

PREGNANCY DISCRIMINATION IN THE WORKPLACE: KNOW YOUR RIGHTS



Pregnancy discrimination is illegal in most workplaces.

The federal [Pregnancy Discrimination Act](#) of 1978 (PDA) makes it illegal for employers with 15 or more employees to discriminate against women because of pregnancy, child-birth, abortion, or medical conditions related to pregnancy or childbirth. Pregnant workers must be provided with the same benefits and accommodations and treated the same as non-pregnant workers who have similar abilities or limitations to their work. Twenty-three states, the District of Columbia and four cities have laws that offer [additional protections](#) to pregnant workers. Unfortunately, illegal pregnancy discrimination still occurs in all states and across industries, affecting women's employment, earnings and opportunity. Knowing your rights is essential, and we can all play an active role in preventing and reporting pregnancy discrimination and demanding more transparent and inclusive workplace policies.

Understanding Pregnancy Discrimination

Under the PDA, employers cannot discriminate against someone based on:

- Whether a person is pregnant, has been pregnant, or could become pregnant;
- Whether a person has had an abortion or is considering having an abortion; or
- Whether a person has a medical condition that is related to pregnancy or childbirth.

Discrimination includes:

- Being fired, denied a job or having a job offer withdrawn;
- Being denied a promotion or demoted, given a worse schedule, having pay cut, or facing other adverse actions;
- Being harassed in the workplace (whether by coworkers, supervisors, or customers);
- Being forced to stop working or take leave because of any of the above conditions if the person is still able and willing to work; or
- Being denied reasonable workplace accommodations for pregnancy or related medical conditions if accommodations are provided to other workers with similar limitations or disabilities.

A NOTE ON REASONABLE ACCOMMODATIONS

Pregnancy discrimination laws require that employers provide accommodations to pregnant workers who request them just as they do for any other worker with a similar temporary illness or medical condition. For example, if an employer has a policy that allows employees with medical conditions like a back injury to do temporary "light duty" work instead of heavy lifting or other manual labor, they must allow a pregnant woman to have "light duty" due to pregnancy lifting restrictions. Similarly, if a workplace provides accommodations such as additional rest breaks, remote work, or use of paid leave to employees with medical conditions or disabilities, the same accommodations must be extended to workers who are pregnant or experiencing pregnancy-related medical conditions.

What You Can Do If You Face Discrimination at Work

If you believe you have been discriminated against at work (such as being fired, demoted, harassed or retaliated against) because of pregnancy or a related condition, you should:

- **Write down what happened.** Include when and where it happened, what was said and who said it. Also include anyone who may have witnessed what happened. Keep a copy in a safe place.
- **Review the company's policy** regarding how to file complaints and discrimination claims. Many companies have specific procedures and points of contact. To find the policy, you can review the employee handbook or ask a human resources specialist, union representative or supervisor.

- If it feels safe, **discuss the discriminatory incident or consequence** with your supervisor or someone in your personnel or human resources department. Tell them the details of what happened and ask how to file a complaint and/or pursue a satisfactory resolution.
- **File a formal complaint** through your employer. If you are represented by a union, file a complaint through its grievance process.
- **File a complaint with the [Equal Employment Opportunity Commission \(EEOC\)](#)** or your state's civil rights agency or fair employment office. You can also contact the EEOC prior to filing a charge to learn more about your legal rights. You don't need a lawyer to contact or file a charge with the EEOC. Note: in most cases, the charge must be filed no more than 180 days after the discrimination occurred.
- **Consider filing a lawsuit.** Talk to a lawyer or contact a legal aid office to find out more about your options.

If you believe you have been denied a reasonable accommodation:

- **Write down what happened**, as described above.
- **Review the company's policy**, if there is one, about accommodations for pregnant workers, accommodations for people with limitations or restrictions (including those with disabilities recognized under the ADA) and any specific policies related to the requested accommodation.
- If it feels appropriate, **talk to co-workers** to find out how other workers seeking accommodations for medical conditions or pregnancy have been treated.
- **Discuss the denied accommodation request** with your supervisor or someone in your personnel or human resources department. Ask about your company's policy for people who have temporary disabilities. A pregnancy-related limitation should be treated the same as other temporary limitations.
- **File a formal complaint** through your employer, as described above.
- **File a complaint with the EEOC** or your state's civil rights agency or fair employment office, as described above.
- **Consider filing a lawsuit**, as described above.

You may have additional protections under the Americans with Disabilities Act Amendments Act (ADAAA) and the Family and Medical Leave Act (FMLA). The ADAAA protects people with disabilities from discrimination in the workplace. The FMLA lets eligible workers take up to 12 weeks of unpaid, job-protected leave from their job for a pregnancy-related serious medical condition, to recover from childbirth, or to care for a newborn baby, a newly adopted child or a foster child. For more information, check out the National Partnership's Guide to the [FMLA: Questions & Answers](#).

What You Can Do If You Face Discrimination in Hiring

If you believe you have been discriminated against in a hiring process or denied a job due to pregnancy or a related condition:

- **Write down what happened**, as described above.
 - **Note:** *You do not have to tell a potential employer that you're pregnant, and it is illegal for them to ask if you are pregnant or plan to become pregnant.*
- **File a complaint with the EEOC** or your state's civil rights agency or fair employment office, as described above.
- **Consider filing a lawsuit**, as described above.

To learn more about pregnancy discrimination and find legal support:

- National Partnership for Women & Families: [Women Continue to Face Pregnancy Discrimination in the Workplace](#)
- EEOC: [Information for Contacting Headquarters and Field Offices](#)
- National Employment Lawyers Association: [Find-A-Lawyer](#)
- AAUW: [Finding Legal Help](#)