

Women's Bureau

Employment Protections for Workers Who Are Pregnant or Nursing

This map provides information on federal and state-level employment protections against pregnancy discrimination, provisions for pregnancy accommodation, and workplace breastfeeding rights. Information on American Samoa, Guam, the U.S. Virgin Islands, and federal provisions are listed in an accompanying table at the link below the map.

Hover over the map for information on available state protections.



[View text version of the map data](#)

Alabama

- **Protection against pregnancy discrimination:** Only federal protections apply.
- **Provisions for pregnancy accommodation:** State employees may use accrued sick time for maternity leave as long as they (1) work until actually disabled as a result of their pregnancy, and (2) return to work as soon as they cease to be disabled for that reason.

Ala. Admin. Code § 670-X-14-.02.

Upon the recommendation of an appointing authority and the approval of the Director, an employee may receive a total of up to 480 hours of leave donations from another employee or employees of equal or lower classification for a maximum of 480 hours in his entire state career. A lower classification may donate to a higher classification pending Board approval. The donated leave request: (1) is made in writing, (2) is justified by catastrophic circumstances or maternity, (3) is recommended by the appointing authority, (4) is acted upon prior to the leave being used, and (5) is recommended only after all other available sick and annual leave has been used. Records of such transfers shall be maintained by the Department. The donated leave for the employee shall remain in effect for twelve months after donation or until used by such employee, whichever occurs first; provided however, the employee remains employed with the State of Alabama.

Ala. Admin. Code. § 670-X-14-.03

- **Workplace breast feeding rights:** Only federal protections apply.

Alaska

- **Protection against pregnancy discrimination:** It is illegal for an employer to discriminate based on sex, marital status, pregnancy, or parenthood. This applies to all employers except social, fraternal, charitable, educational or religious non-profit organizations.

Alaska Stat. § 18.80.220.

- **Provisions for pregnancy accommodation:**

Public employers with at least twenty-one employees shall grant an employee whose health is affected by pregnancy, childbirth, or a related medical condition the same employment benefits and privileges that the employer grants to other employees with similar ability to work who are not so affected, including allowing the employee to take disability or sick leave or other accrued leave that the employer makes available to temporarily disabled employees.

Alaska Stat. § 39.20.500(a). A pregnant employee of a public employer with at least twenty-one employees may request a transfer to a suitable position. An employer may not fill the position with a person other than the requesting employee until the employer has offered the position to the employee and the employee has refused the offer. An employer shall compensate an employee who receives a transfer at a rate at least equal to the lesser of the rate, as adjusted by changes to compensation that apply generally to the work force, at which

(1) the employee was compensated immediately before requesting the transfer; or

(2) the position into which the employee transfers is compensated.

Alaska Stat. § 39.20.520(a)-(b). An employer shall permit an eligible employee to take family leave because of pregnancy and childbirth or adoption for a total of 18 workweeks within a 12-month period; the right to take leave for this reason expires on the date one year after the birth or placement of the child. If the employee is entitled to a longer period of time under (a) of this section, then the longer period applies. An eligible employee is entitled to take family leave

(1) because of pregnancy and the birth of a child of the employee or the placement of a child, other than the employee's stepchild, with the employee for adoption; an employer may require that an employee using family leave under this paragraph take the leave in a single block of time;

Alaska Stat. § 39.20.500 (b)

- **Workplace breast feeding rights:** Only federal protections apply.

American Samoa

- **Protection against pregnancy discrimination:** The Trial Division of the High Court of American Samoa has held that its territorial public policy prohibits employment discrimination on the basis of pregnancy. *Nguyen v. Daewoosa Samoa, Ltd.*, 7 Am. Samoa 3d 171 (Am. Samoa 2003).

- **Provisions for pregnancy accommodation:** Only federal protections apply.

- **Workplace breast feeding rights:** Only federal protections apply.

Arizona

- **Protection against pregnancy discrimination:** Under the Arizona Civil Rights Act, it is illegal for employers to discriminate based on sex. This law applies to employers with fifteen or more employees. Some courts in Arizona have interpreted sex discrimination to include discrimination on the basis of maternity and pregnancy. *Ariz. Rev. Stat. § 41-1463(B)*; see, e.g., *Broomfield v. Lundell*, 767 P.2d 697 (Ariz. Ct. App. 1988).

- **Provisions for pregnancy accommodation:** Arizona state employees who are unable to work due to temporary disability caused by pregnancy, childbirth, or associated medical care (including miscarriage and abortion), or who are immediate family members of individuals with a temporary disability caused by pregnancy, childbirth, or associated medical care, are entitled to the same leave benefits as employees with other temporary disabilities and their family members. Employers may provide paid or unpaid leave for employees who are pregnant or who have a temporary pregnancy-related disability; they are not required to do so, however, as long as all employees are treated the same with respect to their requests for temporary disability leave. Ariz. Admin. Code Rule 2-5A-B602, B603.
- **Workplace breast feeding rights:** Only federal protections apply.

Arkansas

- **Protection against pregnancy discrimination:** Arkansas prohibits employment discrimination on the basis of gender, which is explicitly defined to include discrimination on the basis of pregnancy, childbirth, or related medical conditions. This law applies to all employers with nine or more employees, except religious organizations. Ark. Code §§ 16-123-102, 107.
- **Provisions for pregnancy accommodation:** State employers must treat maternity leave the same as leave for any sickness or disability, except that an employee requesting maternity leave may choose to take leave without pay rather than exhaust accrued paid leave. Ark. Code § 21-4-209.
- **Workplace breast feeding rights:** An employer must provide reasonable daily unpaid break time to an employee who needs to express breast milk, unless doing so would impose an undue hardship on the employer's business. The employer must make a reasonable effort to provide employees with a private, safe and clean space close to their work area, other than a toilet stall, to express breast milk. Ark. Code § 11-5-116.

California

- **Protection against pregnancy discrimination:** The California Fair Employment and Housing Act prohibits employment discrimination on the basis of sex, which is explicitly defined to include discrimination on the basis of pregnancy, childbirth, breastfeeding, or related medical conditions. This law applies to employers with five or more employees, except religious non-profit organizations. Cal. Gov't Code §§ 12926, 12940.
- **Provisions for pregnancy accommodation:** Women temporarily disabled by pregnancy, childbirth, or a related medical condition are entitled to unpaid leave for as long as they remain disabled, up to four months. During that period, the employer must continue to provide the employee with the same level of health insurance coverage she received prior to taking leave. This law applies to employers with five or more employees, regardless of the worker's tenure or number of hours worked. Cal. Gov't Code § 12945(1)-(2).
Employers are also required to make reasonable accommodations for employees who have work-related limitations stemming from pregnancy, childbirth or a related condition. This may include temporary transfer to a less strenuous or less hazardous position, if an employee so requests upon the advice of her health care provider. If the employer has a policy or practice of transferring temporarily disabled employees to less strenuous positions for the duration of their disability, the employer must do the same for its pregnant employees. Cal. Gov't Code § 12945(3).
If you have at least 12 months of service with your employer (and have worked at least 1,250 hours during the previous 12-month period), and your employer employs at least 20 employees within 75 miles of your worksite, you are entitled to take up to 12 weeks of parental leave to bond with a new child within one year of the child's birth, adoption, or foster care placement. Cal. Gov't Code § 12945.6(a)(1)
Employees that work for medium and large employers (those that employ 20 or more people) are entitled to take up to 12 weeks of family leave to bond with their child. Family leave does not need to be taken all at once, but it must be completed within one year of the child's birth, adoption, or foster care placement. Cal. Gov't Code § 12945.2, 12942.6
- **Workplace breast feeding rights:** Employers cannot discriminate against women for breastfeeding or breastfeeding-related medical conditions.
Cal. Gov't Code §§ 12926, 12940.

