

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Accommodation and Compliance Series

Accommodation and Compliance Series: Employees who are Pregnant

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AskJAN.org



Funded by a contract with the Office of Disability
Employment Policy, U.S. Department of Labor

Preface

The Job Accommodation Network (JAN) is funded by a contract with the Office of Disability Employment Policy, U.S. Department of Labor. JAN makes documents available with the understanding that the information be used solely for educational purposes. The information is not intended to be legal or medical advice. If legal or medical advice is needed, appropriate legal or medical services should be contacted.

JAN does not endorse or recommend any products or services mentioned in this publication. Although every effort is made to update resources, JAN encourages contacting product manufacturers/vendors and service providers directly to ensure that they meet the intended purposes. This guarantees that the most up-to-date information is obtained.

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Updated 01/24/2019.

JAN'S Accommodation and Compliance Series

Introduction

JAN's Accommodation and Compliance Series is designed to help employers determine effective accommodations and comply with Title I of the Americans with Disabilities Act (ADA). Each publication in the series addresses a specific medical condition and provides information about the condition, ADA information, accommodation ideas, and resources for additional information.

The Accommodation and Compliance Series is a starting point in the accommodation process and may not address every situation. Accommodations should be made on a case by case basis, considering each employee's individual limitations and accommodation needs. Employers are encouraged to contact JAN to discuss specific situations in more detail.

For information on assistive technology and other accommodation ideas, visit JAN's Searchable Online Accommodation Resource (SOAR) at <https://askjan.org/soar>.

Information about Pregnancy

During pregnancy and postpartum, some women experience no, or very few, limitations. But at certain points during their pregnancies or recovery, some women may be limited in their ability to perform certain tasks such as heavy lifting, climbing ladders, or running. Some women may develop complications as a result of pregnancy or childbirth, such as diabetes, back impairment, high blood pressure, urinary tract infections, severe dehydration, and depression. And for some women, pregnancy and childbirth may exacerbate existing impairments. As a result, women who are working during pregnancy may require job accommodations during and after their pregnancies.

Pregnancy affects women in different ways. Some women experience no, or very few, limitations affecting their ability to work. Others may experience limitations that lead to the need for accommodations. For example, fatigue, sickness, or pain may impact attendance; restrictions in lifting, standing, or bending may affect ability to meet the physical demands of a job; or the need to eat and drink frequently, or wear more comfortable clothing may affect adherence to certain policies. Limitations can sometimes result from pregnancy-related complications, like gestational diabetes, back pain, high blood pressure (known as preeclampsia), urinary tract infections, severe dehydration, and depression. Also, pregnancy and childbirth may exacerbate existing medical impairments.

Pregnancy and the Americans with Disabilities Act

Does federal law require employers to make accommodations for pregnant workers?

Yes. There are two federal laws that may require an employer to accommodate a pregnant worker: the Pregnancy Discrimination Act (PDA), and the Americans with Disabilities Act (ADA).

What does the Pregnancy Discrimination Act require?

The PDA is a federal statute that protects pregnant workers and requires covered employers to make job-related modifications for pregnant employees. The PDA forbids employment discrimination based on pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. The law requires employers to treat a pregnant employee who is temporarily unable to perform, or is limited in performing, the functions of her job because of pregnancy, childbirth, or a related medical condition in the same manner as it treats other employees who are similar in their ability or inability to work.

Under the PDA, a covered employer is responsible for making job-related modifications (or accommodations) for pregnant workers when the employer does so for other employees who are similarly limited in their ability to perform job functions. A change in duties can include, for example, light duty, alternative assignments, additional breaks, or unpaid leave. For example, an employer with a policy of accommodating most non-pregnant employees with lifting limitations would be required to also accommodate pregnant employees with lifting limitations.

What does the Americans with Disabilities Act require?

The ADA requires employers to provide reasonable accommodations to employees with disabilities, so long as doing so does not impose an undue hardship on the employer. Although pregnancy alone is not a disability under the ADA, many pregnancy-related conditions are disabilities that an employer may have to accommodate under the ADA.

To have a disability under the ADA, an individual must have an impairment that substantially limits one or more major life activities. Changes in the interpretation of the definition of the term “disability” resulting from enactment of the ADA Amendments Act (ADAAA) make it easier for employees who have pregnancy-related impairments to demonstrate that they have disabilities for which they may be entitled to reasonable accommodation. For example, the following pregnancy-related conditions may be disabilities under the ADA: anemia, sciatica, gestational diabetes, preeclampsia, morning sickness, swelling in the legs, depression, or other impairments that substantially limit a major life activity or the normal functioning of a bodily system.

