona
39 fide occupational qualification.

40 d. For any person to take reprisals against any person because
41 that person has opposed any practices or acts forbidden under this
42 act or because that person has sought legal advice regarding rights
43 under this act, shared relevant information with legal counsel,
44 shared information with a governmental entity, or filed a complaint,
45 testified or assisted in any proceeding under this act or to coerce,
46 intimidate, threaten or interfere with any person in the exercise or
47 enjoyment of, or on account of that person having aided or

1 encouraged any other person in the exercise or enjoyment of, any
2 right granted or protected by this act.

3 e. For any person, whether an employer or an employee or not,
4 to aid, abet, incite, compel or coerce the doing of any of the acts
5 forbidden under this act, or to attempt to do so.

6 f. (1) For any owner, lessee, proprietor, manager,
7 superintendent, agent, or employee of any place of public
8 accommodation directly or indirectly to refuse, withhold from or
9 deny to any person any of the accommodations, advantages,
10 facilities or privileges thereof, or to discriminate against any person
11 in the furnishing thereof, or directly or indirectly to publish,
12 circulate, issue, display, post or mail any written or printed
13 communication, notice, or advertisement to the effect that any of
14 the accommodations, advantages, facilities, or privileges of any
15 such place will be refused, withheld from, or denied to any person
16 on account of the race, creed, color, national origin, ancestry,
17 marital status, civil union status, domestic partnership status,
18 pregnancy or breastfeeding, sex, gender identity or expression,
19 affectional or sexual orientation, disability, liability for service in
20 the Armed Forces of the United States or nationality of such person,
21 or that the patronage or custom thereof of any person of any
22 particular race, creed, color, national origin, ancestry, marital status,
23 civil union status, domestic partnership status, pregnancy or
24 breastfeeding status, sex, gender identity or expression, affectional
25 or sexual orientation, disability, liability for service in the Armed
26 Forces of the United States or nationality is unwelcome,
27 objectionable or not acceptable, desired or solicited, and the
28 production of any such written or printed communication, notice or
29 advertisement, purporting to relate to any such place and to be made
30 by any owner, lessee, proprietor, superintendent or manager thereof,
31 shall be presumptive evidence in any action that the same was
32 authorized by such person; provided, however, that nothing
33 contained herein shall be construed to bar any place of public
34 accommodation which is in its nature reasonably restricted
35 exclusively to individuals of one sex, and which shall include but
36 not be limited to any summer camp, day camp, or resort camp,
37 bathhouse, dressing room, swimming pool, gymnasium, comfort
38 station, dispensary, clinic or hospital, or school or educational
39 institution which is restricted exclusively to individuals of one sex,
40 provided individuals shall be admitted based on their gender
41 identity or expression, from refusing, withholding from or denying
42 to any individual of the opposite sex any of the accommodations,
43 advantages, facilities or privileges thereof on the basis of sex;
44 provided further, that the foregoing limitation shall not apply to any
45 restaurant as defined in R.S.33:1-1 or place where alcoholic
46 beverages are served.

47 (2) Notwithstanding the definition of "a place of public
48 accommodation" as set forth in subsection 1. of section 5 of

1 P.L.1945, c.169 (C.10:5-5), for any owner, lessee, proprietor,
2 manager, superintendent, agent, or employee of any private club or
3 association to directly or indirectly refuse, withhold from or deny to
4 any individual who has been accepted as a club member and has
5 contracted for or is otherwise entitled to full club membership any
6 of the accommodations, advantages, facilities or privileges thereof,
7 or to discriminate against any member in the furnishing thereof on
8 account of the race, creed, color, national origin, ancestry, marital
9 status, civil union status, domestic partnership status, pregnancy or
10 breastfeeding, sex, gender identity, or expression, affectional or
11 sexual orientation, disability, liability for service in the Armed
12 Forces of the United States or nationality of such person.

13 In addition to the penalties otherwise provided for a violation of
14 P.L.1945, c.169 (C.10:5-1 et seq.), if the violator of paragraph (2)
15 of subsection f. of this section is the holder of an alcoholic beverage
16 license issued under the provisions of R.S.33:1-12 for that private
17 club or association, the matter shall be referred to the Director of
18 the Division of Alcoholic Beverage Control who shall impose an
19 appropriate penalty in accordance with the procedures set forth in
20 R.S.33:1-31.

