national partnership for women & families

FACT SHEET

Pregnancy Rights in the Workplace: Pregnancy Discrimination Is Illegal in Most Workplaces

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For more information about the right to reasonable accommodations at work, see Know Your Rights: Pregnant Workers Fairness Act.

The Pregnancy Discrimination Act of 1978 (PDA) makes it illegal for employers with 15 or more employees to discriminate against pregnant or postpartum workers due to pregnancy, child-birth, abortion, or related medical conditions.[1] The PDA requires pregnant workers to be provided with the same benefits and accommodations and treated the same as non-pregnant workers who have similar abilities or limitations to their work. Currently, 31 states, including the District of Columbia and four cities have laws that offer additional protections to pregnant workers.[2] Unfortunately, illegal pregnancy discrimination still occurs in all states and across industries, affecting women's ability to support their families and the health of their pregnancies. Knowing your rights is essential, and we can all play an active role in preventing and reporting pregnancy discrimination and demanding more transparent and inclusive workplace policies.

A Note on Reasonable Accommodations

The Pregnant Workers Fairness Act provides eligible pregnant and postpartum workers with the right to reasonable accommodation at work. A reasonable accommodation under the PWFA is a change to an employee's work environment, job duties or schedule, when they need to perform their job, while keeping safe and healthy. These accommodations must be provided unless the accommodation will cause undue hardship on the employer. Click here to learn more about rights under the Pregnant Workers Fairness Act.

Understanding Pregnancy Discrimination

Under the PDA, employers cannot discriminate against someone based on whether a person:

- Is pregnant, has been pregnant, or could become pregnant;
- Has had an abortion or is considering having an abortion; or
- Has a medical condition that is related to pregnancy or childbirth.

Pregnancy discrimination includes, but is not limited to the following:

- Being fired, denied a job, or having a job offer withdrawn;
- Being denied a promotion or demoted, given a worse schedule, having one's pay cut, or facing other adverse actions;
- Being harassed in the workplace (by coworkers, supervisors, or customers);
- Being forced to stop working or take leave because of any of the above conditions if the person is still able and willing to work; or
- Being denied reasonable workplace accommodations for pregnancy or related medical conditions if accommodations are provided to other workers with similar limitations or disabilities.

Pregnancy Accommodations for Transgender and Nonbinary People

An estimated 1.3 million transgender adults and 1.2 million LGBTQ nonbinary adults live in the United States, many of whom have or will become pregnant. LGBTQ people experience high rates of discrimination on the job and in the labor market, as well as elevated rates of poverty, exacerbating the harms of losing a job during pregnancy. This analysis is limited to people who identify as women due to data limitations in the survey used, but pregnant transgender and nonbinary people also benefit from the PDA.

What You Can Do If You Face Discrimination at Work

If you believe you have been discriminated against at work because of pregnancy or a related condition, you should:

- Write down what happened. Include when and where it happened, what was said and who said it. Also include anyone who may have witnessed what happened. Keep a copy in a safe place.
- Review the company's policy regarding how to file complaints and discrimination claims. Many companies have specific procedures and points of contact. To find the policy, you can review the employee handbook or ask a human resources specialist, union representative or supervisor.
- If it feels safe, discuss the discriminatory incident or consequence with your supervisor or someone in your personnel or human resources department. Tell them

the details of what happened and ask how to file a complaint and/or pursue a satisfactory resolution.

- File a formal complaint through your employer. If you are represented by a union, file a complaint through its grievance process.
- File a complaint with the Equal Employment Opportunity Commission (EEOC) or your state's civil rights agency or fair employment office. You can also contact the EEOC prior to filing a charge to learn more about your legal rights. You do not need a lawyer to contact or file a charge with the EEOC. Note: in most cases, the charge must be filed **no more than 180 days** after the discrimination occurred.

  Once you have received a right to sue letter from the EEOC, your state's civil rights agency or fair employment office, consider filing a lawsuit. You will have 90 days to file a claim.

If you believe you have been denied a reasonable accommodation:

- Write down what happened, as described above.
- Review the company's policy, if there is one, about accommodations for pregnant workers, accommodations for people with limitations or restrictions (including those with disabilities recognized under the American with Disabilities Act, or the "ADA") and any specific policies related to the requested accommodation.
- If it feels appropriate, talk to co-workers to find out how other workers seeking accommodations for medical conditions or pregnancy have been treated.
- Discuss the denied accommodation request with your supervisor or someone in your personnel or human resources department. Ask about your company's policy for people who have temporary disabilities. A pregnancy-related limitation should be treated the same as other temporary limitations.
- File a formal complaint through your employer, as described above.
- File a complaint with the EEOC or your state's civil rights agency or fair employment office, as described above.
- Consider filing a lawsuit, as described above.

Additional laws that provide protection to workers affected by pregnancy, childbirth, or related medical conditions:

- The Americans with Disabilities Act (ADA) protects covered workers from discrimination based on disability. Some pregnancy-related conditions can be considered disabilities under the law, however, pregnancy itself is not a disability. [3]

- The Family and Medical Leave Act (FMLA) gives covered employees the right to take up to 12 weeks of unpaid leave from work each year for certain family and medical purposes. [4] For more information, check out the National Partnership's Guide to the Guide to the FMLA: Questions & Answers.
- The Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act) gives employees the right to take breaks to pump milk at work, and the right to a clean, private space to pump.[5]
- The Pregnant Workers Fairness Act (PWFA) provides pregnant and postpartum workers with the right to reasonable accommodation at work.[6]
- State or local laws may provide the same or additional protections for pregnant and postpartum workers. Click here to see what protections state and local laws offer.

What You Can Do If You Face Discrimination in Hiring

If you believe you have been discriminated against in a hiring process or denied a job due to pregnancy or a related condition:

- Write down what happened, as described above.
  Note: You do not have to tell a potential employer that you are pregnant, and it is illegal for them to ask if you are pregnant or plan to become pregnant.
- File a complaint with the EEOC or your state's civil rights agency or fair employment office, as described above.
- Consider filing a lawsuit, as described above.

To learn more about pregnancy discrimination and find legal support:

- National Partnership for Women & Families: Know Your Rights: Pregnant Workers Fairness Act
- National Partnership for Women & Families: Attacks on the Pregnant Workers Fairness Act Threaten Nearly 3 Million Pregnant Workers
- EEOC: Information for Contacting Headquarters and Field Offices
- National Employment Lawyers Association: Find-A-Lawyer
- AAUW: Finding Legal Help
- A Better Balance: Helpline

*** Disclaimer: The information contained on this fact sheet is for informational purposes only and should not be construed as legal advice.

[1] U.S. Equal Employment Opportunity Commission. (n.d.) *Legal Rights of Pregnant Workers under Federal Law*. Retrieved 10 March 2025, from https://www.eeoc.gov/laws/guidance/legal-rights-pregnant-workers-under-federal-law

[2] National Partnership for Women & Families. (2022, April). *Reasonable Accommodations for Pregnant Workers: State and Local Laws*. Retrieved 10 March 2025, from https://nationalpartnership.org/wp-content/uploads/2023/02/reasonable-accommodations-for-pregnant-workers-state-laws.pdf

[3] Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

[4] Family and Medical Leave Act of 1993, 29 U.S.C. § 2601.

[5] Providing Urgent Maternal Protections for Nursing Mothers Act, 29 U.S.C. § 218d.

[6] Pregnant Workers Fairness Act, 42 U.S.C. § 2000gg et seq.

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, reproductive health and rights, access to quality, affordable health care and policies that help all people meet the dual demands of work and family. More information is available at NationalPartnership.org.

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