

## Guide:

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# Applying and Interviewing for Jobs While Pregnant

## What You Need to Know

- You are *never* legally required to disclose your pregnancy to a potential employer—even if you are showing during your interview.
- An interviewer should not ask you whether you are pregnant or are planning to become pregnant. This may be a sign of discrimination.
- It is a violation of federal law (the Pregnancy Discrimination Act) for an employer with 15 or more employees to deny you a job simply because you are or may become pregnant. Many state and city laws also apply to smaller employers. Check out [babygate.abetterbalance.org](http://babygate.abetterbalance.org) to learn more about laws in your area.

## Should You Tell?

Whether or not you decide to disclose your pregnancy during an interview is a personal choice. Here are some factors to keep in mind:

- It is not advisable to tell a potential employer that you are trying to get pregnant or are in the process of trying to adopt/foster a child. As many families know, it can take months or years to become pregnant or welcome a new child to the family. Although it might seem like you are trying to be forthcoming, this information is only likely to hurt you and may not be relevant for quite a long time.
- The early stages of pregnancy are also the time when risk of miscarriage is highest, so you may not feel comfortable disclosing your early pregnancy to close family and friends, let alone an employer. It is common to wait until the end of the first trimester to talk publicly about your pregnancy.
- Are you showing? If you are obviously pregnant, despite strategically placed belts and baggy clothes, you may want to head off unspoken fears by reassuring your interviewer that you can perform all functions of the job you seek and that you plan on returning to work after a period of maternity leave.
- Is this a long-term position in your field or just a temporary way to make some cash? Some employers treat their employees like they are expendable, and would have no interest in keeping a pregnant woman long-term, even if she is a dedicated worker. Others bend over backwards to provide great benefits for mothers because they know it helps them retain valuable workers. You may tell whether a company values its employees based on how much it pays its workers and the benefits it provides. And try to gauge the corporate culture as best you can; good policies on paper do not always translate into good practice. Companies that don't value their employees are even less likely to value pregnant employees.
  - Of course, even progressive companies don't always take the news of pregnancy well, so be careful, regardless of the type of employer involved.

## What Should You Do if an Interviewer Asks About Your Pregnancy or Family Plans?

- If, after reviewing the considerations above, you decide that you're comfortable telling the interviewer about your pregnancy, you might want to follow up your answer by directly addressing any concerns your employer may have about your ability to do the job.
- On the other hand, if you're worried about the possibility of discrimination, you might decide to avoid answering any personal questions directly, and instead redirect the interview by focusing on your enthusiasm for the position and your ability to do the job well.



the work and family legal center

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- For example, if an interviewer asks whether you plan to have children, you might respond: “My career is a major priority for me, and I am fully prepared to do an excellent job in this position no matter what my home life looks like.”
- If an employer asks if you are pregnant, you could respond in a way that hints that the question is inappropriate, while also calming any fears they have. You might respond with a joke or something like, “I’m sorry, that question took me off guard; I’ve never been asked that in a job interview before! To answer your question, I am really committed to this job in the long-term and know that I have the qualifications necessary to be an effective employee.”
- Write down any questions that seemed inappropriate immediately after the interview. Such questions might be discriminatory, so it’s important to keep notes for your records.
- If an application form asks about pregnancy, pregnancy-related medical conditions, contraception, or family plans, please make a copy of it (you can even snap a photo with your phone) and keep it for your records. Likewise, if it seems clear that HR or the interviewer always asks those types of questions as a matter of course, similarly take note. If you feel comfortable, please contact A Better Balance if you encounter such issues.
- Keep in mind that any questions about job qualifications and responsibilities are okay, and should be expected. However, if an interviewer asks certain questions only of women or pregnant women, but not other potential employees, that could also be evidence of discrimination.

### **You Got a Job Offer. Congrats! What Should You Do Next?**

- You are not required to disclose your pregnancy before accepting the job.
  - However, in order to avoid upsetting your boss with a surprise reveal after starting the job, you might consider discussing your situation openly before accepting the job.
  - You might also want to inquire about any company policies regarding maternity leave as you consider whether to accept the offer. Keep in mind that the Family and Medical Leave Act (FMLA) provides 12 weeks of unpaid leave, but only for employers with 50+ employees, and only for employees who have worked for an employer for at least 12 months (and at least 1250 hours in the previous 12 months). So if you are pregnant and searching for a job now, you will likely need FMLA leave before you have met the eligibility requirements.
  - Do not assume that your new employer will provide you with paid (or unpaid) maternity leave—coverage beyond the FMLA is not required by law in most states.
- If you disclose your pregnancy and the employer withdraws the job offer, you may have a valid claim of illegal discrimination. See suggested next steps below.

### **You Were Denied a Job and You Strongly Believe it Was Because of Your Pregnancy. What Should You Do Next?**

- Call A Better Balance’s free legal counseling hotline: 212-430-5982 or 615-915-2417 (Southern Office, based in Tennessee).
- Contact the Equal Employment Opportunity Commission at 1-800-669-4000 or visit their website <http://www.eeoc.gov/employees/> to learn how to file a complaint.
- Consult with an attorney in your area to review your options.

*Please note that pregnancy discrimination laws are complex, and this guide is not intended to provide legal advice. Please contact an attorney or call A Better Balance if you have questions about your rights.*