Accommodations can include a modified schedule, ability to have snacks or drinks at a workstation, a modified attendance policy, frequent breaks, sitting, light duty, or leave, among other solutions.

Is light duty required for pregnant workers?

Under federal law, an employer must treat women affected by pregnancy, childbirth, or related medical conditions the same as other employees who are similar in their ability or inability to work with respect to light duty. If light duty is provided to other employees who are similar in their ability or inability to work (e.g., those injured on the job), an employer may have to provide temporary light duty to an employee due to pregnancy. An employer that provides light duty to other employees cannot justify denying it to a pregnant worker just because it would be more expensive or less convenient to do so. Additionally, light duty may be an appropriate reasonable accommodation for individuals with pregnancy-related disabilities under the ADA.

Can an employer require a pregnant worker to take leave even if she can perform job functions with or without accommodation?

No. An employer may not force an employee to take leave because she is or has been pregnant, as long as she is able to perform her job duties. If an employee is limited in performing job duties and is entitled to an accommodation under the PDA or ADA (see above), reasonable accommodations may need to be provided to help her perform job duties. Requiring an employee to take leave against her wishes violates the PDA even if the employer believes it is acting in the employee's best interest. If an employee has been absent from work as a result of a pregnancy-related condition and then recovers, her employer may not require her to remain on leave until the baby's birth; nor may an employer prohibit an employee from returning to work for a certain length of time after childbirth.

- For more information, see the [EEOC's Questions and Answers about the EEOC's Enforcement Guidance on Pregnancy Discrimination and Related Issues](#).

Accommodating Employees with Pregnancy

Women who are pregnant may develop some of the limitations discussed below, but seldom develop all of them. Also, the degree of limitation will vary among individuals. Be aware that not all women who are pregnant will need accommodations to perform their jobs and many others may only need a few accommodations. The following is only a sample of the possibilities available. Numerous other accommodation solutions may exist.

Questions to Consider:

1. What limitations is the employee experiencing?
2. How do these limitations affect the employee and the employee's job performance?
3. What specific job tasks are problematic as a result of these limitations?

4. What accommodations are available to reduce or eliminate these problems? Are all possible resources being used to determine possible accommodations?
5. Has the employee been consulted regarding possible accommodations?
6. Once accommodations are in place, would it be useful to meet with the employee to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
7. Do supervisory personnel and employees need training?

Accommodation Ideas:

Limitations

Bending

- Accessible Baby Changing Stations
- Adjustable Exam Tables
- Adjustable Massage Tables
- Animal Lift Tables
- Automatic Snow Chains
- Battery Powered Lift Tables
- Compact Material Handling

Carrying

- Accessories for Scooters
- Adjustable Exam Tables
- Aerial Lifts
- Ball Transfer Tables
- Carts
- Compact Material Handling
- Compact Mobile Cranes
- Ergonomic Equipment
- Evacuation Devices
- Independent Living Aids
- Lift Gates
- Lifting Aids

- Lightweight Ladders
- Modified Break Schedule
- Patient Lifts (General)
- Periodic Rest Breaks
- Stairclimbing Handtrucks
- Transfer Aids
- Transfer Sheets
- Truck Mounted Cranes
- Vacuum Lifts
- Walk-up Changing Tables
- Wheelchair Accessories
- Winches and Chain Hoists

Climbing

- Aerial Lifts
- Compact Ladders
- Elevators
- Evacuation Devices
- Extended Tractor Steps
- Folding Steps
- Ladders (General)
- Large-Rated Ladders
- Large-Rated Small Step Ladders
- Large-Rated Wheelchair Lifts
- Lightweight Ladders
- Rolling Safety Ladders
- Stair Assists
- Stair Lifts

Dietary Needs

- Flexible Schedule
- Mini Refrigerators/ Electric Coolers

- Policy Modification

Kneeling

- Animal Lift Tables
- Low Positioned Stools
- Low Task Chair
- Reachers
- Walk-up Changing Tables

