

Your Rights When You Are Pregnant

Discrimination against you because you are pregnant—or because you have a medical condition that is related to being pregnant—is against the law. This fact sheet tells you about some of your rights when you are pregnant. For information about taking time off after a child is born, see Women Employed's fact sheet on the Family and Medical Leave Act.

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 your 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. Short-term disability insurance provides workers with pay while they are not able to work. If your employer has this type of insurance, it must apply equally to all people with temporary disabilities. This includes women who are not able to work because of pregnancy or childbirth.

After your baby is born, you will probably need some time off to recover from childbirth. This is called disability leave. After you are recovered, 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 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.

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 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.

Some states, counties or cities have additional laws that protect you against pregnancy discrimination. These states, counties and cities have agencies that enforce these laws that you can contact. Sometimes these are called Human Rights agencies or Departments of Labor.

Even if you don't qualify for leave under the Family and Medical Leave Act, find out if workers in your company can use paid sick or paid vacation days for time off. Again, 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 clear that you are interested in returning to the same job or a comparable one.

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.

After the meeting, write a short memo to your supervisor. Describe 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.

If you do not come to an agreement, write a memo to your supervisor saying what you would like to happen. Ask that your supervisor consider your request. Keep a copy of the memo for your files.

Returning to work

If you are pregnant, an employer cannot keep you from returning to work when you are ready. An employer cannot force you to return to work if you are pregnant.

Health Insurance

There should be no extra deductible for pregnancy. Your pregnancy expenses should be paid the same as expenses for other conditions.

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The mission of Women Employed is to improve the economic status of women and remove barriers to economic equity. For more information about Women Employed, please phone 312-782-3902 or visit our website at www.womenemployed.org.