

Pregnancy Accommodation Model Policy

Note to Employers:

A good pregnancy accommodation policy benefits employers as well as employees. It encourages healthy pregnancies which leads to fewer absences and improves employee loyalty and engagement. Policies that clearly spell out rights and duties also reduce stress for supervisors and employees. To get the maximum benefit of this policy, make sure you train supervisors on it, too.

The workplace laws governing pregnancy have changed significantly in recent years. More information about current laws is available at www.pregnantatwork.org/accommodating-pregnant-employees and www.workfamilyinsight.com/pregnancy-and-lactation-accommodation. Employers now have obligations under many federal laws – the Pregnant Workers Fairness Act, the Pregnancy Discrimination Act, the Americans with Disabilities Act, the Family and Medical Leave Act, the PUMP Act – in addition to various state and local laws. The model policy below is designed to address the requirements of the various federal laws.

EMPLOYERS SHOULD SEEK THE ADVICE OF THEIR EMPLOYMENT LAWYER before adopting this policy. **This policy is not legal advice** and may not be construed as legal advice. It may not adequately or accurately reflect the laws that govern a particular employer’s legal obligations to accommodate pregnant employees. Employers and their lawyers can find explanations for the provisions of the policy in the accompanying Explanatory Notes and Implementation Tips document.

If you have questions or comments about this model policy, please contact us at info@worklifelaw.org or info@workfamilyinsight.com.



Model Policy | Pregnancy Accommodation

[Employer] is committed to supporting you if you need accommodations (temporary changes to how, when, or where you work) due to pregnancy, childbirth, or related medical conditions. [Employer] will provide you with an accommodation so long as it will not create an undue hardship for the company.

Applicability

This policy applies to all employees and job applicants of [Employer].

Covered Conditions

[Employer] provides reasonable accommodations for limitations that arise from pregnancy, childbirth and related medical conditions or are made worse by pregnancy, childbirth, and related medical conditions. Examples of related medical conditions include infertility and fertility treatment, use of contraception, miscarriage, stillbirth, abortion, and lactation.

Limitations can be physical or mental conditions, and do not have to be severe or disabling. Examples of limitations include common pregnancy symptoms (such as fatigue and nausea), pregnancy conditions (such as high-risk pregnancy or gestational diabetes), and postpartum conditions (such as depression and back pain). Limitations also include the need to maintain a healthy pregnancy (such as obtaining healthcare or taking water breaks), the need for safety (such as avoiding chemical exposure), and the need to alleviate pain (such as switching between sitting and standing to ease pain).

Accommodation

An accommodation is a change in how, when, or where you work. Your supervisor or the Human Resources department (HR) will work with you to determine the appropriate accommodation for your limitation and set up necessary changes. Examples include:

- Additional breaks as needed to rest, use the restroom, drink, or eat
- Periodic sitting or standing, as needed
- Part-time or modified work schedules
- Time off for prenatal appointments
- Changes to job duties
- Assistance with lifting
- Reassignment to an open position
- Work location closer to home or medical facilities
- Excusal from travel
- Remote work, including working from home
- Continuous or intermittent leave
- Lactation breaks and an appropriate space for pumping



Accommodations are to be individually tailored to meet your specific needs. More than one accommodation may be necessary.

How to Request an Accommodation

If you need a change at work due to pregnancy, childbirth, or a related medical condition, you (or someone acting on your behalf) should tell your supervisor, anyone who regularly directs your work, HR, or anyone in management. Job applicants should tell their point of contact in the hiring department, HR, or anyone in management. You may tell the person orally or in writing.

You may be asked to complete a request form or the person you tell will do it for you. This is not required but helps [Employer] to understand your needs and what accommodation(s) would be appropriate. You will be asked to identify your limitation, confirm that it is related to pregnancy, childbirth, or a related medical condition, identify or describe the change that you need, and state how long you expect to need the accommodation or change. You do not need to describe your symptoms or provide a particular diagnosis beyond explaining that it is pregnancy-related. All information that you provide will be handled under [Employer]'s confidentiality policy for medical information.