21 g. For any person, including but not limited to, any owner,
22 lessee, sublessee, assignee or managing agent of, or other person
23 having the right of ownership or possession of or the right to sell,
24 rent, lease, assign, or sublease any real property or part or portion
25 thereof, or any agent or employee of any of these:

26 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise
27 to deny to or withhold from any person or group of persons any real
28 property or part or portion thereof because of race, creed, color,
29 national origin, ancestry, marital status, civil union status, domestic
30 partnership status, pregnancy or breastfeeding, sex, gender identity
31 or expression, affectional or sexual orientation, familial status,
32 disability, liability for service in the Armed Forces of the United
33 States, nationality, or source of lawful income used for rental or
34 mortgage payments;

35 (2) To discriminate against any person or group of persons
36 because of race, creed, color, national origin, ancestry, marital
37 status, civil union status, domestic partnership status, pregnancy or
38 breastfeeding, sex, gender identity or expression, affectional or
39 sexual orientation, familial status, disability, liability for service in
40 the Armed Forces of the United States, nationality or source of
41 lawful income used for rental or mortgage payments in the terms,
42 conditions or privileges of the sale, rental or lease of any real
43 property or part or portion thereof or in the furnishing of facilities
44 or services in connection therewith;

45 (3) To print, publish, circulate, issue, display, post or mail, or
46 cause to be printed, published, circulated, issued, displayed, posted
47 or mailed any statement, advertisement, publication or sign, or to
48 use any form of application for the purchase, rental, lease,

1 assignment or sublease of any real property or part or portion
2 thereof, or to make any record or inquiry in connection with the
3 prospective purchase, rental, lease, assignment, or sublease of any
4 real property, or part or portion thereof which expresses, directly or
5 indirectly, any limitation, specification or discrimination as to race,
6 creed, color, national origin, ancestry, marital status, civil union
7 status, domestic partnership status, pregnancy or breastfeeding, sex,
8 gender identity, or expression, affectional or sexual orientation,
9 familial status, disability, liability for service in the Armed Forces
10 of the United States, nationality, or source of lawful income used
11 for rental or mortgage payments, or any intent to make any such
12 limitation, specification or discrimination, and the production of
13 any such statement, advertisement, publicity, sign, form of
14 application, record, or inquiry purporting to be made by any such
15 person shall be presumptive evidence in any action that the same
16 was authorized by such person; provided, however, that nothing
17 contained in this subsection shall be construed to bar any person
18 from refusing to sell, rent, lease, assign or sublease or from
19 advertising or recording a qualification as to sex for any room,
20 apartment, flat in a dwelling or residential facility which is planned
21 exclusively for and occupied by individuals of one sex to any
22 individual of the exclusively opposite sex on the basis of sex
23 provided individuals shall be qualified based on their gender
24 identity or expression;

25 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise
26 to deny to or withhold from any person or group of persons any real
27 property or part or portion thereof because of the source of any
28 lawful income received by the person or the source of any lawful
29 rent payment to be paid for the real property; or

30 (5) To refuse to rent or lease any real property to another person
31 because that person's family includes children under 18 years of
32 age, or to make an agreement, rental or lease of any real property
33 which provides that the agreement, rental or lease shall be rendered
34 null and void upon the birth of a child. This paragraph shall not
35 apply to housing for older persons as defined in subsection mm. of
36 section 5 of P.L.1945, c.169 (C.10:5-5).

