

WORKING WHILE PREGNANT IN MISSISSIPPI?

A Know Your Rights Guide

A Better Balance is a nonprofit advocacy organization that uses the power of the law to advance justice for workers, so they can care for themselves and their loved ones and stay on the job.



WORKPLACE ACCOMMODATIONS



Your right to job changes at work to keep you healthy.



Beginning June 27, 2023, under the federal Pregnant Workers Fairness Act (PWFA), covered workers have a right to reasonable accommodations for limitations related to pregnancy, childbirth, and other related medical conditions unless it would be an undue hardship to their employer.

- You are protected by the PWFA if you work for the government or for a private employer with at least 15 employees, regardless of if you are a part-time, temporary, or seasonal worker.
- **Examples of reasonable accommodations:**
 - flexible scheduling for prenatal or postnatal appointments,
 - a stool or chair,
 - access to food or drink,
 - a modified or reduced schedule,
 - help with manual labor and heavy lifting,
 - frequent bathroom or rest breaks,
 - time off for bedrest, recovery from childbirth, postpartum depression, mastitis, and more.
- Employers are required to engage in the “interactive process,” a timely, good-faith discussion with a worker to identify and provide accommodations that meet the worker’s needs.
- Employers are only exempt from providing accommodations if it will be an “**undue hardship**,” which means providing the accommodation would be very difficult or expensive for the employer.
- Employers cannot retaliate against a worker for needing, requesting, or using reasonable accommodations.

Want to ask for an accommodation?

1. Take a look at the policies your job has in place for requesting accommodations.
2. Let your boss know that you have a related medical condition arising from your pregnancy, and a need for a reasonable accommodation.
3. Be clear about what kind of accommodation you need and come prepared with a plan.

* Check out A Better Balance’s free resources for [sample letters](#) to give your employer to request an accommodation under or inform them of the PWFA.

TAKING TIME OFF FROM WORK



Your right to unpaid leave during pregnancy, childbirth, and to bond with a new child.



Have you...

- Worked for an employer with 50+ employees within a 75-mile radius? **AND**
- Worked at your employer for at least 12 months? **AND**
- Worked at least 1,250 hours in the year prior to needing leave?

If you answered **YES**, to **ALL** three, you may be covered under the **Family and Medical Leave Act (FMLA)**

- FMLA provides up to 12 weeks of **unpaid** time off work per year, on a reduced schedule, all at once, or in small increments to care for your own serious health needs, including pregnancy, bonding with your baby, or care for a seriously ill or injured family member, without losing your job (or your health insurance, if you have it).
- You should notify your employer 30 days in advance unless it is an emergency.
- Your employer cannot punish you for taking or asking for FMLA leave.

If you answered **NO** to one or more questions, you may still be eligible for unpaid time off for things like pre- or post- natal appointments or maternity leave as an accommodation under the PWFA.

***Always double check with your employer about their specific leave policies, including PTO, vacation, or sick leave.**



PUMPING AT WORK

Your right to breastfeed or express milk at work.



Under the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act, employers (of all sizes) are required to provide (1) a reasonable amount of break time and (2) a clean, private for lactating workers to express milk for up to one year following birth.

- Nearly all workers in the country are protected by the PUMP Act.
 - Special rules apply to certain rail carrier and motorcoach employees, and unfortunately airline flight crew members are not covered by this law. More information about those rules can be found [here](#).
- Breaks under the PUMP Act do not have to be paid, unless your employer already provides paid break time, or the employee is still working while expressing milk.
- The clean, private space provided to lactating workers cannot be a restroom.
- Employers with fewer than 50 workers are still required to follow the PUMP Act but may be excused from the break time and space requirements if they would pose an “undue hardship,” meaning a significant difficulty or expense. This is extremely rare.

Under **Mississippi law**, you also have the right to pump milk at work during already provided meal or other breaks.

***You may have additional rights to lactation break time and private space as a reasonable accommodation under the Federal PWFA or through your employer’s internal policies.**

Please note that this fact sheet is not intended to provide a complete overview of any of the laws described.