Note that you are not required to disclose your pregnancy if you do not want to. If you do not want to disclose, instead of requesting a pregnancy accommodation, you may request a reasonable accommodation under [Employer]'s disability policy. Please note that not all pregnancy-related symptoms will qualify as disabilities. For more information, please refer to [Employer's] policy about Disability Accommodation.

Approval Process

Minor accommodations: If the accommodation you request is minor, you and your supervisor can agree to implement the accommodation without seeking assistance from HR.

Minor accommodations include:

- having water or snacks at your workstation
- taking additional breaks to rest, use the restroom, or eat
- sitting or standing as needed
- taking lactation breaks as needed
- uniform changes or temporary alterations to uniform standards
- simple equipment changes (e.g. a new chair)

Other accommodations: For accommodation requests that are not minor, your supervisor will seek assistance from HR.



Once you have told your supervisor, HR, or management that you need an accommodation or requested a specific accommodation, you and your supervisor will discuss your particular needs and the ways in which your needs can be met reasonably and effectively. This discussion is intended to be an open exchange of ideas. An HR professional may participate in the discussion as well. Please keep in mind that although you may be entitled to an accommodation, you may not be entitled to a particular accommodation or even your preferred accommodation. If the accommodation you request is not reasonable or could not be provided without significant difficulty or expense, your supervisor will inform HR and work with them to identify and suggest other accommodations or will ask you to suggest other accommodations.

HR may request that you provide some limited information from your healthcare provider to assist in the identification of appropriate accommodations. The information that can be requested may include 1) your limitation; 2) a confirmation that it is related to pregnancy, childbirth, or a related medical condition; 3) the change or accommodation that you need at work; and 4) an estimate of how long you will need the change or accommodation. Your healthcare provider can write a note with this information or, if you prefer, HR will give you a form to take to your healthcare provider. While you obtain the necessary information, your supervisor will provide you with a temporary accommodation if it is possible to do so.

[Employer] will do our best to provide you with a reasonable accommodation promptly. You will not be required to take leave if you do not want to unless there is no other accommodation that will allow you to work safely and comfortably. If you are not satisfied with your supervisor's response to your request or the accommodation(s) offered by your supervisor, please contact HR or use [Employer]'s alternative dispute resolution process.

Modification of Accommodation

If your needs change, or if your accommodation is not meeting your needs, please notify your supervisor. Your supervisor will discuss a potential change to your current accommodation or will begin the process of finding a new accommodation.

How to End an Accommodation

Once you no longer need an accommodation, notify your supervisor that the accommodation is no longer necessary. You will be returned to the same position, employment terms and conditions, and duties that you had before your accommodation began. If it would cause undue hardship to [Employer] to return you to your same position, HR will give you notice of the hardship before your accommodation begins or as soon as the hardship becomes known and will work with you to find a comparable position once you no longer need the accommodation.



No Discrimination

As set forth in [Employer]'s equal employment opportunity policy, employees and applicants will not be discriminated against or harassed because of pregnancy, childbirth, or related medical conditions. In addition, employees and applicants will not be penalized or discriminated against for requesting or using reasonable accommodations related to pregnancy, childbirth, or related medical conditions.

Questions or Concerns

If you have any questions or concerns about your pregnancy accommodation, or if you believe you have been penalized or discriminated against, report the matter immediately to HR. You may also file a complaint with [Employer]'s Alternative Dispute Resolution office.

Related Policies

[Employer] also provides accommodation for adoption, legal guardianship, and foster care. Please see the Adoption policy for additional information.

For lactation accommodations, please see the Lactation Accommodation Policy. For accommodations not related to pregnancy, or for which pregnancy is not disclosed, please see the Disability Accommodation Policy.