



**KNOW YOUR RIGHTS GUIDE**

MAY 2013

# **Pregnant and Working: What You Need To Know**

## Accommodation and leave in the workplace.

### **Pregnancy Accommodations**

Under California law, if your employer has 5 or more employees, it must make reasonable adjustments to your duties or work setting to allow you to continue working safely while pregnant or recovering from pregnancy.

Reasonable adjustments include a temporary transfer to a less hazardous, strenuous, or stressful position; getting or modifying equipment or devices; reduced workload; more frequent or longer rest breaks; and allowance to work from home.

Your employer may require you to get a medical certification from your doctor stating that you need accommodation, which you should submit as soon as you can.

It is important for you to tell your doctor about your job duties and types of accommodation that you think your employer can provide so that your doctor can recommend a specific accommodation for you, if necessary.

### **Pregnancy Disability Leave**

Under California law, if your employer has 5 or more employees, you can take up to four months off from work without losing your job, if you are disabled by your pregnancy. You are disabled by your pregnancy if, in the opinion of your doctor, you cannot safely perform an essential duty of your job because of your pregnancy, childbirth or a related medical condition.

Depending on your doctor's advice, you can take leave in small increments (such as a few hours or days per week), or in one continuous period (such as two months straight).

Your employer may require you to get a medical certification from your doctor stating that you have a pregnancy-related disability and need to take leave, which you should submit as soon as you can.

It is important to talk to your doctor about your job duties during pregnancy so you can determine whether you can continue working or whether you need to take pregnancy disability leave.

### **Bonding Leave**

You or any parent (including fathers) may be able to take time off from work to bond with your new baby or adoption/foster placement if your employer has 50 or more employees within a 75 mile radius, you have worked for your employer for at least one year, and you have worked at least 1,250 hours in the past year. Eligible employees can take up to 12 weeks of bonding leave (within the first year of the birth/adoption/foster placement) in addition to pregnancy disability leave.

### **Pregnancy Discrimination**

Your employer cannot discriminate against you because you are pregnant if you work for a California employer with 5 or more employees. This means that your employer cannot harass, demote, fire, or take any other adverse action against you because you are pregnant or recently gave birth. Your employer also cannot treat you

worse than it treats other temporarily disabled employees.

## IMPORTANT TIPS:

### Notice to Your Employer

If possible, you must tell your employer 30 days before you will need accommodation or will take pregnancy disability leave or bonding leave.

### Get Wage Replacement

Your employer is not required to pay you while you are on pregnancy disability or bonding leave, but you can choose to apply your accrued leave to this time depending on the type of leave you are taking. Additionally, if you pay into State Disability Insurance (SDI) (your pay stubs should reflect this), you can collect partial wage replacement from the state while you are out on pregnancy disability leave and part of your bonding leave.

For more information on these benefits, please visit [http://www.edd.ca.gov/disability/Paid\\_Family\\_Leave.htm](http://www.edd.ca.gov/disability/Paid_Family_Leave.htm)

### Keep Your Health Insurance

If your employer provides health insurance benefits while you are working, it must continue to provide the same benefits while you are on pregnancy disability leave (up to four months), or bonding leave, if eligible (up to 12 weeks).

### Hold Your Original Position

When you return to work after taking pregnancy disability or bonding leave, or when you no longer need accommodation, your employer generally should put you in the same or a comparable position you had before you left or took accommodation. Your employer cannot penalize you for taking or requesting this leave or accommodation.

### A quick glance at your legal rights in the workplace during pregnancy

Most women in California are guaranteed time off and accommodations in the workplace during and after their pregnancies. It is important that you know your options so that you and your baby can stay healthy.

Inside is important information on:

- > Getting pregnancy-related accommodations at work
- > Taking pregnancy disability leave
- > Taking bonding leave

## Other Employer Policies

Your employer may have policies that provide greater benefits than provided here. It is important that you ask your employer about its policies. You should also look to your employee handbook, contract, and/or union agreement.

## Other Legal Protections

You might also be protected under other laws, including those protecting people with disabilities and people injured on the job. You should consult an attorney for more information.

This brochure is intended to provide general information relating to employment law in California. Since the law is subject to change, Equal Rights Advocates cannot ensure that this information is current, nor can it be responsible for any use of this information. Do not rely on it without consulting an attorney.

## Want to know more? Have questions?

Call **Equal Rights Advocates** on its toll-free multi-lingual Advice & Counseling hotline at 1-800-839-4372

For more information about the hotline, please visit [www.equalrights.org](http://www.equalrights.org)

Equal Rights Advocates is a nonprofit legal organization dedicated to protecting and expanding economic and educational access and opportunities for women and girls until equality is secured for all.