

## State & National Laws: Pregnant Workers' Rights during COVID-19

<b>State</b>	<b>Right to receive pregnancy accommodations?</b> Is there a state law requiring employers to make changes to how, where, or when the job is done for health and safety reasons during pregnancy?	<b>Anti-Discrimination</b> Are employers prohibited from discriminating (e.g., firing, furloughing, harassing) because of pregnancy?
Alabama	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 15 or more employees are prohibited from discriminating because of pregnancy.
Alaska	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers of all sizes are prohibited from discriminating because of pregnancy and parenthood.
Arizona	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 15 or more employees are prohibited from discriminating because of pregnancy.
Arkansas	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 9 or more employees are prohibited from discriminating because of pregnancy.
California	Yes, clear right to reasonable accommodation if employer has 5 or more employees. Employers must also allow up to four months of leave with continued benefits to pregnant or postpartum employees who are unable to perform their jobs. Additional leave may be available as a reasonable accommodation.	Employers with 5 or more employees are prohibited from discriminating because of pregnancy.
Colorado	Yes, clear right to reasonable accommodation for employers of all sizes.	Employers of all sizes are prohibited from discriminating because of pregnancy and sex.
Connecticut	Yes, clear right to reasonable accommodation if employer has 3 or more employees.	Employers with 3 or more employees are prohibited from discriminating because of pregnancy.
Delaware	Yes, clear right to reasonable accommodation if employer has 4 or more employees.	Employers with 4 or more employees are prohibited from discriminating because of pregnancy.

Florida	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 15 or more employees are prohibited from discriminating because of pregnancy.
Georgia	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 15 or more employees are prohibited from discriminating because of pregnancy.
Hawaii	Yes, clear right to reasonable accommodation for pregnancy related disabilities for employers of all sizes. The national laws described below may also help.	Employers of all sizes are prohibited from discriminating because of pregnancy.
Idaho	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 5 or more employees are prohibited from discriminating because of pregnancy and sex.
Illinois	Yes, clear right to reasonable accommodation for pregnancy related disabilities if employer has 15 or more employees.	Employers with 15 or more employees are prohibited from discriminating because of pregnancy.
Indiana	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 6 or more employees are prohibited from discriminating because of sex, which likely includes pregnancy.
Iowa	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 4 or more employees are prohibited from discriminating because of pregnancy and childbirth.
Kansas	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 4 or more employees are prohibited from discriminating because of pregnancy and sex.
Kentucky	Yes, clear right to reasonable accommodations if employer has 15 or more employees.	Employers with 8 or more employees are prohibited from discriminating because of pregnancy.
Louisiana	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 15 or more employees are prohibited from discriminating because of pregnancy.
Maine	Yes, clear right to reasonable accommodations for employers of all sizes.	Employers of all sizes are prohibited from discriminating because of pregnancy.

Maryland	Yes, clear right to reasonable accommodation for pregnancy-related disabilities for employers with 15 or more employees. The national laws described below may also help.	Employers with 15 or more employees are prohibited from discriminating because of pregnancy.
Massachusetts	Yes, clear right to reasonable accommodations if employer has 6 or more employees.	Employers with 6 or more employees are prohibited from discriminating because of pregnancy.
Michigan	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers of all sizes are prohibited from discriminating because of pregnancy.
Minnesota	Yes, clear right to reasonable accommodations if employer has 21 or more employees. The national laws described below may also help for smaller employers that have between 15 and 20 employees.	Employers of all sizes are prohibited from discriminating because of pregnancy and childbirth.
Mississippi	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 15 or more employees are prohibited from discriminating because of pregnancy.
Missouri	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 6 or more employees are prohibited from discriminating because of sex, which likely also includes pregnancy.
Montana	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers of all sizes are prohibited from discriminating because of sex, which likely includes pregnancy.
Nebraska	Yes, clear right to reasonable accommodations if employer has 15 or more employees	Employers with 15 or more employees are prohibited from discriminating because of pregnancy.
Nevada	Yes, clear right to reasonable accommodations if employer has 15 or more employees	Employers with 15 or more employees are prohibited from discriminating because of pregnancy.
New Hampshire	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 6 or more employees are prohibited from discriminating because of pregnancy.
New Jersey	Yes, clear right to reasonable accommodations for employers of all sizes.	Employers of all sizes are prohibited from discriminating because of pregnancy.