37 h. For any person, including but not limited to, any real estate
38 broker, real estate salesperson, or employee or agent thereof:

39 (1) To refuse to sell, rent, assign, lease or sublease, or offer for
40 sale, rental, lease, assignment, or sublease any real property or part
41 or portion thereof to any person or group of persons or to refuse to
42 negotiate for the sale, rental, lease, assignment, or sublease of any
43 real property or part or portion thereof to any person or group of
44 persons because of race, creed, color, national origin, ancestry,
45 marital status, civil union status, domestic partnership status,
46 familial status, pregnancy or breastfeeding, sex, gender identity or
47 expression, affectional or sexual orientation, liability for service in
48 the Armed Forces of the United States, disability, nationality, or

1 source of lawful income used for rental or mortgage payments, or to
2 represent that any real property or portion thereof is not available
3 for inspection, sale, rental, lease, assignment, or sublease when in
4 fact it is so available, or otherwise to deny or withhold any real
5 property or any part or portion of facilities thereof to or from any
6 person or group of persons because of race, creed, color, national
7 origin, ancestry, marital status, civil union status, domestic
8 partnership status, familial status, pregnancy or breastfeeding, sex,
9 gender identity or expression, affectional or sexual orientation,
10 disability, liability for service in the Armed Forces of the United
11 States, or nationality;

12 (2) To discriminate against any person because of race, creed,
13 color, national origin, ancestry, marital status, civil union status,
14 domestic partnership status, familial status, pregnancy or
15 breastfeeding, sex, gender identity or expression, affectional or
16 sexual orientation, disability, liability for service in the Armed
17 Forces of the United States, nationality, or source of lawful income
18 used for rental or mortgage payments in the terms, conditions or
19 privileges of the sale, rental, lease, assignment or sublease of any
20 real property or part or portion thereof or in the furnishing of
21 facilities or services in connection therewith;

22 (3) To print, publish, circulate, issue, display, post, or mail, or
23 cause to be printed, published, circulated, issued, displayed, posted
24 or mailed any statement, advertisement, publication or sign, or to
25 use any form of application for the purchase, rental, lease,
26 assignment, or sublease of any real property or part or portion
27 thereof or to make any record or inquiry in connection with the
28 prospective purchase, rental, lease, assignment, or sublease of any
29 real property or part or portion thereof which expresses, directly or
30 indirectly, any limitation, specification or discrimination as to race,
31 creed, color, national origin, ancestry, marital status, civil union
32 status, domestic partnership status, familial status, pregnancy or
33 breastfeeding, sex, gender identity or expression, affectional or
34 sexual orientation, disability, liability for service in the Armed
35 Forces of the United States, nationality, or source of lawful income
36 used for rental or mortgage payments or any intent to make any
37 such limitation, specification or discrimination, and the production
38 of any such statement, advertisement, publicity, sign, form of
39 application, record, or inquiry purporting to be made by any such
40 person shall be presumptive evidence in any action that the same
41 was authorized by such person; provided, however, that nothing
42 contained in this subsection h., shall be construed to bar any person
43 from refusing to sell, rent, lease, assign or sublease or from
44 advertising or recording a qualification as to sex for any room,
45 apartment, flat in a dwelling or residential facility which is planned
46 exclusively for and occupied exclusively by individuals of one sex
47 to any individual of the opposite sex on the basis of sex, provided

1 individuals shall be qualified based on their gender identity or
2 expression;

3 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise
4 to deny to or withhold from any person or group of persons any real
5 property or part or portion thereof because of the source of any
6 lawful income received by the person or the source of any lawful
7 rent payment to be paid for the real property; or

8 (5) To refuse to rent or lease any real property to another person
9 because that person's family includes children under 18 years of
10 age, or to make an agreement, rental or lease of any real property
11 which provides that the agreement, rental or lease shall be rendered
12 null and void upon the birth of a child. This paragraph shall not
13 apply to housing for older persons as defined in subsection mm. of
14 section 5 of P.L.1945, c.169 (C.10:5-5).