Lifting

- Agriculture/Farm
 - Animal Lift Tables
 - Carts
 - Compact Mobile Cranes
- Industrial
 - Aerial Lifts
 - Ball Transfer Tables
 - Battery Powered Lift Tables
 - Drum Handling
 - Engine Lifts and Lift Plates
 - Lift Gates
 - Lift Tables
 - Rolling Safety Ladders
 - Stairclimbing Handtrucks
 - Truck Mounted Cranes
 - Vacuum Lifts
 - Vehicle Lifts and Manipulators
 - Winches and Chain Hoists
 - Work Platforms
- Office or Retail Goods
 - Carts
 - Compact Material Handling

- Ergonomic Assessments
- Ergonomic Equipment
- Height Adjustable Table Legs
- Low Task Chair
- Stairclimbing Handtrucks
- Other
 - Drywall and Wallboard Lifts
 - Ergonomic Equipment
 - Independent Living Aids
 - Job Restructuring
 - Lifters and Carriers for Mobility Aids
 - Lifting Aids
 - Manhole Cover Lifts
 - Periodic Rest Breaks
 - Power Lift IV Stands
 - Proper Lifting Techniques
- People
 - Accessible Baby Changing Stations
 - Adjustable Exam Tables
 - Adult Changing Tables
 - Bath Chairs
 - Evacuation Devices
 - Large-Rated Wheelchair Lifts
 - Patient Lifts (General)

Nausea

- Flexible Schedule
- Mini Refrigerators/ Electric Coolers
- Telework, Work from Home, Working Remotely

Pushing/Pulling

- Automated Filing Systems

- Automatic Door Openers
- Ball Transfer Tables
- Cart Dumpers
- Carts
- Compact Material Handling
- Ergonomic and Pneumatic Tools
- Ergonomic Equipment
- Janitorial Carts
- Lift Tables
- Linen Carts
- Motorized Carts
- Multi-Purpose Carts
- Patient Lifts (General)
- Power Assist for Manual Wheelchairs
- Stairclimbing Handtrucks
- Tool Balancers
- Vacuum Lifts
- Wheelchair Push Bars
- Wheelchair Push Extension Handles
- Wheelchair Pushers

Sitting

- Sitting
 - Adjustable Pedicure Chairs
 - Adjustable Workstations for Industrial Settings
 - Adjustable Workstations for Office Settings
 - Chairs and Stools for Medical Services
 - Clean Room Stools
 - Ergonomic and Adjustable Office Chairs
 - Ergonomic Assessments
 - Ergonomic Equipment
 - Periodic Rest Breaks

- Stand-lean Stools
- Other Solutions
 - Forward Leaning Chairs
 - Headsets
 - Large-Rated Chairs
 - Low Task Chair
 - Supine Workstations
 - Treadmill / Pedal Workstations

Standing

- Adjustable Workstations for Industrial Settings
- Adjustable Workstations for Office Settings
- Anti-fatigue Matting
- Assist Lift Cushions
- Elevating Lift and Office Chairs
- Grab Bars
- Periodic Rest Breaks
- Scooters
- Stand-lean Stools

Temperature Sensitivity

- Sensitivity to Cold
 - Air Deflectors
 - Cold Resistant Gloves
 - Flexible Schedule
 - Heated Clothing
 - Heated Ergonomic and Computer Products
 - Heated Gloves
 - Telework, Work from Home, Working Remotely
 - Vent Covers
 - Workstation Space Heaters
- Sensitivity to Heat

- Air Deflectors
- Cooling Clothing
- Fans
- Flexible Schedule
- Portable Air Conditioners
- Telework, Work from Home, Working Remotely
- Vent Covers

Toileting/Grooming Issue

- Accessible Toilets and Toilet Seats
- Aide/Assistant/Attendant
- Flexible Schedule
- Grab Bars - Toilet Hinged Arm Support
- Grooming and Dressing Aids
- Independent Living Aids
- Modified Break Schedule
- Swing Away Grab Bars
- Telework, Work from Home, Working Remotely
- Toileting Aids
- Transfer Aids
- Worksite Redesign / Modified Workspace

Work-Related Functions

Parking

- Accessible Parking Space
- Flexible Schedule
- Telework, Work from Home, Working Remotely
- Wheelchairs

Situations and Solutions:

A customer service agent for an insurance company was pregnant and experiencing significant leg and back pain when sitting for long periods of time. She also needed to use the restroom frequently. The employer provided an adjustable workstation to enable the employee to alternate between sitting and standing positions. The employer also allowed her to take more frequent rest breaks by dividing her existing thirty-minutes of break time into several smaller increments of time so she could use the restroom as-needed.