Cal. Gov't Code §§ 12926, 12940.

Every employer, including the state and any political subdivision, shall provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child each time the employee has need to express milk, unless doing so would seriously disrupt the operations of the employer. The break time shall, if possible, run concurrently with any break time already provided to the employee. Break time for an employee that does not run concurrently with the rest time authorized for the employee by the applicable wage order of the Industrial Welfare Commission shall be unpaid. An employer shall provide an employee with the use of a room or other location for the employee to express milk in private. The room or location may include the place where the employee normally works. A lactation room or location shall not be a bathroom and shall be in close proximity to the employee's work area, shielded

from view, and free from intrusion while the employee is expressing milk.

Cal. Labor Code §§ 1030-1032.

Colorado

- **Protection against pregnancy discrimination:** The Colorado Antidiscrimination Act states that it is illegal to discriminate based on sex. The Colorado Supreme Court has interpreted this to include discrimination based on maternity and pregnancy. This law applies to all employers regardless of size, except for religious organizations that are not taxpayer-funded. Colo. Rev. Stat. § 24-34-402; Colorado Civil Rights Comm'n v. Travelers Ins. Co., 759 P.2d 1358 (Colo. 1988).
- **Provisions for pregnancy accommodation:** Disabilities caused by pregnancy, miscarriage, abortion and childbirth are considered temporary disabilities for all job-related purposes. Employers must treat pregnancy-related disabilities the same as other temporary disabilities with respect to such matters as leave duration, leave extensions, job reinstatement and health insurance coverage. 3 CCR 708-1, Rule 80.8.
It is an unfair employment practice for an employer to fail to provide a reasonable accommodation for an applicant or employee for health conditions related to pregnancy or physical recovery from childbirth, absent a showing of undue hardship on the business. Employers must engage in an interactive process to assess potential reasonable accommodations related to pregnancy and childbirth.
Colo. Rev. Stat. 24-34-402.3.
- **Workplace breast feeding rights:** An employer must provide a nursing employee, including hourly workers, reasonable daily unpaid break time, or allow her to use paid break or meal time, or both, to express breast milk for up to two years after childbirth. The employer must make reasonable efforts to provide the employee with a private space close to her work area, other than a toilet stall, to express milk. This requirement applies to all employers. Colo. Rev. Stat. §§ 8-13.5-101-104.

Connecticut

- **Protection against pregnancy discrimination:** Connecticut's Fair Employment Practices Law prohibits employers from terminating a woman's employment because of her pregnancy, childbirth, and related medical conditions. Conn. Gen. Stat. § 46a-60(b)(7)(A). Employers must not discriminate against an employee or person seeking employment on the basis of her pregnancy in the terms or conditions of her employment. Conn. Gen. Stat. § 46a-60(b)(7)(F). This law applies to employers with three or more employees, as well as to unions and employment agencies.
- **Provisions for pregnancy accommodation:** Employers must grant employees a reasonable leave of absence for disability resulting from pregnancy, and must provide compensation for such leave if the employee is so entitled under the employer's disability or leave benefits plans. Employers must reinstate women returning from pregnancy leave to their original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other service credits, upon receiving a written statement of the employee's intent to return. Private employers are exempt from this requirement if they can show that circumstances have so changed as to make it impossible or unreasonable to do so. Employers must not limit, segregate or classify the employee in a way that would deprive her of employment opportunities due to her pregnancy. Employers must make reasonable accommodation for an employee or person seeking employment due to her pregnancy, unless the employer can demonstrate that such accommodation would impose an undue hardship on such employer. Employers must not deny employment opportunities to an employee or person seeking employment if such denial is due to the employee's request for a reasonable accommodation due to her pregnancy. Employers cannot force an employee or person seeking employment to accept a reasonable accommodation if the person does not have a known limitation related to her pregnancy or does not require a reasonable accommodation. Employers cannot require an employee to take a leave of absence if a reasonable accommodation can be provided in lieu of such leave. Employers cannot retaliate against an employee based upon an employee's request for reasonable accommodation. Conn. Gen. Stat. §§ 46a-60(b)(7)(A)-(K). Pregnancy is defined as "pregnancy, childbirth or a related condition, including, but not limited to, lactation." Conn. Gen. Stat. §§ 46a-60(a)(1).
- **Workplace breast feeding rights:** An employee has the right to express milk or breastfeed during her meal or break time. It is illegal to discriminate against or discipline an employee for exercising this right. The employer must make reasonable efforts to provide employees with a private space close to their work area, other than a toilet stall or bathroom, to express breast milk, unless doing so would impose significant difficulty or expense on the employer. This applies to all employers of 1 or more employees. Conn. Gen. Stat. § 31-40w.

Delaware

- **Protection against pregnancy discrimination:** Delaware law prohibits discrimination on the basis of sex, which includes discrimination on the basis of pregnancy, childbirth or a related condition, including breastfeeding. It also prohibits discrimination on the basis of a reproductive health decision. These prohibitions apply to all employers with four or more employees within Delaware. Del. Code Ann. tit. 19, §§ 710-11.
- **Provisions for pregnancy accommodation:** Employers must make reasonable accommodations for employees who have work-related limitations stemming from pregnancy, childbirth or a related condition, unless the accommodation would impose an undue hardship on the employer. It is unlawful for an employer with 4 or more employees to fail or refuse to treat an employee or applicant for employment that is affected by pregnancy the same as any other temporarily disabled employee. Del. Code Ann. tit. 19, §§ 710-11.
- **Workplace breast feeding rights:** Employers are prohibited from discriminating against women on the basis of pregnancy-related conditions, including breastfeeding, and are required to make reasonable accommodations for employees who have pregnancy-related limitations. Such reasonable accommodations may include the provision of break time and appropriate facilities for expressing breast milk. Del. Code Ann. tit. 19, §§ 710-11.

District of Columbia

- **Protection against pregnancy discrimination:** The District of Columbia Human Rights Act prohibits employment discrimination on the basis of sex, which explicitly includes discrimination on the basis of pregnancy, childbirth, breastfeeding, or related medical conditions. This law applies to all employers regardless of size, except employers of domestic workers. D.C. Code §§ 2-1401.05(a), 1401.11.
- **Provisions for pregnancy accommodation:** Women affected by pregnancy, childbirth, breastfeeding, or related medical conditions, and employees affected by reproductive health decisions, must be treated the same as other employees not so affected but similar in their ability or inability to work, for all employment purposes. D.C. Code § 2-1401.05(b).
Employers must provide reasonable workplace accommodations for employees whose ability to perform the functions of a position are limited by pregnancy, childbirth, breastfeeding, or related medical conditions unless the employer can make a showing of undue hardship on its business. D.C. Code § 32-1231.03.
An employer may not take action against or deny employment opportunities to an employee or prospective employee based on a request or need for an accommodation due to pregnancy, childbirth, breastfeeding, or related medical conditions. D.C. Code § 32-1231.03.
An employer must provide written notice of an employee's right to a needed reasonable accommodation related to pregnancy, childbirth, related medical conditions, or breastfeeding to new employees and an employee who notifies the employer of her pregnancy or related condition within 10 days of notification. D.C. Code § 32-1231.04
- **Workplace breast feeding rights:** Employers are prohibited from discriminating against women on the basis of breastfeeding and pregnancy-related medical conditions. D.C. Code § 2-1401.05(a). An employer must provide reasonable daily unpaid break periods, as required by the employee, for an employee to express breast milk. If the employer already provides a paid or unpaid break period to the employee, such time shall run concurrently with the required break period. An employer may be exempted from this requirement if it shows compliance would create an undue hardship. The employer must make reasonable efforts to provide the employee with a sanitary, private space close to her work location where she can express milk. D.C. Code § 2-1402.82(d).