15 i. For any person, bank, banking organization, mortgage
16 company, insurance company or other financial institution, lender
17 or credit institution involved in the making or purchasing of any
18 loan or extension of credit, for whatever purpose, whether secured
19 by residential real estate or not, including but not limited to
20 financial assistance for the purchase, acquisition, construction,
21 rehabilitation, repair or maintenance of any real property or part or
22 portion thereof or any agent or employee thereof:

23 (1) To discriminate against any person or group of persons
24 because of race, creed, color, national origin, ancestry, marital
25 status, civil union status, domestic partnership status, pregnancy or
26 breastfeeding, sex, gender identity or expression, affectional or
27 sexual orientation, disability, liability for service in the Armed
28 Forces of the United States, familial status or nationality, in the
29 granting, withholding, extending, modifying, renewing, or
30 purchasing, or in the fixing of the rates, terms, conditions or
31 provisions of any such loan, extension of credit or financial
32 assistance or purchase thereof or in the extension of services in
33 connection therewith;

34 (2) To use any form of application for such loan, extension of
35 credit or financial assistance or to make record or inquiry in
36 connection with applications for any such loan, extension of credit
37 or financial assistance which expresses, directly or indirectly, any
38 limitation, specification or discrimination as to race, creed, color,
39 national origin, ancestry, marital status, civil union status, domestic
40 partnership status, pregnancy or breastfeeding, sex, gender identity
41 or expression, affectional or sexual orientation, disability, liability
42 for service in the Armed Forces of the United States, familial status
43 or nationality or any intent to make any such limitation,
44 specification or discrimination; unless otherwise required by law or
45 regulation to retain or use such information;

46 (3) (Deleted by amendment, P.L.2003, c.180).

47 (4) To discriminate against any person or group of persons
48 because of the source of any lawful income received by the person

1 or the source of any lawful rent payment to be paid for the real
2 property; or

3 (5) To discriminate against any person or group of persons
4 because that person's family includes children under 18 years of
5 age, or to make an agreement or mortgage which provides that the
6 agreement or mortgage shall be rendered null and void upon the
7 birth of a child. This paragraph shall not apply to housing for older
8 persons as defined in subsection mm. of section 5 of P.L.1945,
9 c.169 (C.10:5-5).

10 j. For any person whose activities are included within the
11 scope of this act to refuse to post or display such notices concerning
12 the rights or responsibilities of persons affected by this act as the
13 Attorney General may by regulation require.

14 k. For any real estate broker, real estate salesperson or
15 employee or agent thereof or any other individual, corporation,
16 partnership, or organization, for the purpose of inducing a
17 transaction for the sale or rental of real property from which
18 transaction such person or any of its members may benefit
19 financially, to represent that a change has occurred or will or may
20 occur in the composition with respect to race, creed, color, national
21 origin, ancestry, marital status, civil union status, domestic
22 partnership status, familial status, pregnancy or breastfeeding, sex,
23 gender identity or expression, affectional or sexual orientation,
24 disability, liability for service in the Armed Forces of the United
25 States, nationality, or source of lawful income used for rental or
26 mortgage payments of the owners or occupants in the block,
27 neighborhood or area in which the real property is located, and to
28 represent, directly or indirectly, that this change will or may result
29 in undesirable consequences in the block, neighborhood or area in
30 which the real property is located, including, but not limited to the
31 lowering of property values, an increase in criminal or anti-social
32 behavior, or a decline in the quality of schools or other facilities.

33 l. For any person to refuse to buy from, sell to, lease from or
34 to, license, contract with, or trade with, provide goods, services or
35 information to, or otherwise do business with any other person on
36 the basis of the race, creed, color, national origin, ancestry, age,
37 pregnancy or breastfeeding, sex, gender identity or expression,
38 affectional or sexual orientation, marital status, civil union status,
39 domestic partnership status, liability for service in the Armed
40 Forces of the United States, disability, nationality, or source of
41 lawful income used for rental or mortgage payments of such other
42 person or of such other person's family members, partners,
43 members, stockholders, directors, officers, managers,
44 superintendents, agents, employees, business associates, suppliers,
45 or customers. This subsection shall not prohibit refusals or other
46 actions (1) pertaining to employee-employer collective bargaining,
47 labor disputes, or unfair labor practices, or (2) made or taken in

1 connection with a protest of unlawful discrimination or unlawful
2 employment practices.