A nursing assistant for a rehabilitation hospital was in the third trimester of her pregnancy and, due to complications, was restricted from lifting more than twenty pounds.

Her job was restructured temporarily to assign her to care for patients who did not require transfer assistance and was permitted to ask co-workers for assistance when she needed to move items weighing more than twenty pounds.

A social media coordinator with preeclampsia was placed on bed rest during the last month of her pregnancy.

She was restricted from climbing, walking, and standing for extended periods of time. She also required a reduced schedule of working no more than six hours per day. The majority of her job tasks could be completed on-line. She was permitted to reduce her schedule and work from home for the duration of her pregnancy. She attended team meetings using a videoconferencing app.

A receptionist for a law firm required time to express breast milk for her baby during her work day.

She was provided a private space that was shielded from view and free from intrusion and reasonable break time to express milk, as-needed. A co-worker served as back-up receptionist during these short breaks. The employee was also allowed to flex her schedule to make-up any extended time taken, beyond ordinary breaks. She kept a small cooler at her workstation for storing milk.

A quality inspector for a manufacturing company was experiencing painful swelling in her legs, ankles, and feet during pregnancy.

Her job required standing for long periods of time and she needed to be somewhat mobile. Her medical provider recommended that she take breaks to get off her feet. The employer provided a stand/lean stool to enable her to take pressure off her feet, as-needed, added anti-fatigue matting to her work area, and permitted the employee to rest with her feet up during breaks.

Products

There are numerous products that can be used to accommodate people with limitations. JAN's Searchable Online Accommodation Resource at <https://askjan.org/soar> is designed to let users explore various accommodation options. Many product vendor lists are accessible through this system; however, JAN provides these lists and many more that are not available on the Web site upon request. Contact JAN directly if you have specific accommodation situations, are looking for products, need vendor information, or are seeking a referral.

Resources

Job Accommodation Network

West Virginia University
PO Box 6080
Morgantown, WV 26506-6080
Toll Free: (800) 526-7234
TTY: (304) 293-7186
Fax: (304) 293-5407
jan@askjan.org
<http://AskJAN.org>

The Job Accommodation Network (JAN) is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities.

Office of Disability Employment Policy

200 Constitution Avenue,
NW, Room S-1303
Washington, DC 20210
Toll Free: (866) 633-7365
odep@dol.gov
<http://dol.gov/odep>

The Office of Disability Employment Policy (ODEP) is an agency within the U.S. Department of Labor. ODEP provides national leadership to increase employment opportunities for adults and youth with disabilities while striving to eliminate barriers to employment.

American Civil Liberties Union

125 Broad Street, 18th Floor
New York, NY 10004
Direct: (212) 549-2500
<https://www.aclu.org/know-your-rights>

For almost 100 years, the ACLU has worked to defend and preserve the individual rights and liberties guaranteed by the Constitution and laws of the United States.

American Pregnancy Association

425 Greenway Drive
Suite 440
Irving, TX 75038
Toll Free: (800) 672-2296
info@americanpregnancy.org
<http://americanpregnancy.org/>

The American Pregnancy Association is a national health organization committed to promoting reproductive and pregnancy wellness through education, support, advocacy, and community awareness.

Centers for Disease Control and Prevention

1600 Clifton Rd
Atlanta, GA 30333
Toll Free: (800) 232-4636
<http://www.cdc.gov>

The Centers for Disease Control and Prevention are dedicated to protecting the health and safety of people - at home and abroad, providing credible information to enhance health decisions, and promoting health through strong partnerships.

Eunice Kennedy Shriver National Institute of Child Health and Human Development

31 Center Drive
Building 31, Room 2A32
Bethesda, MD 20892-2425
Toll Free: (800) 370-2943
Fax: (866) 760-5947
NICHDInformationResourceCenter@mail.nih.gov
<http://www.nichd.nih.gov/Pages/index.aspx>

The mission of the NICHD is to ensure that every person is born healthy and wanted, that women suffer no harmful effects from reproductive processes, and that all children have the chance to achieve their full potential for healthy and productive lives, free from disease or disability, and to ensure the health, productivity, independence, and well-being of all people through optimal rehabilitation.

Eunice Kennedy Shriver National Institute of Child Health and Human Development

P.O. Box 3006

Rockville, MD 20847

Toll Free: (800) 370-2943

Fax: (866) 760-5947

NICHDInformationResourceCenter@mail.nih.gov

<http://www.nichd.nih.gov/Pages/index.aspx>

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March of Dimes Foundation

1275 Mamaroneck Avenue

White Plains , NY 10605

<http://www.marchofdimes.org/>

The mission of the March of Dimes is to improve the health of babies by preventing birth defects, premature birth and infant mortality.