Florida

- **Protection against pregnancy discrimination:** The Florida Civil Rights Act prohibits discrimination on the basis of pregnancy. This law applies to employers with fifteen or more employees. Fla. Stat. § 760.10.
- **Provisions for pregnancy accommodation:** Only federal protections apply.
- **Workplace breast feeding rights:** Only federal protections apply.

Georgia

- **Protection against pregnancy discrimination:** Only state employees are protected from discrimination on the basis of pregnancy under Georgia law. Ga. Comp. R. & Regs. 478-1-.03.
- **Provisions for pregnancy accommodation:** Only federal protections apply.
- **Workplace breast feeding rights:** Under Georgia law, employers are allowed, but not required, to provide break time and/or a location for mothers to express breast milk. Ga. Code § 34-1-6.

Guam

- **Protection against pregnancy discrimination:** Guam prohibits employment discrimination on the basis of sex. The Guam Department of Labor has issued regulations interpreting this to include discrimination on the basis of pregnancy, childbirth, or related medical conditions. Guam Code Ann. tit. 22, § 5201; 17 Guam Admin. R. & Regs. § 6104(o).
- **Provisions for pregnancy accommodation:** Only federal protections apply.
- **Workplace breast feeding rights:** An employer must provide reasonable paid break time each day to an employee who needs to express breast milk for an infant child up to the age two. An employer must make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a toilet stall, where the employee can express her milk in privacy. An employer may not restrict, harass, or penalize an employee who chooses to express breast milk in the workplace. This law applies to all employers. 10 GCA § 92A106

Hawaii

- **Protection against pregnancy discrimination:** Hawaii's Fair Employment Practices Act prohibits discrimination against applicants and employees on the basis of sex, which includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. This applies to all employers. Haw. Rev. Stat. §§ 378-1, 378-2; Haw. Code R. § 12-46-107.
- **Provisions for pregnancy accommodation:** Employers must treat women affected by pregnancy, childbirth, or related medical conditions the same as other individuals who may have a temporary limitation or inability to work. Haw. Rev. Stat. § 378-1.
An employer may not terminate or otherwise penalize a woman because she requires time away from work for disability stemming from pregnancy, childbirth, or related medical conditions. Employers must make reasonable accommodations for women affected by a disability stemming from pregnancy, childbirth or related medical conditions. The law applies to all employers. Haw. Code R. § 12-46-107.
- **Workplace breast feeding rights:** An employer may not fire, refuse to hire, withhold pay from, demote, or penalize an employee for breastfeeding or expressing milk at the workplace. Haw. Rev. Stat. § 378-2(7).
An employer must provide: (1) reasonable break time for a nursing mother to express breast milk for one year after the birth of her child and (2) a private space, other than a bathroom, for an employee to express milk, for one year after the birth of her child. Employers with less than twenty employees are exempt from these requirements if they can show that compliance would impose significant difficulty or expense on their business. Haw. Rev. Stat. § 378-92.

Idaho

- **Protection against pregnancy discrimination:** Although not specifically addressed in Idaho's Human Rights Act, the Idaho Supreme Court has construed the Act's statutory prohibition on sex discrimination to prohibit discrimination on the basis of pregnancy. This applies to all public employers, all state contractors, and all other employers with five or more employees, except employers of domestic workers. Idaho Code § 67-5909; Stout v. Key Training Corp., 144 Idaho 195, 158 P.3d 971 (2007).
- **Provisions for pregnancy accommodation:** State employers must treat pregnancy, child birth and related medical conditions as temporary disabilities, including with respect to use of sick leave. Idaho Admin. Code § 15.04.01.243.
- **Workplace breast feeding rights:** Only federal protections apply.

Illinois

- **Protection against pregnancy discrimination:** Employers are prohibited from discriminating on the basis of pregnancy, childbirth, or related medical conditions. This applies to all public employers as well as to private employers with fifteen or more employees, state contractors and joint apprenticeship or training committees. 775 Ill. Comp. Stat. 5/2-102(I); Ill Adm. Code tit. 56 § 2535.110.
- **Provisions for pregnancy accommodation:** Effective January 1, 2015, employers must provide reasonable accommodations to employees who have work-related limitations stemming from pregnancy, childbirth or a related condition, unless the accommodation would impose an undue hardship on the employer. Additionally, employers must treat women affected by pregnancy, childbirth, or related medical conditions the same as other employees not so affected but similar in their ability or inability to work, including with respect to leave requests. This applies to those employers listed above. 775 Ill. Comp. Stat. 5/2-102(I)-(J); Ill Adm. Code tit. 56 § 2535.100.

- **Workplace breast feeding rights:** An employer must provide reasonable daily unpaid break time for an employee to express breast milk, unless doing so would unduly disrupt the employer's business. If possible, such break time must run concurrently with the employee's ordinary break time. 820 Ill. Comp. Stat. 260/10.
Employers must make reasonable efforts to provide employees with a private space close to their work area, other than a toilet stall, where they can express milk. 820 Ill. Comp. Stat. 820 § 260/15.

Indiana

- **Protection against pregnancy discrimination:** Only federal protections apply.
- **Provisions for pregnancy accommodation:** Only federal protections apply.
- **Workplace breast feeding rights:** All employers with twenty-five or more employees must, to the extent reasonably possible, provide a private location, other than a toilet stall, where an employee can express milk during any time away from the employee's assigned duties. Such employers must also, to the extent reasonably possible, provide a cold storage space for employees to keep expressed milk, or allow employees to provide their own portable refrigerator for such a purpose. Ind. Code § 22-2-14-2.
Public employees receive supplemental protections. Public employers must provide reasonable daily paid break time, to run concurrently with any other break time, for employees to express breast milk, unless doing so would unduly disrupt the employer's operations. Public employers must also make reasonable efforts to provide a private room near an employee's work area, other than a toilet stall, where she can express milk. Ind. Code § 5-10-6-2.

