



Winning
Justice for
Working
Women

Pregnancy Discrimination Act of 1978

The right of pregnant women to be hired, promoted, or to remain on the job should depend solely on the ability to perform on the job. It is illegal for the employer to treat pregnancy differently than any other temporary disability.

Employers Cannot:

- Refuse to hire or promote pregnant women who are capable of performing the major functions necessary to the job.
- Demote or fire a woman because of pregnancy.
- Force a woman to take a leave of absence at an arbitrary point in her pregnancy as long as she can still work.
- Refuse to allow a woman to return to work when she has been temporarily absent because of pregnancy related disabilities, but then recovers before childbirth.
- Penalize a woman because of pregnancy in reinstatement rights including credit for previous service and accrued retirement benefits, and accumulated seniority.

Employers Must:

- Treat pregnancy, childbirth, and related medical conditions like any other disability. All leave provisions granted for temporary disabilities (such as back problems, hernias, and the like) must be applied in the same manner to pregnant women.
- Cover medical complications arising from an abortion, however, an employer is not required to pay for the health insurance benefits for abortions, except when the life of the mother is endangered. Sick leave provisions must also apply to women who have had abortions. An employer cannot fire or refuse to hire a woman simply because she had an abortion.

When you are no longer able to work due to pregnancy or childbirth:

- You are entitled to disability benefits or sick leave on the same basis as employees who are unable to work for other non-work related medical reasons.
- If other employees who take disability leave are entitled to return to their jobs when they are able to work again, the same policy must hold true in the case of pregnancy.
- An employer may not prohibit an employee from returning to work for a pre-determined length of time after childbirth.
- If an employer has pregnancy related benefits, they must be made available to all women, married or unmarried.

If you are a victim of pregnancy discrimination:

- Tell your employer you believe his/her policies may be in violation of the Pregnancy Discrimination Act of 1978. Request that immediate changes be made.
- If you continue to face discrimination, you may file a charge of sex discrimination at the Equal Employment Opportunity Commission (EEOC).

9to5 does not provide legal advice. As a membership and advocacy non-profit organization, we offer information on workplace rights and how to handle workplace issues.

*For more information about your rights on the job, call the 9to5 Job Survival Helpline
1-800-522-0925 or helpline@9to5.org*

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