

Employment and Pregnancy Discrimination

Pregnancy Discrimination

Discrimination on the basis of pregnancy is prohibited by the Pregnancy Discrimination Act of 1978. This Act prohibits discrimination against women because of past, present and potential pregnancies. Because millions of women combine their careers with marriage and children, it is important for employers and employees to know their rights. Below is a description of benefits covered by the Pregnancy Discrimination Act.

- The Pregnancy Discrimination Act applies to all companies employing at least 15 people.
- Employers are required to treat pregnancy, childbirth and other related conditions in the same manner they treat medical conditions for other employees.
- The Pregnancy Discrimination Act covers all areas of employment including hiring, promotion, firing, seniority rights and fringe benefits such as sick leave and health insurance.
- It is illegal for a woman to be fired, refused a job or refused promotion because she is pregnant or has had an abortion.

Sick Leave and Disability

- Employers must treat able-bodied pregnant in the same manner they treat other able-bodied workers.
- Pregnant women are entitled to re-employment when they are able to return to work on the same basis as other temporarily disabled employees.
- If a pregnant employee is unable to perform some functions of her job, she must be treated in the same manner as other temporarily disabled employees, such as providing modified tasks, alternative assignments and disability leave.
- A woman unable to perform modified tasks during pregnancy or who becomes temporarily disabled during childbirth is entitled to the same rights as other temporarily disabled workers. This includes the use of accumulated sick pay, receiving disability and health insurance benefits and returning to work upon recovery.
- An employee must provide the use of sick leave or disability medical benefits in order to prepare for childbirth only if benefits are provided for other employees anticipating some kind of disability.

Medical Costs

- The cost of maternity care, including prenatal, delivery, and postnatal care must be covered in employer sponsored health care plans on the same basis as other medical expenses.
- If an employer provides his/her employees with a choice of several health insurance plans, pregnancy coverage must be offered in all of his plans.

- If pregnancy benefits are provided, they cannot be limited to married women only.
- If the employer provides insurance for the medical expenses of spouses, it must also cover the medical expenses of the spouse's pregnancy-related conditions. This level of coverage does not have to equal the level of coverage for employees.

It Is Illegal For Employer-Provided Health Insurance Plans To:

- Exempt pregnancy from major medical coverage.
- Exempt pregnancy coverage from nonfamily plans.
- Include deductibles for childbirth when there are none for other medical procedures.

Abortion Benefits

- Employers are required to pay health insurance benefits for abortions only when the life of the mother would be endangered if the pregnancy were continued or when medical complications have arisen from an abortion. Employers are not precluded, however, from providing abortion coverage in non-life-endangering situations if he/she so chooses.
- An employer must provide the use of sick leave or disability medical benefits for absences which may be related to an abortion which may be related to an abortion only if medical benefits are provided for other employees.
- Employers may not refuse to hire or promote a woman because she has had an abortion.

Family And Medical Leave Act

The Family and Medical Leave Act (FMLA) provides added protection. It went into effect on August 5, 1993.

If your doctor or health-care provider says you are sick and unable to work during pregnancy, you may be able to get up to 12 weeks off without pay under FMLA. You are also allowed time off for childbirth, adoption and to care for a sick child or family member.

If you take time off under FMLA, you have the right to the same job or a job with equal pay and benefits when you return to work.