Iowa

- **Protection against pregnancy discrimination:** The Iowa Civil Rights Act has a number of provisions related to pregnancy and childbirth; these apply to employers of four or more individuals, except employers of domestic workers. Employers are prohibited from having written or unwritten policies that exclude applicants or employees from employment because they are pregnant. An employer cannot terminate an employee due to a pregnancy-related disability. Iowa Code § 216.6(2).
- **Provisions for pregnancy accommodation:** If a reasonable accommodation is necessary to allow the pregnant employee to perform the essential functions of her position, the employer must provide such an accommodation unless it would pose an undue hardship. (Binding Order of the Iowa Civil Rights Commission, Latham v. ABCM Corporation, CP# 12-10-60032, DIA No. 12ICRC002, January 24, 2013).
Disabilities stemming from an employee's pregnancy, miscarriage, childbirth, legal abortion, or recovery from any of these conditions, are to be treated the same as other temporary disabilities for insurance and leave-related purposes. If a pregnant employee is not entitled to sufficient leave under the relevant insurance or sick leave plan, the employer must, upon timely request, grant an unpaid leave of absence for either the period that the employee is disabled because of the employee's pregnancy, childbirth, or related medical conditions, or for eight weeks, whichever is shorter. Iowa Code § 216.6(2).
- **Workplace breast feeding rights:** Only federal protections apply.

Kansas

- **Protection against pregnancy discrimination:** The Kansas Human Rights Commission has interpreted the prohibition on sex discrimination contained in the Kansas Acts Against Discrimination to prohibit pregnancy discrimination. This law applies to all employers with four or more employees, except non-profit fraternal and social organizations. Kan. Stat. Ann. § 44-1009; Kan. Admin. Regs. § 21-32-6.
- **Provisions for pregnancy accommodation:** Employers with four or more employees must treat disabilities stemming from pregnancy, miscarriage, abortion, childbirth and recovery therefrom the same as any other temporary disability for all job-related purposes. Employers must accept childbearing as a justification for taking an unpaid leave of absence for a reasonable period of time. Upon returning from such leave, employees must be reinstated to their original jobs or to positions of like status and pay without loss of service credits, seniority or other benefits. Kan. Admin. Regs. § 21-32-6.
- **Workplace breast feeding rights:** Only federal protections apply.

Kentucky

- **Protection against pregnancy discrimination:** The Kentucky Civil Rights Act prohibits employment discrimination on the basis of sex, which specifically includes discrimination on the basis of pregnancy, childbirth, or related medical conditions.

This applies to all employers with eight or more employees, except bona fide non-profit private clubs. Ky. Rev. Stat. §§ 344.030, 344.040.

- **Provisions for pregnancy accommodation:** Employers with fifteen or more employees must provide reasonable accommodations for pregnancy, childbirth, and related conditions. Ky.19 RS SB 18/GA (2019)
Female employees affected by pregnancy, childbirth, or related medical conditions must be treated the same as other individuals with similar ability or inability to work for all employment-related purposes. Ky. Rev. Stat. § 344.030.
- **Workplace breast feeding rights:** Employers with eight or more employees must reasonably accommodate employees with medical conditions related to pregnancy (including breastfeeding). Breastfeeding employees must be provided with a private space to express breast milk that is not a bathroom. Ky.19 RS SB 18/GA (2019).

Louisiana

- **Protection against pregnancy discrimination:** Louisiana law prohibits employment discrimination on the basis of an employee's pregnancy, childbirth, or related medical condition. The law applies to all employers with twenty-five or more employees within Louisiana. La. Rev. Stat. § 23:342.
- **Provisions for pregnancy accommodation:** Employers must provide female employees affected by pregnancy, childbirth, or related medical conditions the same benefits or privileges of employment that are granted to temporarily disabled employees, including leave benefits and transfers to less strenuous or hazardous positions. An employer must grant a request for a temporary job transfer so long as it can be reasonably accommodated.
Employers must also allow employees to take pregnancy-related leave for as long as they are disabled on account of pregnancy, childbirth, or related medical condition, up to four months. This applies to all employers with twenty-five or more employees within Louisiana. La. Rev. Stat. §§ 23:341-342.
- **Workplace breast feeding rights:** The only state-specific law applies to employees of public schools. Louisiana school boards are required to provide nursing employees with a private room to express breast milk, and a reasonable amount of break time to do so, for up to one year after the birth of the child. If possible, the break time must occur during the employee's ordinary break time; any additional leave will be unpaid. La. Rev. Stat. § 17:81(W).

Maine

- **Protection against pregnancy discrimination:** The Maine Human Rights Act prohibits discrimination on the basis of sex, defined to include discrimination on the basis of pregnancy and related medical conditions. This applies to all employers. Me. Rev. Stat. tit. 5, §§ 4572, 4572-A.
- **Provisions for pregnancy accommodation:** It is unlawful employment discrimination for an employer to treat a pregnant person who is able to work in a different manner from other persons who are able to work. It is unlawful employment discrimination for an employer to fail upon request to provide a reasonable accommodation to any employee with a pregnancy-related condition, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of its business. Reasonable accommodations for a pregnancy-related condition may include, but are not limited to, providing more frequent or longer breaks; temporary modification in work schedules, seating or equipment; temporary relief from lifting requirements; temporary transfer to less strenuous or hazardous work; and provisions for lactation in compliance with Title 26, section 604. It is unlawful employment discrimination for an employer to treat a pregnant person who is not able to work because of a disability or illness resulting from pregnancy, or from medical conditions that result from pregnancy, in a different manner from other employees who are not able to work because of other disabilities or illnesses. This applies to all employers.
Me. Rev. Stat. tit. 5, § 4572-A.
- **Workplace breast feeding rights:** Employers may not discriminate against employees who choose to express breast milk in the workplace. Employers must provide adequate unpaid break time, or allow an employee to use her paid break time, to express breast milk for up to three years following childbirth. The employer must make reasonable efforts to provide a clean, private place, other than a bathroom, for an employee to express breast milk. This applies to all employers. Me. Rev. Stat. Ann. tit. 26, § 604.

Maryland

- **Protection against pregnancy discrimination:** Courts have construed Maryland's prohibition on sex discrimination in employment to bar discrimination on the basis of pregnancy. This applies to employers with more than fifteen employees, except bona fide tax-exempt private membership clubs. Md. Code, State Gov't § 20 — 606; see, e.g., *Makovi v. Sherwin-*

Williams Co., 316 Md. 603, 626, 561 A.2d 179, 189 (1989); Cuffee v. Verizon Commc'ns, Inc., 755 F. Supp. 2d 672, 675 (D. Md. 2010).

- **Provisions for pregnancy accommodation:** Maryland law requires disabilities stemming from pregnancy or childbirth to be treated as temporary disabilities for all job-related purposes, including with respect to insurance and leave plans. All policies and practices that govern other temporary disabilities must be applied to pregnancy and childbirth-related disabilities.

Employers must explore possible reasonable accommodations for an employee's pregnancy or childbirth-related disability. If an employee requests a transfer to a less strenuous or less hazardous position as a reasonable accommodation, the employer is required to provide the transfer for a period of time up to the duration of the employee's pregnancy if (1) such transfers are provided to employees with other temporary disabilities, or (2) the employee's health care provider advises the transfer and the placement would not have one of the four statutorily-provided effects. This applies to employers with more than fifteen employees, except bona fide tax-exempt private membership clubs. Md. Code, State Gov't § 20 — 609.

- **Workplace breast feeding rights:** Only federal protections apply.

Massachusetts

- **Protection against pregnancy discrimination:** Under the Pregnant Workers Fairness Act, it is an unlawful practice for an employer, by himself or his agent, because of pregnancy or a condition related to said pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child, to refuse to hire or employ or to bar or to discharge from employment or to discriminate against such individual in compensation or in terms, conditions or privileges of employment. This provision applies to employers with six or more employees, except certain social and fraternal organizations. Mass. Gen. Laws ch. 151B, § 4(1).

