



# Maine Human Rights Commission

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Dear Colleague,

AUGUSTA- The Maine Human Rights Commission (“Commission”) announced today that there will be some key updates in the Maine law barring discrimination and retaliation – the Maine Human Rights Act (“MHRA”) – that will become effective as of September 19, 2019. The MHRA applies in employment, housing, places of public accommodation, education and extension of credit in Maine, and prohibits discrimination in those areas based on a person’s membership in a protected class; protected classes vary in different areas of jurisdiction but generally do include innate characteristics such as race, sex, age, religion, national origin, sexual orientation, and the like.

While most recent MHRA amendments are technical or clarifying in nature, “there will be some significant changes to the law that we want to flag for attention”, said Amy Sneirson, the Commission’s Executive Director. According to Sneirson, the Commission wants to share this information so employers, housing providers, places and businesses that serve the public, schools, and those extending credit can consider if they should change practices and policies before the MHRA changes next month.

**Related to employment**, the MHRA will change to:

- ✓ Clearly state that a leave of absence may be a "reasonable accommodation" requested by an employee related to protected class status.
- ✓ Include new standards and terms that apply related to workers who are pregnant. The law will clarify an employer's duty to provide reasonable accommodations for pregnant workers, define what is a "pregnancy-related condition" and describe what reasonable accommodations for pregnant workers may include.
- ✓ Tell employers that if they ask a prospective employee about their prior compensation before making an offer of employment, that question can be considered evidence of unlawful employment discrimination.

**Related to housing**, the MHRA will change how a tenant or prospective tenant with a disability can demonstrate that their assistance animal complies with Maine law. Currently, the MHRA limits certifying providers to those holding five specific credentials, but the MHRA amendment will include other licensed providers who know of the disabled person's need for the animal.

**Related to privately- or publicly-owned spaces open to the public (or "places of public accommodation")**, single-user bathrooms will have to be usable by any person regardless of their sex. This will help many people access bathroom facilities without confusion or harassment, such as families with young children, people accompanying persons with disabilities who need assistance in the bathroom, and people who are gender non-conforming.

- ✓ It will become unlawful for a "single-occupancy toilet facility" (a restroom for use by one user at a time or for family or assisted use, and that has an outer door that can be locked by the occupant) to be designated as usable only by members of one sex.
- ✓ A single-occupancy toilet facility may be identified by a sign, as long as the sign does not indicate that the facility is for use by members of only one specific sex.

**Related to all areas of jurisdiction in the MHRA**, several general definitions will be clarified.

- ✓ A new definition of "gender identity" will be added. This does not in any way add new protections, because the MHRA has since 2005 protected persons discriminated against due to their actual or perceived gender identity within the category of "sexual orientation".
- ✓ The term "aggrieved person" will be updated to clarify for the public that a person can bring a complaint if they are in or are perceived as being in a "protected class" (a term also being defined), *or* if they are associated with person in protected class. This is already how the Commission interprets the scope of the law.

The Commission encourages people wanting to know more about these changes to review the enacted versions of Legislative Documents 666 and 1701, which can be found via the Legislature's website. "Educating the public about updates in the law, in the hopes of avoiding disputes, is always better than investigating or litigating complaints filed about accidental violations of new MHRA provisions by well-intentioned employers, housing providers, and public accommodations," said Sneirson.

For further information, please contact the Maine Human Rights Commission at [www.maine.gov/mhrc](http://www.maine.gov/mhrc).