

## Talking to Your Boss About Your Bump: Puerto Rico

*This fact sheet focuses on Puerto Rico law. Protections will differ in other states. In addition, you may be protected by federal law through the Americans with Disabilities Act or the Pregnancy Discrimination Act.<sup>1</sup>*

*Visit [abetterbalance.org](http://abetterbalance.org) for more information.*

### WHEN to break the news:

- There are no real legal deadlines for notifying your employer until late in your pregnancy, when you will need to request leave 30 days in advance of taking off for childbirth, if you are covered by the Family and Medical Leave Act (FMLA). You may also need to give advance notice of your intent to take leave under Puerto Rico law.<sup>2</sup>
- If you need time off for pregnancy-related illness, or you need another workplace change to accommodate your pregnancy, you may have to break the news earlier.
- If you suspect that your boss won't be happy to hear you are pregnant, don't feel pressure to tell before you are ready. However, keep in mind that your colleagues and boss may appreciate being told as soon as you feel comfortable, so that they, and you, can plan ahead.

### WHAT to say:

- Before starting the conversation, it's a good idea to do your homework and review your employer's policies about pregnancy and parental leave. You may also want to consult with human resources.
- Reassure your boss that you are committed to your job and that you plan to return to work after the baby arrives. Many bosses wrongly assume that pregnancy means the end of an employee's dedication and reliability. It's important to tackle those assumptions up front.
- Stress that you are willing and able to keep working—even if your pregnancy impacts your work, it will be a short-term situation, like a temporary disability. You don't need a doctor's note to announce your pregnancy, and in fact, sometimes a note can cause trouble if your boss thinks it limits what you can do on the job.
- Highlight that you are a breadwinner (or primary earner) for your family, and your household depends on your paycheck.
- If you have access to parental leave,<sup>3</sup> come armed with a plan to



<sup>1</sup> The Equal Employment Opportunity Commission enforces the Pregnancy Discrimination Act (PDA) and Americans with Disabilities Act (ADA), which cover employers nationwide who have 15 or more employees. The PDA makes it illegal for your employer to punish you because of your pregnancy or to treat you differently than other workers because you are pregnant. The ADA protects you from discrimination and entitles you to reasonable accommodations if you have a pregnancy-related disability, such as hypertension, preeclampsia, gestational diabetes, or another pregnancy-related impairment that substantially limits a major life activity.

<sup>2</sup> 29 L.P.R.A. §§ 467-474.

<sup>3</sup> Puerto Rico law provides pregnant employees eight weeks of paid leave for the birth of a child—pregnant employees may take four weeks of prenatal leave and four weeks of post-birth leave, or may opt to take one week of prenatal leave and seven weeks of post-birth leave, provided that her physician will certify that she is able to work up to one week prior to giving birth. Pregnant employees who give birth prior to their prenatal leave may take up to eight weeks of post-birth leave. If complications arise following childbirth, an additional 12 weeks of unpaid leave may be available. To access leave, the employee must present a note from their health care provider stating that she is pregnant and her estimated due date. *Id.*

help your boss prepare for your absence and cover your workload while you are gone.

- Listen carefully and take careful notes after your conversation, especially about anything that sounded strange or wrong to you.
- Unfair treatment based on pregnancy (e.g., firing, penalizing, or harassing you upon learning you are pregnant) is illegal.

### **Workplace Accommodations**

Have a conversation with your medical provider about your job duties to understand if you may need changes at work because of pregnancy or related conditions, such as time off for prenatal appointments or nausea, a stool to sit on, the ability to carry a water bottle, a change to your uniform, limiting heavy lifting, frequent bathroom breaks, or anything else. Keep in mind that your needs may change over the course of your pregnancy. If you do want to seek an accommodation, keep reading!

#### ***HOW to ask for an accommodation:***

1. **Tell your boss that you need a reasonable accommodation because of your disability or medical condition arising from your pregnancy.** If you have a diagnosed medical condition or disability associated with pregnancy, like gestational diabetes, hypertension, migraines, fatigue, back pain, or swelling in your feet, federal and/or state disability law should protect you. You should explain what your limitations are (e.g., can't lift more than 50 pounds; can't stand for more than 4 hours without taking a break; must drink water regularly; etc.).
  - a. Come prepared with a plan—what kind of changes do you need and how can you make that work? Talk with coworkers and enlist their help.
  - b. For accommodation ideas, see the list above or look at The Center for WorkLife Law's list of pregnancy-related conditions and possible workplace accommodations: [www.pregnantatwork.org/wp-content/uploads/Workable-Accommodation-Ideas.pdf](http://www.pregnantatwork.org/wp-content/uploads/Workable-Accommodation-Ideas.pdf).
2. **Specify what your limitation is and what kind of accommodation you need,** including any job duties that you need modified, and make sure your boss knows you can still perform the bulk of the duties of your job. Refer your boss to the Job Accommodation Network (<http://askjan.org/soar/other/preg.html>) for more information and ideas.
3. **Explain how your requested accommodation will not be too difficult or expensive for the company** (e.g. it's time limited, another employee is willing to help you on occasion with the task you can't perform, etc.).
  - a. Keep in mind that if your employer accommodates a large percentage of non-pregnant workers, i.e. workers with disabilities or those with on-the-job injuries, then your employer may be required to do the same for you under the Pregnancy Discrimination Act. Your employer cannot justify its refusal to accommodate you

too by claiming that it is more expensive or less convenient to also accommodate pregnant workers.

- b. If you are eligible, you may use time under the Family and Medical Leave Act for prenatal checkups and smaller chunks of time when your pregnancy makes it impossible for you to report to work. Give your employer advance notice (30 days if possible) for time off related to your pregnancy.
4. **If your boss requires a note from your health care provider to confirm your medical need, make sure that the note is as specific as possible and outlines exactly what you can and cannot do at work.** Avoid vague terms like “heavy lifting,” “avoid stress,” or “light duty,” which may be interpreted by your boss to mean you can no longer do your job. Be aware that employers often use these notes to say that pregnant workers can’t do their jobs and to push them out of the workplace, either by forcing them onto leave before they are ready or by firing them outright. Here are guidelines on writing effective work accommodation notes that you can print and share with your prenatal care provider: <https://pregnantatwork.org/wp-content/uploads/Puerto-Rico-Work-Note-Guidelines.pdf>
  5. **Make sure to get any conversation with your employer documented in writing**—you may send an e-mail or note summing up what was discussed and keep a copy for your records.

*Your employer’s obligations:*

- When you ask your employer for an accommodation, it should be a two-way conversation—your boss must engage with you. If she asks for additional information to understand your limitation, you should provide it.
- Your employer may not discriminate or retaliate against you (e.g., fire, penalize, or harass you) due to pregnancy.

**Questions? Call:**  
**A Better Balance at (833) 633-3222**  
**Center for WorkLife Law at (415) 703-8276**