- **Provisions for pregnancy accommodation:** It is an unlawful practice for an employer with six or more employees to deny a reasonable accommodation for an employee's pregnancy or any condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child if the employee requests such an accommodation, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer's program, enterprise, or business. Mass. Gen. Laws ch. 151B, § 4(1E)(a).

It is also unlawful for an employer with six or more employees to (i) take adverse action against an employee who requests or uses a reasonable accommodation in terms, conditions or privileges of employment including, but not limited to, failing to reinstate the employee to the original employment status or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other applicable service credits when the need for a reasonable accommodation ceases; (ii) deny an employment opportunity to an employee if the denial is based on the need of the employer to make a reasonable accommodation to the known conditions related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child; (iii) require an employee affected by pregnancy, or require said employee affected by a condition related to the pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child, to accept an accommodation that the employee chooses not to accept, if that accommodation is unnecessary to enable the employee to perform the essential functions of the job; (iv) require an employee to take a leave if another reasonable accommodation may be provided for the known conditions related to the employee's pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child, without undue hardship on the employer's program, enterprise or business; (v) refuse to hire a person who is pregnant because of the pregnancy or because of a condition related to the person's pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child; provided, however, that the person is capable of performing the essential functions of the position with a reasonable accommodation and that reasonable accommodation would not impose an undue hardship, demonstrated by the employer, on the employer's program, enterprise or business. Mass. Gen. Laws ch. 151B, § 4(1E)(a).

An employer does not include a club exclusively social, or a fraternal association or corporation, if such club, association or corporation is not organized for private profit. Mass. Gen. Laws ch. 151B, §1.

A female employee who has completed the initial probationary period set by her employer or, if none, three consecutive months of full-time employment, is entitled to up to eight weeks of paid or unpaid maternity leave after giving birth or adopting a child. Upon giving two weeks' notice of her intent to return, such a female employee must be restored to her previous status, with limited exceptions due to an employer's changed circumstances. An employee who takes maternity leave is not entitled to accrue benefits while on leave unless the employer provides such benefits to all employees on temporary leave. This requirement applies to the same employers as the nondiscrimination requirement above. Mass. Gen. Laws ch. 149, § 105 d.

- **Workplace breast feeding rights:** It is an unlawful practice for an employer with six or more employees to deny a reasonable accommodation for an employee's pregnancy or any condition related to the employee's pregnancy including,

but not limited to, lactation or the need to express breast milk for a nursing child if the employee requests such an accommodation, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer's program, enterprise, or business. Mass. Gen. Laws ch. 151B, § 4(1E)(a).

Michigan

- **Protection against pregnancy discrimination:** The Elliott-Larsen Civil Rights Act prohibits discrimination on the basis of pregnancy, childbirth, or a related medical condition (except non-therapeutic abortion not intended to save the mother's life). This law applies to all employers. Mich. Comp. L. § 37.2202.
- **Provisions for pregnancy accommodation:** Women affected by pregnancy, childbirth, or a related medical condition must be treated in the same manner as employees not so affected but similar in their ability or inability to work. Mich. Comp. L. § 37.2202.
- **Workplace breast feeding rights:** Only federal protections apply.

Minnesota

- **Protection against pregnancy discrimination:** The Minnesota Human Rights Act prohibits employment discrimination on the basis of sex, which explicitly includes discrimination on the basis of pregnancy, childbirth, and disabilities related to pregnancy or childbirth. This applies to all employers. Minn. Stat. § 363A.03(42); Minn. Stat. § 363A.08.
- **Provisions for pregnancy accommodation:** The Women Economic Security Act requires an employer to provide reasonable accommodations to an employee for health conditions related to pregnancy or childbirth if she so requests, with the advice of her licensed health care provider or certified doula, unless the employer demonstrates that the accommodation would impose an undue hardship on the operation of the employer's business. A pregnant employee shall not be required to obtain the advice of her licensed health care provider or certified doula, nor may an employer claim undue hardship for the following accommodations: (1) more frequent restroom, food, and water breaks; (2) seating; and (3) limits on lifting over 20 pounds. The employee and employer shall engage in an interactive process with respect to an employee's request for a reasonable accommodation. "Reasonable accommodation" may include, but is not limited to, temporary transfer to a less strenuous or hazardous position, seating, frequent restroom breaks, and limits to heavy lifting. Notwithstanding any other provision of this section, an employer shall not be required to create a new or additional position in order to accommodate an employee pursuant to this section, and shall not be required to discharge any employee, transfer any other employee with greater seniority, or promote any employee. Minn. Stat. § 181.9414
Employers are required to treat women affected by pregnancy, childbirth, or related disabilities the same as other person not so affected but similar in their ability or inability to work, including with respect to the provision of reasonable accommodations. Employers with more than twenty-one employees are required to provide reasonable accommodations for pregnant employees. Minn. Stat. § 363A.08.
- **Workplace breast feeding rights:** An employer must provide a reasonable amount of daily unpaid break time to employees to express breast milk, unless doing so would unduly disrupt the employer's business. The break time must, if possible, run concurrent to break time already provided to employees. The employer must make reasonable efforts to provide a private space, other than a bathroom, close to the employee's work area and with access to an electrical outlet, to express breast milk. This applies to all employers. Minn. Stat. § 181.939

Mississippi

- **Protection against pregnancy discrimination:** There is no Mississippi law that prohibits discrimination based on pregnancy by private employers. However, state employers are prohibited from terminating any employee because of pregnancy or requiring such employee to take leave. 27-110 Miss. Code R. § 7.3.9.
- **Provisions for pregnancy accommodation:** As with discrimination generally, there is no law governing private employers. State employers, though, must treat women disabled by pregnancy the same as other persons not so affected but similar in their ability or inability to work for all employment-related purposes, including receipt of benefits under fringe benefit programs. 27-110 Miss. Code R. § 7.3.9.
- **Workplace breast feeding rights:** An employer may not forbid an employee from breastfeeding or pumping during her break. Miss. Code Ann. § 71-1-55.
Additionally, licensed child-care facilities are required to provide breastfeeding mothers, including employees, with a sanitary place that is not a toilet stall to breast-feed their children or express milk. This area must include an electrical outlet, comfortable chair, and nearby access to running water. MS Code § 43-20-31.

Missouri

- **Protection against pregnancy discrimination:** The Missouri Human Rights Act prohibits employment discrimination based on sex. Some courts have held this includes a prohibition on pregnancy discrimination. In its implementing regulations, the Missouri Commission on Human Rights has interpreted this statute to prohibit any policy or practice which excludes from employment applicants or employees because of pregnancy, barring a showing of business necessity. This applies to employers with six or more employees within Missouri, except businesses owned and operated by religious groups are exempt. Mo. Rev. Stat. § 213.055; Mo. Code Regs. Ann. tit. 8, § 60-3.040(16); see, e.g., *Self v. Midwest Orthopedics Foot & Ankle, P.C.*, 272 S.W.3d 364 (Mo. Ct. App. 2008); *Midstate Oil Co., Inc. v. Missouri Comm'n on Human Rights*, 679 S.W.2d 842, 846 (Mo. 1984).
- **Provisions for pregnancy accommodation:** Employers must treat disabilities stemming from pregnancy, miscarriage, legal abortion, childbirth and recovery as temporary disabilities, and must treat them the same as any other temporary disability for all job-related purposes. Mo. Code Regs. Ann. tit. 8, § 60-3.040(16)(A).
An employer cannot terminate a temporarily disabled employee due to an inadequate leave policy if such policy has a disproportionate impact on employees of one sex and is not justified by business necessity. Mo. Code Regs. Ann. tit. 8, § 60-3.040(16)(B).
- **Workplace breast feeding rights:** Only federal protections apply.

