

PREGNANT AND WORKING DURING COVID-19 AND BEYOND

a better
balance
the work and family legal center

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What is a pregnancy accommodation?

A pregnancy accommodation is a workplace accommodation that is a temporary adjustment to your current job or work environment that allows you to maintain a safe and healthy pregnancy.

Accommodation examples to help you prevent contracting COVID-19



Changes to your schedule to reduce contact with others



Temporarily transferring positions



Access to personal protective equipment



Work from home

If your employer can't offer you an on-the-job accommodation, you may have the option of temporary leave as an accommodation. You can also talk to your health care provider to decide what's best.

Does my state have a pregnancy accommodation law?

There are 30 states and 5 cities that have pregnancy accommodation laws. If you work in one of these locations, the law may guarantee you the right to pregnancy accommodations (even if you don't have a disability). Eligibility depends on several factors including:



How many people work for your employer

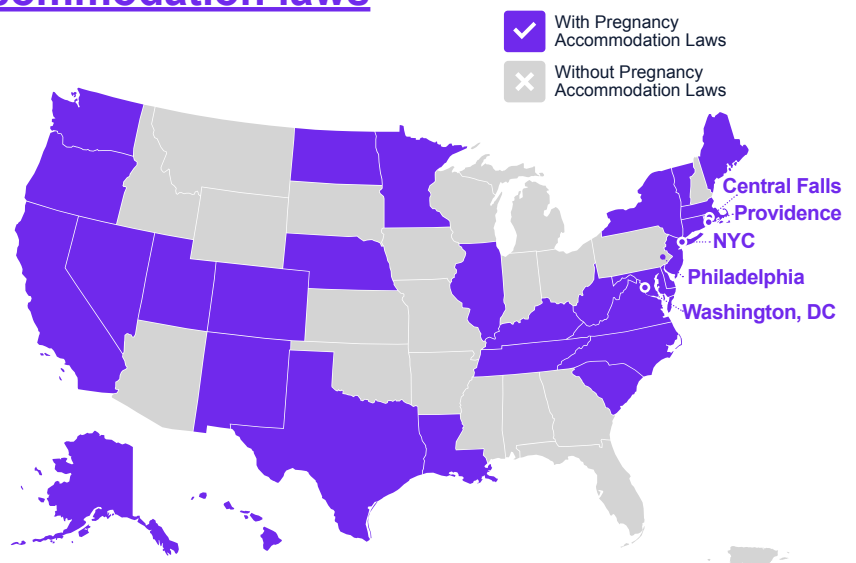


The type of employer



The accommodation is not overly difficult or expensive for your employer to provide

States and cities with pregnancy accommodation laws



*Tennessee effective 10/1/20

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What if I live in a place with no pregnancy accommodation law?

There are other state or federal laws that may apply to you, for example:

1

If you **have** a disability related to your pregnancy

such as gestational diabetes or high blood pressure, you may have a right to accommodation under federal or state **disability laws**, even if you're not in a state with a pregnancy accommodation law. The laws require your employer to engage with you to try and come up with an accommodation that works for both of you.

2

If you **don't** have a disability

you may still be able to receive accommodations under federal or state pregnancy discrimination laws if your employer is providing accommodations to employees similar to you. For example, if a male co-worker with a health need, who does similar work as you, is allowed to work from home, you should be allowed to work from home too.

How do I ask for an accommodation?

(accommodation may include more than one reasonable adjustment)



Tell your boss that you need pregnancy accommodations. Mention if you have a medical condition.



Think ahead about options that could fit your needs. But if your boss suggests other alternatives, be open to them.



If you don't get a response from your boss, put your request in writing. You can send the request to the department of Human Resources, Personnel, or Employee Health in addition to your boss.



If your boss asks for a note from a health care provider, try to get one in a timely manner and make sure it includes:

- ✓ Your pregnancy-related disability, if you have one, or your medical need related to your pregnancy.
- ✓ That you're able to keep working with a reasonable accommodation.
- ✓ A clear and specific statement of the accommodation you need.
- ✓ How long you expect to need the accommodation.

If you're protected by **any** of these laws, **your employer cannot retaliate against you for asking for or needing an accommodation.**

This fact sheet does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to your specific circumstances.

Please call A Better Balance's free, confidential legal helpline at **1-833-NEED-ABB (1-833-633-3222)** if you have questions about your particular needs.