3 m. For any person to:

4 (1) Grant or accept any letter of credit or other document which
5 evidences the transfer of funds or credit, or enter into any contract
6 for the exchange of goods or services, where the letter of credit,
7 contract, or other document contains any provisions requiring any
8 person to discriminate against or to certify that he, she or it has not
9 dealt with any other person on the basis of the race, creed, color,
10 national origin, ancestry, age, pregnancy or breastfeeding, sex,
11 gender identity or expression, affectional or sexual orientation,
12 marital status, civil union status, domestic partnership status,
13 disability, liability for service in the Armed Forces of the United
14 States, or nationality of such other person or of such other person's
15 family members, partners, members, stockholders, directors,
16 officers, managers, superintendents, agents, employees, business
17 associates, suppliers, or customers.

18 (2) Refuse to grant or accept any letter of credit or other
19 document which evidences the transfer of funds or credit, or refuse
20 to enter into any contract for the exchange of goods or services, on
21 the ground that it does not contain such a discriminatory provision
22 or certification.

23 The provisions of this subsection shall not apply to any letter of
24 credit, contract, or other document which contains any provision
25 pertaining to employee-employer collective bargaining, a labor
26 dispute or an unfair labor practice, or made in connection with the
27 protest of unlawful discrimination or an unlawful employment
28 practice, if the other provisions of such letter of credit, contract, or
29 other document do not otherwise violate the provisions of this
30 subsection.

31 n. For any person to aid, abet, incite, compel, coerce, or induce
32 the doing of any act forbidden by subsections l. and m. of section
33 11 of P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to
34 do so. Such prohibited conduct shall include, but not be limited to:

35 (1) Buying from, selling to, leasing from or to, licensing,
36 contracting with, trading with, providing goods, services, or
37 information to, or otherwise doing business with any person
38 because that person does, or agrees or attempts to do, any such act
39 or any act prohibited by this subsection; or

40 (2) Boycotting, commercially blacklisting or refusing to buy
41 from, sell to, lease from or to, license, contract with, provide goods,
42 services or information to, or otherwise do business with any person
43 because that person has not done or refuses to do any such act or
44 any act prohibited by this subsection; provided that this subsection
45 shall not prohibit refusals or other actions either pertaining to
46 employee-employer collective bargaining, labor disputes, or unfair
47 labor practices, or made or taken in connection with a protest of
48 unlawful discrimination or unlawful employment practices.

1 o. For any multiple listing service, real estate brokers'
2 organization or other service, organization or facility related to the
3 business of selling or renting dwellings to deny any person access
4 to or membership or participation in such organization, or to
5 discriminate against such person in the terms or conditions of such
6 access, membership, or participation, on account of race, creed,
7 color, national origin, ancestry, age, marital status, civil union
8 status, domestic partnership status, familial status, pregnancy or
9 breastfeeding, sex, gender identity or expression, affectional or
10 sexual orientation, disability, liability for service in the Armed
11 Forces of the United States or nationality.

12 p. Nothing in the provisions of this section shall affect the
13 ability of an employer to require employees to adhere to reasonable
14 workplace appearance, grooming and dress standards not precluded
15 by other provisions of State or federal law, except that an employer
16 shall allow an employee to appear, groom and dress consistent with
17 the employee's gender identity or expression.

18 q. (1) For any employer to impose upon a person as a condition
19 of obtaining or retaining employment, including opportunities for
20 promotion, advancement or transfers, any terms or conditions that
21 would require a person to violate or forego a sincerely held
22 religious practice or religious observance, including but not limited
23 to the observance of any particular day or days or any portion
24 thereof as a Sabbath or other holy day in accordance with the
25 requirements of the religion or religious belief, unless, after
26 engaging in a bona fide effort, the employer demonstrates that it is
27 unable to reasonably accommodate the employee's religious
28 observance or practice without undue hardship on the conduct of the
29 employer's business. Notwithstanding any other provision of law to
30 the contrary, an employee shall not be entitled to premium wages or
31 premium benefits for work performed during hours to which those
32 premium wages or premium benefits would ordinarily be
33 applicable, if the employee is working during those hours only as an
34 accommodation to his religious requirements. Nothing in this
35 subsection q. shall be construed as reducing:

36 (a) The number of the hours worked by the employee which are
37 counted towards the accruing of seniority, pension or other benefits;
38 or

39 (b) Any premium wages or benefits provided to an employee
40 pursuant to a collective bargaining agreement.