Montana

- **Protection against pregnancy discrimination:** Montana employers cannot terminate a woman's employment due to her pregnancy, refuse to grant her a reasonable leave of absence for the pregnancy, deny her disability or leave benefits, or require her to take leave for an unreasonable length of time. This applies to all employers. Mont. Code Ann. § 49-2-310.
- **Provisions for pregnancy accommodation:** An employee is entitled to a reasonable leave of absence for pregnancy. In determining the reasonableness of the length of leave, the employer must apply standards at least as inclusive as those it applies to other medical-related temporary leave requests. Mont. Code Ann. § 49-2-310; Mont. Admin. R. 24.9.1203.
Employers must treat disabilities stemming from pregnancy, childbirth or related medical conditions the same as other temporary disabilities, including with respect to insurance and leave plans. Mont. Admin. R. 24.9.1206.
Upon returning from maternity leave, an employee must be restored to her original or equivalent position, barring a change in the employer's circumstances. Mont. Code Ann. § 49-2-311.
- **Workplace breast feeding rights:** It is illegal for any public employer in Montana to discriminate against an employee who expresses breast milk in the workplace. Every public employer must have written policies that encourage and accommodate breastfeeding and ensure employees are provided with adequate facilities for breastfeeding or expressing milk. Public employers must make reasonable efforts to provide a space close to the employee's work area, other than a toilet stall, to express breast milk. Additionally, public employers must provide reasonable unpaid break time to employees who need to express breast milk, unless doing so would unduly disrupt the employer's operations. Mont. Code Ann. §§ 39-2-215 through 217.

Nebraska

- **Protection against pregnancy discrimination:** Nebraska prohibits employment discrimination on the basis of pregnancy, childbirth, or related medical conditions. This law applies to employers with fifteen or more employees, except bona fide private membership clubs. Neb. Rev. Stat. §§ 48-1102, 1104, 1107.01-02.
- **Provisions for pregnancy accommodation:** Employers with 15 or more employees must make reasonable accommodations for the known physical limitations of an individual who is pregnant, has experienced childbirth, or has a related medical condition. Such accommodations may include break time or appropriate facilities for breast feeding or expressing breast milk. Employers are exempt from this requirement if it can be shown the accommodation would impose an undue hardship on the business' operations. Neb. Rev. Stat. § 48-1102(11), 1102(18).
State employers must treat pregnancy as a temporary disability for leave purposes. 273 Neb. Admin. Code § 10-005, 011.
- **Workplace breast feeding rights:** The Nebraska Fair Employment Practices Act requires that reasonable accommodation shall include break time and appropriate facilities for breast-feeding or expressing breast milk. Neb. Rev. Stat. § 48-1102(11)

Nevada

- **Protection against pregnancy discrimination:** If an employer grants leave with or without pay, or leave without the loss of seniority to employees for sickness or disability because of medical condition, it is unlawful for the employer to fail or refuse to extend the same benefits to any female employee for a condition of the employee relating to pregnancy, childbirth, or a related medical condition. The pregnant employee must be permitted to use the leave before or after childbirth, miscarriage, or other natural resolution of her pregnancy. Nev. Rev. Stat. § 613.335.
- **Provisions for pregnancy accommodation:** It is an unlawful employment practice for an employer to refuse to provide a reasonable accommodation to a female employee or applicant for employment upon request of the employee or applicant, as applicable, for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition, unless the accommodation would impose an undue hardship on the business of the employer; take an adverse employment action against a female employee because the employee requests or uses a reasonable accommodation for a condition of the employee relating to pregnancy, childbirth or a related medical condition; deny an employment opportunity to an otherwise qualified female employee or applicant for employment based on the need of the employee or applicant, as applicable, for a reasonable accommodation for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition; require a female employee or applicant for employment who is affected by a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition to accept an accommodation that the employee or applicant did not request or chooses not to accept; and require a female employee who is affected by a condition of the employee relating to pregnancy, childbirth or a related medical condition to take leave from employment if a reasonable accommodation for any such condition of the employee is available that would allow the employee to continue to work. Nev. Rev. Stat. § 613.438

If a female employee requests an accommodation for a condition of the employee relating to pregnancy, childbirth or a related medical condition, the employer and employee must engage in a timely, good faith and interactive process to determine an effective, reasonable accommodation for the employee. An accommodation may consist of a change in the work environment or in the way things are customarily carried out that allows the employee to have equal employment opportunities, including the ability to perform the essential function of the position and to have benefits and privileges of employment that are equal to those available to other employees. A reasonable accommodation provided by an employer to a female applicant for employment which is based on a condition of the applicant relating to pregnancy, childbirth or a related medical condition may consist of a modification to the application process or the manner in which things are customarily carried out that allows the applicant to be considered for employment or hired for a position. Nev. Rev. Stat. § 613.4371

- **Workplace breast feeding rights:** The Nevada Pregnant Workers Fairness Act says that “condition of the applicant relating to pregnancy, childbirth or a related medical condition,” “condition of the employee relating to pregnancy, childbirth or a related medical condition” or “condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition” in Nevada's reasonable accommodation and pregnancy nondiscrimination law means a physical or mental condition intrinsic to pregnancy or childbirth that includes, without limitation, lactation or the need to express breast milk for a nursing child. Nev. Rev. Stat. § 613.4359.

Each employer shall provide an employee who is the mother of a child under 1 year of age with: reasonable break time, with or without compensation, for the employee to express breast milk as needed; and a place, other than a bathroom, to express breast milk. Does not apply to employers of less than 50 employees if such would impose undue hardship. Nev. Rev. Stat § 608.0193.

New Hampshire

- **Protection against pregnancy discrimination:** The New Hampshire Law Against Discrimination prohibits employment discrimination on the basis of sex, defined to include pregnancy and medical conditions resulting from pregnancy, childbirth or related medical conditions. This applies to employers with six or more employees, other than social clubs and non-profit religious and fraternal organizations. N.H. Rev. Stat. Ann. § 354-A:7.
- **Provisions for pregnancy accommodation:** Employers must allow female employees to take a leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth or related medical conditions. Upon return, such employees must be restored to their original or a comparable position, unless business necessity makes this impossible. For all other purposes, including benefits plans, employers must treat female employees affected by pregnancy, childbirth, and related medical conditions the same as other employees affected by any other temporary disability. N.H. Rev. Stat. Ann. § 354-A:7.
- **Workplace breast feeding rights:** Only federal protections apply.

