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## **Know Your Rights: Virginia Pregnant Workers Fairness Act**

Beginning July 1, 2020, if you are working while pregnant, recovering from childbirth, or need to express milk at work, you don't have to choose between your health and your job. Virginia law will provide you an explicit right to reasonable pregnancy accommodations at work, so you can stay healthy and safe while continuing to earn a paycheck to support your family.

### **What does the Virginia Pregnant Workers Fairness Act (VA PWFA) do?**

- The VA PWFA protects pregnant employees and those who have recently given birth from discrimination in the workplace. Employers must allow employees with limitations related to pregnancy, childbirth, or a related medical condition to make changes to their work duties or schedule so they can stay healthy and on the job.
- These changes are called “reasonable accommodations” and may include light duty or limits on heavy lifting, more frequent bathroom breaks, a private space that is not a bathroom to express breast milk, and others.

### **Am I covered?**

- If you are pregnant, recovering from childbirth, nursing, or have a related medical condition, and you work for a Virginia employer that has 5 or more employees, then you are covered.

### **What are my rights?**

- You are entitled to reasonable accommodations for pregnancy, childbirth, or a related medical condition, as long as the accommodations would not impose an “undue hardship” on your employer, meaning they would be very difficult or expensive to provide.
- Reasonable accommodations could include more frequent or longer bathroom breaks, breaks to express breast milk, access to a private location other than a bathroom for the expression of breast milk, acquisition or modification of equipment or access to or modification of employee seating, a temporary transfer to a less strenuous or hazardous position, assistance with manual labor, job restructuring, a modified work schedule, light duty assignments, and leave to recover from childbirth, among other things.
- Your employer cannot force you to take leave from work if a reasonable accommodation can be provided to keep you healthy and on the job.
- Your employer must work together with you in an interactive process to figure out the right accommodation to meet your needs.

### **Do I have to be disabled to get an accommodation?**

- No. You do not need to have a disability to receive pregnancy accommodations. If you have a limitation related to your pregnancy, and so, for example, need accommodations to prevent health problems before they arise, you can receive a reasonable accommodation, such as light duty or access to a water bottle, so long as it does not impose an undue hardship on the employer.

Need help or have questions?

Call A Better Balance's free, confidential legal helpline at 1-833-NEED-ABB (1-833-633-3222) to speak with an attorney about your workplace rights around pregnancy and family care, or contact the Virginia Office of the Attorney General.