41 (2) For an employer to refuse to permit an employee to utilize
42 leave, as provided for in this subsection q., which is solely used to
43 accommodate the employee's sincerely held religious observance or
44 practice. Except where it would cause an employer to incur an
45 undue hardship, no person shall be required to remain at his place
46 of employment during any day or days or portion thereof that, as a
47 requirement of his religion, he observes as his Sabbath or other holy
48 day, including a reasonable time prior and subsequent thereto for

1 travel between his place of employment and his home; provided that
2 any such absence from work shall, wherever practicable in the
3 reasonable judgment of the employer, be made up by an equivalent
4 amount of time and work at some other mutually convenient time,
5 or shall be charged against any leave with pay ordinarily granted,
6 other than sick leave, and any such absence not so made up or
7 charged, may be treated by the employer of that person as leave
8 taken without pay.

9 (3) (a) For purposes of this subsection q., "undue hardship"
10 means an accommodation requiring unreasonable expense or
11 difficulty, unreasonable interference with the safe or efficient
12 operation of the workplace or a violation of a bona fide seniority
13 system or a violation of any provision of a bona fide collective
14 bargaining agreement.

15 (b) In determining whether the accommodation constitutes an
16 undue hardship, the factors considered shall include:

17 (i) The identifiable cost of the accommodation, including the
18 costs of loss of productivity and of retaining or hiring employees or
19 transferring employees from one facility to another, in relation to
20 the size and operating cost of the employer.

21 (ii) The number of individuals who will need the particular
22 accommodation for a sincerely held religious observance or
23 practice.

24 (iii) For an employer with multiple facilities, the degree to
25 which the geographic separateness or administrative or fiscal
26 relationship of the facilities will make the accommodation more
27 difficult or expensive.

28 (c) An accommodation shall be considered to constitute an
29 undue hardship if it will result in the inability of an employee to
30 perform the essential functions of the position in which he or she is
31 employed.

32 (d) (i) The provisions of this subsection q. shall be applicable
33 only to reasonable accommodations of religious observances and
34 shall not supersede any definition of undue hardship or standards
35 for reasonable accommodation of the disabilities of employees.

36 (ii) This subsection q. shall not apply where the uniform
37 application of terms and conditions of attendance to employees is
38 essential to prevent undue hardship to the employer. The burden of
39 proof regarding the applicability of this subparagraph (d) shall be
40 upon the employer.

41 r. For any employer to take reprisals against any employee for
42 requesting from, discussing with, or disclosing to, any other
43 employee or former employee of the employer, a lawyer from
44 whom the employee seeks legal advice, or any government agency
45 information regarding the job title, occupational category, and rate
46 of compensation, including benefits, of the employee or any other
47 employee or former employee of the employer, or the gender, race,
48 ethnicity, military status, or national origin of the employee or any

1 other employee or former employee of the employer, regardless of
2 whether the request was responded to, or to require, as a condition
3 of employment, any employee or prospective employee to sign a
4 waiver, or to otherwise require an employee or prospective
5 employee to agree, not to make those requests or disclosures.
6 Nothing in this subsection shall be construed to require an
7 employee to disclose such information about the employee herself
8 to any other employee or former employee of the employer or to
9 any authorized representative of the other employee or former
10 employee.

11 s. For an employer to treat, for employment-related purposes, a
12 woman employee that the employer knows, or should know, is
13 affected by pregnancy or breastfeeding in a manner less favorable
14 than the treatment of other persons not affected by pregnancy or
15 breastfeeding but similar in their ability or inability to work. In
16 addition, an employer of an employee who is a woman affected by
17 pregnancy shall make available to the employee reasonable
18 accommodation in the workplace, such as bathroom breaks, breaks
19 for increased water intake, periodic rest, assistance with manual
20 labor, job restructuring or modified work schedules, and temporary
21 transfers to less strenuous or hazardous work, for needs related to
22 the pregnancy when the employee, based on the advice of her
23 physician, requests the accommodation, and, in the case of a
24 employee breast feeding her infant child, the accommodation shall
25 include reasonable break time each day to the employee and a
26 suitable room or other location with privacy, other than a toilet stall,
27 in close proximity to the work area for the employee to express
28 breast milk for the child, unless the employer can demonstrate that
29 providing the accommodation would be an undue hardship on the
30 business operations of the employer. The employer shall not in any
31 way penalize the employee in terms, conditions or privileges of
32 employment for requesting or using the accommodation. Workplace
33 accommodation provided pursuant to this subsection and paid or
34 unpaid leave provided to an employee affected by pregnancy or
35 breastfeeding shall not be provided in a manner less favorable than
36 accommodations or leave provided to other employees not affected
37 by pregnancy or breastfeeding but similar in their ability or inability
38 to work. This subsection shall not be construed as otherwise
39 increasing or decreasing any employee's rights under law to paid or
40 unpaid leave in connection with pregnancy or breastfeeding.

