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Know Your Rights in the Workplace During Pregnancy

Despite multiple laws that protect pregnant women in the workplace, many women are still experiencing pregnancy discrimination on the job. Even though the Pregnancy Discrimination Act (passed in 1978) made it illegal to fire someone or discriminate against them in any way because of their pregnancy, a significant number of employers struggled to implement this concept in the office.

In fact, many employers have been struggling with the concept decades later, inspiring the EEOC to issue new guidance in 2014 on interpreting the laws prohibiting pregnancy discrimination.

Get to Know Your Rights as a Pregnant Woman in the Workplace:

- 1. Your Employer Cannot Fire You Because You Are Pregnant.** Even if your employer tries to release you with “you and your child’s safety” in mind, they cannot legally terminate you for being pregnant. Courts ruled that the responsibility for making safety decisions for the pregnant woman and/or her unborn baby are up to the employee and her doctor. A pregnant woman’s employer doesn’t get to make that type of decision.
- 2. A Company Cannot Refuse to Hire You Because You are Pregnant or Because You May Become Pregnant in the Future.** This is a common problem, particularly with applicants for low-wage jobs, though it is definitely not exclusive to low-wage positions.
- 3. New Mothers in the Workplace Have the Right to Pump in a Safe Place.** Companies are required to provide reasonable breaks to new mothers who are pumping breast milk for their baby. The Affordable Care Act requires that employers provide lactating employees with a private, safe place to pump, other than a bathroom. There is an exception to this requirement for small companies with less than 50 employees who can show that fulfilling this requirement would cause an “undue hardship.”
- 4. Your Employer May Be Required to Provide Special Accommodations.** Women who have complications or temporary impairment as a result of pregnancy or giving birth must be treated the same as employees with other disabilities or medical impairments and may need special accommodations, i.e. light duty, an opportunity to sit when the worker would normally stand, adjusting a schedule to accommodate morning sickness, or even a leave of absence, depending on what a doctor deems necessary.
- 5. You Cannot Be Forced to Take Time Off For Pregnancy.** Your employer cannot force you to take time off because of your pregnancy. They also cannot force you to take a reassignment because of your pregnancy. Employers are simply not allowed to make employment decisions based on assumptions about what a pregnant woman can or cannot do.

Pregnancy discrimination charges are more likely to end in the employee’s favor than other types of discrimination charges. If you have experienced pregnancy discrimination or if you need help determining your rights in the workplace, please get in touch with one of the experienced employment law attorneys at Barrett & Farahany LLP as soon as possible.

Get To Know Our Team

Sheri Bagheri

Employment Lawyer in Atlanta



Sheri Bagheri is an Associate Attorney with Barrett & Farahany, LLP. Sheri was raised in Roswell, Georgia and graduated from the University of Georgia and Mercer Law School. She is licensed to practice law in Georgia and is admitted to the Georgia Supreme Court, the Court of Appeals, and the Northern and Middle Districts of Georgia.

Sheri's prior experience was primarily in defense litigation - she's handled cases related to product liability, intellectual property, entertainment and business issues.... [Read more.](#)

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