

PREGNANCY RELATED DISCRIMINATION

What You Should Know

PREGNANCY DISCRIMINATION ACT (PDA)

Clarifies **Title VII of the Civil Rights Act** to include: discrimination based on pregnancy, childbirth, or related medical conditions, as a prohibited form of sex discrimination. Requires employers treat women affected by pregnancy the same as non-pregnant applicants or employees with similar ability/inability.



AMERICANS WITH DISABILITIES ACT (ADA)

Employees with pregnancy-related impairments may be covered by the ADA. Although pregnancy itself is not a disability, pregnancy-related impairments are a disability if they substantially limit one or more major life activities or substantially limited major life activities in the past.

FAMILY & MEDICAL LEAVE ACT

Employer must grant up to a total of **12 workweeks** of unpaid, job-protected leave in a 12 month period for, among other reasons, taking medical leave when employee is unable to work because of serious health condition.



TAKING ACTION TO ENFORCE YOUR RIGHTS



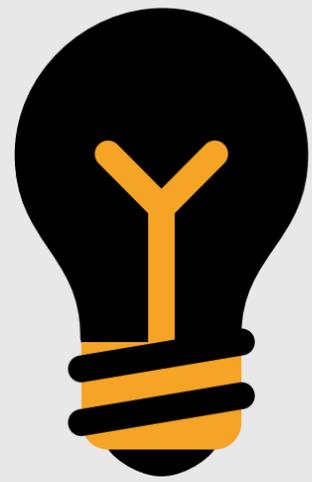
If you believe your employer discriminated against you by failing to provide reasonable accommodations or by firing you because of your disability, you can: file a charge of discrimination with the U.S. Equal Employment Opportunity Commission under the ADA. If you believe your employer denied you FMLA leave, you can file a complaint or lawsuit with the U.S. Department of Labor. Check the agencies' website for deadlines.

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Reasonable Accommodations

GENERAL REQUESTING TIPS

- Offer more than 1 example of a reasonable accommodation that would suit your needs
- Visit Job Accommodation Network ([JAN](#)) to look for ideas/examples
- Be open to employer suggestions
- Avoid requesting accommodations that are unduly burdensome or unreasonable



REASONABLE ACCOMMODATIONS EXAMPLES



- Exchanging marginal functions (lifting heavy weights)
- Modifying rules of no food/water at workstation
- Modifying work schedule for severe morning sickness so you can arrive later
- Allowing pregnant worker placed on bed rest to telework
- Granting additional leave for health needs

PREGNANCY RELATED CONDITIONS

- Gestational diabetes
- Pre-eclampsia resulting in high blood pressure
- Pregnancy-related carpal tunnel
- Pregnancy-related sciatica
- Post-partum depression
- Back impairments worsened by pregnancy
- Pelvic inflammation, restricting walking
- Other substantially-limiting pregnancy-related conditions



AVOID UNDULY BURDENSOME OR UNREASONABLE REQUESTS



- Change in supervisor
- Asking for indefinite leave
- Lowering productivity standards
- Eliminating an essential job function
- Accommodations affecting seniority rights of union members
- Other burdensome requests

RESOURCES

- https://www.eeoc.gov/laws/guidance/pregnancy_qa.cfm
- <https://www.pregnantatwork.org/>
- <https://www.dol.gov/agencies/oasam/civil-rights-center/internal/policies/pregnancy-discrimination>