41 For the purposes of this section "pregnancy or breastfeeding"
42 means pregnancy, childbirth, and breast feeding or expressing milk
43 for breastfeeding, or medical conditions related to pregnancy,
44 childbirth, or breastfeeding, including recovery from childbirth.

45 For the purposes of this subsection, in determining whether an
46 accommodation would impose undue hardship on the operation of
47 an employer's business, the factors to be considered include: the
48 overall size of the employer's business with respect to the number

1 of employees, number and type of facilities, and size of budget; the
2 type of the employer's operations, including the composition and
3 structure of the employer's workforce; the nature and cost of the
4 accommodation needed, taking into consideration the availability of
5 tax credits, tax deductions, and outside funding; and the extent to
6 which the accommodation would involve waiver of an essential
7 requirement of a job as opposed to a tangential or non-business
8 necessity requirement.

9 t. For an employer to pay any of its employees who is a
10 member of a protected class at a rate of compensation, including
11 benefits, which is less than the rate paid by the employer to
12 employees who are not members of the protected class for
13 substantially similar work, when viewed as a composite of skill,
14 effort and responsibility. An employer who is paying a rate of
15 compensation in violation of this subsection shall not reduce the
16 rate of compensation of any employee in order to comply with this
17 subsection. An employer may pay a different rate of compensation
18 only if the employer demonstrates that the differential is made
19 pursuant to a seniority system, a merit system, or the employer
20 demonstrates:

21 (1) That the differential is based on one or more legitimate, bona
22 fide factors other than the characteristics of members of the
23 protected class, such as training, education or experience, or the
24 quantity or quality of production;

25 (2) That the factor or factors are not based on, and do not
26 perpetuate, a differential in compensation based on sex or any other
27 characteristic of members of a protected class;

28 (3) That each of the factors is applied reasonably;

29 (4) That one or more of the factors account for the entire wage
30 differential; and

31 (5) That the factors are job-related with respect to the position
32 in question and based on a legitimate business necessity. A factor
33 based on business necessity shall not apply if it is demonstrated that
34 there are alternative business practices that would serve the same
35 business purpose without producing the wage differential.

36 Comparisons of wage rates shall be based on wage rates in all of
37 an employer's operations or facilities. For the purposes of this
38 subsection, "member of a protected class" means an employee who
39 has one or more characteristics, including race, creed, color,
40 national origin, nationality, ancestry, age, marital status, civil union
41 status, domestic partnership status, affectional or sexual orientation,
42 genetic information, pregnancy, sex, gender identity or expression,
43 disability or atypical hereditary cellular or blood trait of any
44 individual, or liability for service in the armed forces, for which
45 subsection a. of this section prohibits an employer from refusing to
46 hire or employ or barring or discharging or requiring to retire from
47 employment or discriminating against the individual in

1 compensation or in terms, conditions or privileges of employment.
2 (cf: P.L.2021, c.248, s.2)

3

4 3. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill expands certain civil rights protections under the New
10 Jersey “Law Against Discrimination” by making it an unlawful
11 employment practice for any employer, employee or an agent
12 thereof to discriminate against an employee on the basis of
13 menstruation, perimenopause, or menopause, if the symptoms of
14 menstruation, perimenopause, or menopause substantially interfere
15 with an employee’s ability to perform one or more job functions.