

Pregnancy Discrimination; Know Your Rights

United States Department of Labor Women's Bureau
1994

Are you being treated unfairly at work because you are pregnant?
Laws against sex discrimination protect pregnant workers and pregnant women applying for jobs.

ARE ANY OF THESE THINGS HAPPENING TO YOU?

- * You aren't hired because you are pregnant?
- * You are fired or laid off because you are pregnant?
- * You are turned down for a promotion because you are pregnant?
- * You are not given benefits for pregnancy because you are not married?

You are not alone. Thousands of women who are pregnant or new mothers file charges every year with the Equal Employment Opportunity Commission. This is the Federal agency that protects you from job discrimination.

WHAT THE LAW SAYS

Federal and State laws make sure that Americans are able to have children without losing their jobs. Discrimination against you because you are pregnant violates the Civil Rights Act of 1964.

Under this law, employers who have at least 15 workers are not allowed to:

- Refuse to hire a woman because of pregnancy
- Fire or force a worker to leave because she is pregnant
- Take away credit for previous years, accrued retirement benefits, or seniority because of maternity leave
- Fire or refuse to hire a woman because she has an abortion

You must be allowed to keep working as long as you are able to do your job. Your boss cannot make a rule about how long you must stay out of work before or after childbirth. If your company does not offer sick leave, then it may be discriminating against pregnant workers.

Your employer must treat you at least as well as he/she treats other workers who can't do their jobs for a short time. For example, if your company lets a worker go who had a heart attack or broken leg on paid or unpaid disability leave, you must also have this right if you are unable to work because of pregnancy or childbirth. If your pregnancy stops you from being able to do your job, you have the right to be given easier duties, if other workers who can't do their jobs for a short time get this right.

Many States have equal employment opportunity laws that protect against pregnancy discrimination. In addition, the States of California, Hawaii, New Jersey, New York and Rhode Island, and Puerto Rico also pay partial wages during time off from work for medical problems, including those of pregnancy. Find out if your State has this law, which is called "temporary disability insurance." Some employers, especially larger companies, also offer this type of insurance. Check your benefits.

HOW MUCH TIME CAN YOU HAVE OFF?

A new law, the Family and Medical Leave Act, gives you added protections. It went into effect on August 5, 1993. If your doctor or health care provider says you are sick and unable to work during your pregnancy, you may be able to get up to 12 weeks off without pay under this new law. You also are allowed time off for childbirth, adoption, and to care for a sick child or family member. If you take time off under this law, you have the right to the same job or a job with equal pay and benefits when you come back to work. Call the Women's Bureau at 1-800-827-5335 for a copy of our brochure, Family and Medical Leave Act: Know Your Rights.

Some States have their own family leave laws that protect your right to return to your job after time off for pregnancy-related problems or childbirth.

WHAT CAN YOU DO IF YOU ARE DISCRIMINATED AGAINST?

1) Write down what happened. Write down the date, time and place of the incident, as soon as possible. Include what was said and who was there. Keep a copy of these notes at home. They will be useful if you decide to file a complaint with your company or to take legal action.

2) Get emotional support from friends and family. It can be very upsetting to feel you have been treated unfairly at work. Take care of yourself. Think about what you want to do. Get help to do it.

3) Talk to your union representative. Union rules often allow you to file a grievance. If you don't have a union, call a women's or civil rights group for help.

4) Talk to your employer. Your company may have an Equal Employment Opportunity Officer or a way for you to file a "complaint." For instance, some companies have new ways to resolve problems, like "mediation." Check your employee handbook for procedures.

5) Find out how other pregnant workers have been treated. Talk to any women who may have had trouble at work because they were pregnant.

6) Keep doing a good job and keep a record of your work. Keep copies at home of your job evaluations and any letters or memos that show that you do a good job at work. Your boss may criticize your job performance later on in order to defend his or her discrimination.

7) You have a right to file a charge. The law has a very short time limit on how long you can wait to file a charge against your company. You can file a charge even if you do not work for your employer anymore. You can file a charge with the U. S. Equal Employment Opportunity Commission (EEOC) at 1-800-669-EEOC. Most states and local governments also have a Human Rights or Civil Rights office that can help.

8) Find out more about your legal rights. You do not need a lawyer to file a charge with EEOC. But you may want to talk with a lawyer who specializes in sex discrimination. The State bar association or the women's bar association in your area can refer you to lawyers. They can help you figure out what to do. They know the pros and cons of different legal actions, including the time and the cost of filing a lawsuit.

YOU CAN WIN

Many women have fought discrimination and have improved their work lives. The first step is to know your rights under the law. Laws give you and your coworkers the right to start a group or a union to try to get better treatment at work. You can also go to court to get back the money you lost because of discrimination. In 1991, 13,000 pregnant workers collected \$66 million in a "class action" lawsuit. The new Civil Rights Act of 1991 gives you the right to be paid money for the hurt and the pain discrimination caused you.

WHERE TO GET HELP

The Women's Bureau
U.S. Department of Labor
Washington, DC 20210
1-800-827-5335 TDD: 1-800-326-2577

Equal Employment Opportunity Commission (EEOC)
1801 L Street, N.W.
Washington, DC 20507
1-800-669-EEOC TDD: 1-800-800-3302

WORKING FOR WORKING WOMEN

The Women's Bureau, part of the U. S. Department of Labor, was created by Congress in 1920. Our job is to research and promote policies to improve working conditions for women.

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