



## Your Rights When You Are Pregnant

This fact sheet explains the laws related to being pregnant on the job and provides tips to prepare for your maternity leave.

Visit [www.womenemployed.org](http://www.womenemployed.org) for other fact sheets on workplace rights.

### Hiring and firing

An employer cannot fire you or refuse to hire you because:

- you are pregnant, if you can still perform the major duties of the job
- other people don't think you should be there when you are pregnant
- your pregnancy increases how much your employer pays for benefits

### If you have a medical condition that is related to pregnancy

Your employer must treat you in the same way as others who temporarily can't work because of a medical condition. For example, an employer can change the type of work you do, if that is what your employer does for someone who breaks a leg. The employer can give you time off without pay, if that is what your employer does for someone who has a heart attack.

Some employers have short-term disability insurance that provides workers with pay while they are unable to work. If your employer has this type of insurance, it must apply equally to all people with temporary disabilities, including women who are not able to work because of pregnancy or childbirth.

### Disability and Family Leave

After your baby is born, you will probably need some time off to recover from childbirth. This is called disability leave. After you recover, you may want more time off to care for the new baby. This is

called family leave. The law requires employers with at least 50 employees to provide 12 weeks of unpaid, job protected leave per year for family and medical leaves. See the Women Employed Fact Sheet on the Family and Medical Leave Act (FMLA) for more information.

Even if you don't qualify for leave under the FMLA, find out if workers in your company can use paid sick or vacation days for time off. If your employer allows workers to use sick or vacation days for other purposes, your employer must also allow it for you to recover from childbirth.

### Preparing for your leave

Try to arrange time off during pregnancy or to recover from childbirth in advance. Remember, your employer should treat this time off just like he or she treats any other medical condition.

Talk to your supervisor about the amount of time you think you will need. Find out how long your company holds jobs open for workers when they have a disability. Make it clear if you are interested in returning to the same job or a comparable one.

After the meeting, write a short memo to your supervisor, describing the agreement you reached at your meeting. In the memo ask your supervisor to let you know immediately if this is not what he or she understands. Keep a copy of the memo for your files.

Plan to check in regularly with your employer while you are on leave as you may change your mind about when you want to return. You may need more time off or you may decide to return to work sooner than you expected. Your employer cannot force you to return from leave sooner than you want nor tell you to stay home when you're ready to return.

### Who can you contact for help?

**The Equal Employment Opportunity Commission (EEOC)** enforces the law about pregnancy discrimination. To find the EEOC office near you go to [www.eeoc.gov/offices.html](http://www.eeoc.gov/offices.html) or call 1-800-669-4000. (The TTY number is 1-800-669-6820.)

This law only covers employers with at least 15 employees. You must file a complaint within 300 days.

**For general information** about labor laws, go to [www.dol.gov](http://www.dol.gov) or call 1-866-487-2365; TTY: 1-877-889-5627.

Women Employed's mission is to improve the economic status of women and remove barriers to economic equity. Women Employed promotes fair employment practices, helps increase access to training and education, and provides women with information and tools to plan their careers.

© Women Employed, 2011.  
This material may be used without permission if credit is given to Women Employed.

**Women Employed**  
65 E. Wacker Place, Suite 1500  
Chicago, IL 60601  
Phone 312-782-3902  
Fax 312-782-5249  
[info@womenemployed.org](mailto:info@womenemployed.org)  
[www.womenemployed.org](http://www.womenemployed.org)