Mayo Clinic

13400 E. Shea Blvd.

Scottsdale, AZ 85259

Direct: (480) 301-8000

<http://www.mayoclinic.org/>

The Mayo Clinic's mission to inspire hope and contribute to health and well-being by providing the best care to every patient through integrated clinical practice, education and research.

MedlinePlus

8600 Rockville Pike

Bethesda, MD 20894

custserv@nlm.nih.gov

<https://www.nlm.nih.gov/medlineplus/>

MedlinePlus is the National Institutes of Health's Web site for patients and their families and friends. Produced by the National Library of Medicine, the world's largest medical library, it brings you information about diseases, conditions, and wellness issues in language you can understand. MedlinePlus offers reliable, up-to-date health information, anytime, anywhere, for free.

Created by the U.S. National Library of Medicine

National Center for Biotechnology Information

8600 Rockville Pike

Bethesda, MD 20894

pubmedcentral@ncbi.nlm.nih.gov

<http://www.ncbi.nlm.nih.gov/>

MISSION: IMS brings together an international community of health care professionals, researchers, educators, and others to improve care and transform delivery of treatment to those suffering from soft tissue pain through the promotion and exchange of globally recognized research, education, and innovation in patient care.

National Conference of State Legislators - Breastfeeding State Laws

<http://www.ncsl.org/research/health/breastfeeding-state-laws.aspx>

Information regarding state breastfeeding laws and federal health reform.

National Women's Law Center

11 Dupont Circle, NW, # 800

Washington, DC 20036

Direct: (202) 588-5180

Fax: (202) 588-5185

info@nwlc.org

<http://www.nwlc.org>

The Center has worked for more than 40 years to protect and promote equality and opportunity for women and families. We champion policies and laws that help women and girls achieve their potential at every stage of their lives — at school, at work, at home, and in retirement. Our staff are committed advocates who take on the toughest challenges, especially for the most vulnerable women.

Office on Women's Health

Department of Health and Human Services

200 Independence Avenue, SW Room 712E

Washington, DC 20201

Toll Free: (800) 994-9662

Direct: (202) 690-7650

Fax: (202) 205-2631

<http://www.womenshealth.gov/>

The Office on Women's Health (OWH), part of the U.S. Department of Health and Human Services (HHS), works to improve the health and sense of well-being of all U.S. women and girls. OWH serves as the focal point for women's health activities across HHS offices and agencies and leads HHS efforts to ensure that all women and girls achieve the best possible health.

Pregnant@Work

Direct: (415) 703-8276

<https://www.pregnantatwork.org>

An online resource center that provides tools and educational materials about accommodating pregnant women at work.

Remedy's Health Communities
<http://www.healthcommunities.com>

Remedy Health Media is America's fastest growing health information and technology company. We are a leading provider of clinical resources and wellness tools that help millions of patients and caregivers live healthier, more fulfilled lives.

Our mission is to empower patients and caregivers with the information and applications needed to efficiently navigate the healthcare landscape and as a result, to permit better health outcomes through use of our products and services.

U.S. Dept. of Labor - Employment Protections For Workers Who Are Pregnant or Nursing
<http://www.dol.gov/wb/maps/>

Employment protections for workers who are pregnant or nursing.

United States Breastfeeding Committee
4044 N Lincoln Ave, # 288
Chicago, IL 60618
Direct: (773) 359-1549
Fax: (773) 313-3498
office@usbreastfeeding.org
<http://www.usbreastfeeding.org/>

The United States Breastfeeding Committee (USBC) is an independent nonprofit organization that was formed in 1998* in response to the http://www.unicef.org/nutrition/index_24807.html "target=blank" title=xternal website">Innocenti Declaration of 1990, of which the United States Agency for International Development was a co-sponsor. Among other recommendations, the Innocenti Declaration calls on every nation to establish a multisectoral national breastfeeding committee comprised of representatives from relevant government departments, non-governmental organizations, and health professional associations to coordinate national breastfeeding initiatives. The USBC is now a coalition of <http://www.usbreastfeeding.org/p/cm/ld/fid> ">more than 50 organizations that support

its mission to drive collaborative efforts for policy and practices that create a landscape of breastfeeding support across the United States.

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