New Mexico	Yes, clear right to reasonable accommodations if employer has 4 or more employees.	Employers with 4 or more employees are prohibited from discriminating because of pregnancy.
New York	Yes, clear right to reasonable accommodations for employers of all sizes.	Employers of all sizes are prohibited from discriminating because of pregnancy.
North Carolina	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 15 or more employees are prohibited from discriminating because of pregnancy.
North Dakota	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers of all sizes are prohibited from discriminating because of pregnancy and childbirth.
Ohio	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 4 or more employees are prohibited from discriminating because of pregnancy.
Oklahoma	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers of all sizes are prohibited from discriminating because of pregnancy.
Oregon	Yes, clear right to reasonable accommodations if employer has 6 or more employees.	Employers with 6 or more employees are prohibited from discriminating because of pregnancy.
Pennsylvania	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 4 or more employees are prohibited from discriminating because of sex.
Puerto Rico	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers of all sizes are prohibited from discriminating because of pregnancy.
Rhode Island	Yes, clear right to reasonable accommodations if employer has 4 or more employees.	Employers with 4 or more employees are prohibited from discriminating because of pregnancy.
South Carolina	Yes, clear right to reasonable accommodations if employer has 15 or more employees.	Employers with 15 or more employees are prohibited from discriminating because of pregnancy.

South Dakota	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers of all sizes are prohibited from discriminating because of sex, which likely includes pregnancy.
Tennessee	Yes, clear right to reasonable accommodations if employer has 15 or more employees.	Employers with 8 or more employees are prohibited from discriminating because of sex, which likely includes pregnancy.
Texas	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 15 or more employees are prohibited from discriminating because of pregnancy.
Utah	Yes, clear right to reasonable accommodations if employer has 15 or more employees or is a public employer of any size.	Employers with 15 or more employees are prohibited from discriminating because of pregnancy.
Vermont	Yes, clear right to reasonable accommodations for employers of all sizes.	Employers of all sizes are prohibited from discriminating because of pregnancy.
Virginia	Yes, clear right to reasonable accommodations if employer has 5 or more employees.	Employers with 15 or more employees are prohibited from discriminating because of pregnancy.
Washington	Yes, clear right to reasonable accommodations if employer has 15 or more employees.	Employers with 8 or more employees are prohibited from discriminating because of pregnancy.
Washington, D.C.	Yes, clear right to reasonable accommodations for employers of all sizes.	Employers of all sizes are prohibited from discriminating because of pregnancy.
West Virginia	Yes, clear right to reasonable accommodations if employer has 12 or more employees.	Employers with 12 or more employees are prohibited from discriminating because of sex, which likely includes pregnancy.
Wisconsin	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers of all sizes are prohibited from discriminating because of pregnancy.
Wyoming	No state law explicitly requires reasonable accommodation, but a right may be available under one of the national laws described below.	Employers with 2 or more employees are prohibited from discriminating because of pregnancy and sex.

## National Laws

### *What if I work in a state that does not provide a right to accommodation?*

Two national laws may help:

**The Pregnancy Discrimination Act** requires employers with 15 or more employees to treat pregnant workers as well as other workers, which means that they must be given equal access to work accommodations during the pandemic.

- Example: If seniors or employees with heart conditions and cancer are being allowed to work from home, a pregnant employee should be given the same freedom.

Even if the employer's policy of providing accommodations started before the pandemic, pregnant workers must still be given the same privileges and freedoms during the pandemic.

- Example: If an employer has always had a policy of making temporary transfers to different jobs for injured worker, the same accommodation should be made available to pregnant and breastfeeding workers during the pandemic.

**The Americans with Disabilities Act (ADA)** requires employers with 15 or more employees to provide a reasonable accommodation an employee needs because of a disability. An accommodation is a change to how, where, or when the employee's job is done. An accommodation cannot impose a significant difficulty or expense on the employer's business.

An employee must have a disability to receive an accommodation under the ADA. Although pregnancy and risk of exposure to COVID-19 is not a disability, many typical pregnancy conditions are disabilities, including perinatal depression and anxiety, severe morning sickness, significant musculoskeletal pain, and preeclampsia. Additionally, conditions not related to pregnancy can be disabilities, including cancer, heart disease, or immunocompromised state. If an accommodation is needed because of one of these conditions, it is required by the ADA.

Examples:

- If the stress of pregnancy during a pandemic causes a worker to develop anxiety or depression, they may have a disability and need accommodation.
- A chronic disease unrelated to pregnancy, like asthma or kidney disease, may be a disability that requires employer accommodation.
- Cases of COVID-19 in pregnant patients may be a disability that requires employer accommodation.

You can contact the Center for WorkLife Law's free COVID-19 legal helpline to get help understanding your rights: Call 415-851-3308 or email [COVID19Helpline@worklifelaw.org](mailto:COVID19Helpline@worklifelaw.org).