New Jersey

- **Protection against pregnancy discrimination:** The New Jersey Law Against Discrimination prohibits employment discrimination on the basis of pregnancy. This applies to all employers other than religious organizations. N.J. Stat. Ann. § 10:5-12.
- **Provisions for pregnancy accommodation:** Employers must provide reasonable accommodations for women who are pregnant or who suffer from medical conditions related to pregnancy and childbirth. This law applies to all employers. N.J. Stat. Ann. § 10:5-3.1.
The New Jersey Family Leave Act requires employers to allow employees to take up to twelve weeks of unpaid leave in a twenty-four month period for, among other things, the birth or adoption of a child. This leave may commence at any time within a year after the date of the birth or placement for adoption. Employers may exclude certain employees from this benefit if they are among the highest five percent, or seven highest (whichever is greater), of the employer's paid salaried employees. This law applies to all public employers and to private employers with fifty or more employees. N.J. Stat. Ann. § 34:11B-4.
- **Workplace breast feeding rights:** Employers must provide employees with breaks during the work day to breastfeed or express milk in a private room close to their work area that is not a bathroom. Employers do not need to compensate women during these breaks unless employees already receive compensation during breaks. This law applies to all employers. N.J. Stat. Ann. § 10:5-5(e), N.J. Stat. Ann. § 10:5-12(s)

New Mexico

- **Protection against pregnancy discrimination:** The New Mexico Human Rights Act provides that it is an unlawful discriminatory practice for an employer with four or more employees to refuse to hire, to discharge, to promote or demote or to discriminate in matters of compensation, terms, conditions or privileges of employment against any person otherwise qualified because of pregnancy, childbirth or condition related to pregnancy or childbirth. N.M. Stat. Ann. § 28-1-7.
- **Provisions for pregnancy accommodation:** Employers must treat employees affected by pregnancy, childbirth or related medical conditions the same as other employees who are temporarily disabled for other reasons. N.M. Code R. § 9.1.1.7(HH) (2).
- **Workplace breast feeding rights:** Employers are required to provide nursing mothers with a clean and private space near the employee's workspace, other than a bathroom, to use a breast pump. They are also required to provide such employees with flexible break times. This law applies to all employers. N.M. Stat. Ann. § 28-20-2.

New York

- **Protection against pregnancy discrimination:** The New York Human Rights Law prohibits employment discrimination on the basis of "familial status", which includes discrimination against any person who is pregnant. In addition, New York courts have construed the prohibition on sex discrimination in the Human Rights Law to prohibit pregnancy discrimination. The law applies to all employers with four or more employees. N.Y. Exec. L. §§ 292, 296; *Elaine W. v. Joint Diseases N. Gen. Hosp., Inc.*, 81 N.Y.2d 211 (1993); *Mittl v. N.Y. State Div. of Human Rights*, 100 N.Y.2d 326 (2003).
- **Provisions for pregnancy accommodation:** Under case law applying the Human Rights Law, New York courts have held that employers are required to provide the same benefits and accommodations to employees affected by pregnancy, child birth, or related conditions as they provide in other instances of temporary disability. *Brooklyn Union Gas Co. v. N.Y. State Human Rights Appeal Bd.*, 41 N.Y.2d 84, 359 N.E.2d 393 (1976).
Employers with four or more employees must make reasonable accommodations for the pregnancy-related conditions of employees and prospective employees unless it can be demonstrated that the accommodation would impose an undue hardship on the employer's operations. N.Y. Executive Law §§ 292(21-e) and (21-f), 296(3).
It is illegal for employers to compel workers to take a leave absence, unless the pregnancy is preventing the employee from performing her duties in a reasonable manner. N.Y. EXEC. LAW § 296(g)
- **Workplace breast feeding rights:** Employers are prohibited from discriminating against employees who express breast milk in the workplace. They must also provide reasonable unpaid break time, or allow employees to use paid break or meal time, for employees to express breast milk for their nursing children, for up to three years following the child's birth. The employer must make reasonable efforts to provide a room or location within close proximity of the employee's work station so the employee can express milk in privacy. Each break shall generally be no less than 20 minutes. If the break room is not in close proximity to the employee's work station, each break shall generally be no less than 30 minutes. The number of breaks needed will depend upon the amount of time the employee is separated from her nursing infant and the mother's physical needs. This law applies to all employers and breastfeeding employees. N.Y. Labor Law § 206-c; New York Department of Labor, *Guidelines Regarding the Rights of Nursing Mothers to Express Breast Milk in the Work Place* (2016).

North Carolina

- **Protection against pregnancy discrimination:** Only federal protections apply.
- **Provisions for pregnancy accommodation:** State agency employees are entitled to workplace adjustments including a change in workstation and seating equipment and/or relocation of workplace materials and equipment to make them more accessible, more frequent/longer breaks, periodic rest, assistance with manual labor, modified work schedules (including the option to work from home), modified work assignments, adjustment of uniforms or dress codes, provision of properly sized safety gear, temporary transfer, access to food and drink and permitting meals and beverages at workstations, changes in lighting and noise levels, and closer access to parking. State agencies are required to provide these workplace adjustments unless it would create undue hardship. N.C. EXEC. ORDER No. 82
- **Workplace breast feeding rights:** State agency employers are required to provide breastfeeding mothers with workplace adjustments including reasonable break time and access to appropriate, non-bathroom lactation accommodations to express breast milk unless it would create undue hardship. N.C. EXEC. ORDER No. 82.

North Dakota

- **Protection against pregnancy discrimination:** The North Dakota Human Rights Act prohibits employment discrimination on the basis of sex, which is defined to include pregnancy, childbirth, and disabilities related to pregnancy or childbirth. This applies to all employers who employ at least one person in North Dakota for more than one quarter of each year. N.D. Cent. Code Ann. §§ 14-02.4-02, 14-02.4-03.
- **Provisions for pregnancy accommodation:** An employer must make reasonable accommodations for an otherwise qualified individual because that individual is pregnant. An employer is not required to provide an accommodation that would disrupt or interfere with the employer's normal business operations, threaten an individual's health or safety, contradict a business necessity of the employer, or impose an undue hardship on the employer. N.D. Cent. Code Ann. § 14-02.4-03.
- **Workplace breast feeding rights:** Only federal protections apply.

Ohio

- **Protection against pregnancy discrimination:** Ohio prohibits employment discrimination on the basis of sex, which explicitly includes pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions. This law applies to all employers with four or more employees within Ohio. Ohio Rev. Code §§ 4112.01, 4112.02.
- **Provisions for pregnancy accommodation:** Employers must treat women affected by pregnancy, childbirth, or related medical conditions the same as other employees not so affected but similar in their ability or inability to work for all employment-related purposes, including receipt of benefits under fringe benefit programs. Ohio Rev. Code §§ 4112.01. If an employer has no leave policy, an employer must allow a reasonable period of leave for childbearing. Following leave, an employee is entitled to return to the same or a similar position. This applies to public employers and to private employers with four or more employees within Ohio. Ohio Admin. Code § 4112-5-05.
- **Workplace breast feeding rights:** Only federal protections apply.

