



Pregnancy and Breastfeeding During the COVID-19 Pandemic: Your Workplace Rights

What can I ask my employer to do to protect me from getting Coronavirus Disease 19 (COVID-19) while I am pregnant?

If you need a change to how, when, or where your job is done to avoid exposure to COVID-19, you can ask your employer for a “reasonable accommodation” (a change to your work so you can do your job while you’re pregnant). Depending on your job and the city and state where you work, your employer may be required to make changes recommended by your health care provider to keep you and your pregnancy safe. The changes cannot be too difficult or expensive for your employer to provide.

Some reasonable accommodations you can ask your employer for include:

- Let you work from home or in another safe space, like outdoors
- Give you safety gear (mask, face shield, or goggles)
- Install plexiglass between you and customers or other employees
- Keep the air clean by opening a window or using a HEPA air filter
- Let you work in a different job until after you have the baby
- Make changes to your job duties or work hours

Does my employer have to provide reasonable accommodations if I am pregnant?

Most, but not all, employees have a legal right to receive a reasonable accommodation under the national Pregnancy Discrimination Act, the national Americans with Disabilities Act, and/or a state law that requires employers to accommodate pregnancy. To learn about legal rights in your state, visit the [Pregnant at Work website](#) or call the free legal helpline (see the For More Information box at the end of this handout).

Does my employer have to provide reasonable accommodations if I am breastfeeding/chestfeeding and need to pump during work?

Breastfeeding workers may have a right to receive “reasonable accommodations” to stay safe from COVID-19, in the same way a pregnant person does. Most people who are breastfeeding also have a right to safely pump breast milk at work under the Break Time for Nursing Mothers national law or a similar state law. These laws still apply during the COVID-19 pandemic. To find out what laws apply to you, visit the [Pregnant at Work website](#).

Normally employers must provide clean, private, non-bathroom space for pumping breast milk. During the COVID-19 pandemic, employers may have to do more to make sure the space is safe, like providing a space that is large enough to allow you to be more than 6 feet away from other people, or cleaning surfaces with soap. Most employees also have a right to take breaks as often as they need a break to pump during the workday. People who are breastfeeding usually need 2 to 3 breaks during an 8-hour workday. Pumping normally takes 15 to 20 minutes. You may need more time to get to and from the pumping space, set up your pump, clean the space before and after, and store your milk. These steps may take longer during the COVID-19 pandemic, and that is okay. Talk to your boss about making a pumping plan before you return to work so you’re ready on your first day back.

You may also need other changes at work because of breastfeeding during the COVID-19 pandemic. For example, if you are working from home, you may need permission to turn off your video camera while you are breastfeeding or pumping. To find out if you have a right to a “reasonable accommodation” for breastfeeding, visit the [Pregnant at Work website](#) or call the free legal helpline (see the For More Information box).

Can my employer tell me I can’t work because COVID-19 makes it dangerous during pregnancy or breastfeeding?

If your employer has 15 or more employees, it is illegal for them to tell you that you cannot work because you are pregnant or breastfeeding. This is part of the Pregnancy Discrimination Act, which is a national law. Many states have laws that also apply to smaller employers. Employers also should not use your pregnancy or childbirth as a reason to choose you for furlough, decide not to call you back from leave, or reduce your hours or pay.



What if I want or need to take time off work instead of having an accommodation?

Depending on the reason you need leave (time off) and the different laws that apply, you may be able to take time off work and get your job back afterwards. In some cases, your employer may have to pay you during your leave or keep providing health insurance benefits. The laws that require your employer to give you leave are complicated. Different laws apply in different states and to different workplaces. However, some of the reasons employees may be eligible to take leave are:

- Your health care provider recommends it because of pregnancy, childbirth, or breastfeeding.
- You have a serious health condition or disability that puts you at higher risk for COVID-19.
- You have COVID-19 or symptoms of COVID-19 and are waiting for test results.
- Your child's daycare is closed or school is remote, and you need to take care of them.
- You have to care for a family member or someone you live with who is sick or disabled.

Many, but not all, employees are eligible for leave for these reasons. It is important to keep in mind that the time off you take during pregnancy may use up the leave you can have after your baby is born. A reasonable accommodation that allows you to keep working may be a better option. To learn more about leave options for pregnant people during the pandemic, visit the [Pregnant at Work website](#).

If your health care provider recommends that you stay home from work because of COVID-19 or if you are making less money because of COVID-19, you may be eligible for "Pandemic Unemployment Assistance" or another state benefit. You can apply with the [agency that provides unemployment insurance](#) (see the For More Information box).

How should I bring up my need for workplace changes or leave with my employer?

It is normal to feel worried about discussing your needs with your employer. It helps to be prepared with information about your legal rights and a plan for how your workplace changes or leave will work. Listen carefully and take notes. For helpful guides on talking to your boss about pregnancy and breastfeeding, visit the [Pregnant at Work website](#). Your employer should not treat you badly because you are pregnant, breastfeeding, or have stood up for your rights.

For More Information

Pregnant at Work

<https://www.pregnantatwork.org/>

Free Legal Helpline

Contact the Center for WorkLife Law's free COVID-19 legal helpline at 415-851-3308 or email COVID19Helpline@worklifelaw.org

Unemployment Benefits

<https://www.careeronestop.org/LocalHelp/UnemploymentBenefits/find-unemployment-benefits.aspx>

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