Oklahoma

- **Protection against pregnancy discrimination:** Oklahoma prohibits employment discrimination on the basis of sex, defined to include pregnancy, childbirth or related medical conditions. This applies to all employers except employers of domestic workers. Okla. Stat. tit. 25, §§ 1301, 1302.
- **Provisions for pregnancy accommodation:** Employers must treat women affected by pregnancy, childbirth or related medical conditions the same as other employees with temporary disabilities for all job-related purposes. Okla. Stat. tit. 25, § 1301; Okla. Admin. Code § 335:15-3-9. If an employer's termination of an employee with a temporary disability is due to an inadequate leave policy, the termination will be unlawful if the policy has a disproportionate impact on employees of one sex and is not justified by business necessity. Okla. Admin. Code § 335:15-3-9.
- **Workplace breast feeding rights:** Oklahoma law encourages but does not require, employers to provide reasonable break time and a private space, other than a restroom, to express breast milk at work. Okla. Stat. tit. 40, § 435

Oregon

- **Protection against pregnancy discrimination:** Oregon law prohibits employment discrimination on the basis of sex, defined to include pregnancy, childbirth and related medical conditions or occurrences. This law applies to all employers. Or. Rev. Stat. § 659A.029, 659A.030.
- **Provisions for pregnancy accommodation:** Employers must treat women affected by pregnancy, childbirth or related medical conditions or occurrences the same as other employees with a similar ability or inability to work due to a physical condition, for all employment-related purposes, including receipt of benefits under fringe benefit programs. Or. Rev. Stat. § 659A.029.
- **Workplace breast feeding rights:** An employer shall provide reasonable unpaid rest periods to accommodate an employee who needs to express milk for the employee's child. When possible, an employee shall provide reasonable notice to the employer that the employee intends to express milk upon returning to work after the child's birth. Failure to give notice under this subsection is not grounds for discipline. The employer shall provide the employee a reasonable rest period to express milk each time the employee has a need to express milk. An employer shall make reasonable efforts to provide a location, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk in private. This applies to all employers, though an employer with 10 or fewer employees is not required to provide rest periods under this section if doing so would impose an undue hardship on the operation of the employer's business. This section applies only to an employee who is expressing milk for their child 18 months of age or younger. Or. Rev. Stat. § 653.077.

Pennsylvania

- **Protection against pregnancy discrimination:** The Human Relations Act prohibits employment discrimination on the basis of sex. The Pennsylvania Human Rights Commission has interpreted this provision to prohibit employers from having written or unwritten policies or practices that exclude women from employment due to pregnancy, absent a showing such an exclusion is warranted. The Human Relations Act applies to all public employers and private employers with four or more employees in Pennsylvania. 43 Pa. Stat. § 955; 16 Pa. Code § 41.102.
- **Provisions for pregnancy accommodation:** The Pennsylvania Human Rights Commission has interpreted the Human Relations Act's prohibition on sex discrimination to require that employers apply all policies and practices, including leave and benefit policies, equally to those employees who have a disability due to pregnancy or childbirth as to those with other disabilities. Employers may not require employees to take leave due to pregnancy or childbirth. 43 Pa. Stat. § 955; 16 Pa. Code § 41.103.
- **Workplace breast feeding rights:** Only federal protections apply.

Puerto Rico

- **Protection against pregnancy discrimination:** Puerto Rico prohibits employment discrimination on the basis of sex, defined to include pregnancy, childbirth, or related medical conditions. It also explicitly prohibits employers from excluding applicants or employees from employment on the basis of pregnancy, childbirth or related medical conditions. This applies to all employers. P.R. Laws Ann. tit. 29, §§ 1322-1324.
- **Provisions for pregnancy accommodation:** Employers must treat disabilities caused by or attributed to pregnancy, childbirth or related medical conditions the same as all other disabilities for all employment-related purposes. P.R. Laws Ann. tit. 29, §§ 1322-1324.
The Puerto Rico Working Mother's Act provides paid maternity leave for a pregnant employee for the birth of a child. Pregnant employees are entitled to eight weeks of paid maternity leave, which is comprised of four weeks prenatal leave and four weeks postnatal leave. However, an employee may remain at work up to one week prior to the estimated date of birth if she presents a medical certificate authorizing her to work up to that time. An employee may also be able to extend their maternity leave with twelve additional weeks of unpaid leave. P.R. Laws Ann. tit. 29 §§ 467-74
- **Workplace breast feeding rights:** Upon returning from maternity leave, women must be given the opportunity either to breastfeed their children at an on-site child care center or to express milk for an hour each full-time working day, which can be divided into two thirty-minute sessions or three twenty-minute sessions. This applies to all employers except small businesses, as defined by the Small Business Administration, who only need to provide one half-hour break per day, which can be divided into two fifteen-minute sessions. This applies to employees with nursing children up to one year of age. P.R. Laws Ann. tit. 29, §§ 478 et seq.

Rhode Island

- **Protection against pregnancy discrimination:** Rhode Island law prohibits employment discrimination on the basis of sex, defined to include pregnancy, childbirth, or related medical conditions. This applies to all state employers and private employers with four or more employees. R.I. Gen. Laws §§ 28-5-6, 28-5-7.
- **Provisions for pregnancy accommodation:** Employers must treat female employees affected by pregnancy, childbirth, or related medical conditions the same as other employees not so affected but similar in their ability or inability to work for all employment related purposes, including benefits and leave policies. R.I. Gen. Laws § 28-5-6.
Employers must reasonably accommodate employees and prospective employees regarding conditions related to pregnancy, childbirth, or related medical conditions, unless the employer can demonstrate that the accommodation would pose an undue hardship. Employers may not deny employment opportunities to employees and prospective employees based upon the employer's refusal to reasonably accommodate individuals' conditions related to pregnancy, childbirth, or related medical conditions. R.I. Gen. Laws § 28-5-7.4(a)(1) and (a)(3).
- **Workplace breast feeding rights:** Employers must reasonably accommodate employees and prospective employees regarding conditions related to pregnancy, childbirth or related medical conditions, which include the need to express breast milk for a nursing child, unless the employer can demonstrate that the accommodation would pose an undue hardship. Such accommodations include, but are not limited to, providing break time for expressing breast milk. R.I. Gen. Laws § 28-5-7.4. Employers are required to make reasonable efforts to provide a private, secure and sanitary place close to an employee's work area, other than a toilet stall, where an employee can express milk or breastfeed. This applies to all employers. R.I. Gen. Laws § 23-13.2-1.

South Carolina

- **Protection against pregnancy discrimination:** South Carolina prohibits employment discrimination on the basis of sex, defined to include pregnancy, childbirth, or related medical conditions. This law applies to all employers with fifteen or more employees, except bona fide private membership clubs. S.C. Code Ann. § 1-13-80; S.C. Code Ann. § 1-13-30.
- **Provisions for pregnancy accommodation:** It is an unlawful employment practice for an employer to fail or refuse to make reasonable accommodations for medical needs arising from pregnancy, childbirth, or related medical conditions of an applicant for employment or an employee, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the employer; to deny employment opportunities to a job applicant or employee, if the denial is based on the need of the employer to make reasonable accommodations to the known limitations for medical needs arising from pregnancy, childbirth, or related medical conditions of an applicant for employment or an employee; to require an applicant for employment or an employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation that the applicant or employee chooses not to accept, if the applicant or employee does not have a known limitation related to pregnancy, or if the accommodation is unnecessary for the applicant or employee to perform the essential duties of her job; to require an employee to take leave under any leave law or policy of the employer if another reasonable accommodation can be provided to the known limitations for medical needs arising from pregnancy, childbirth, or related medical conditions; or to take adverse action against an employee in the terms, conditions, or privileges of employment for requesting or using a reasonable accommodation to the known limitations for medical needs arising from pregnancy, childbirth, or related medical conditions. S.C. Code Ann. § 1-13-80(A)(4).
Reasonable accommodations may include for individuals with medical needs arising from pregnancy, childbirth, or related medical conditions providing more frequent or longer break periods; providing more frequent bathroom breaks; providing a private place, other than a bathroom stall for the purpose of expressing milk; modifying food or drink policy; providing seating or allowing the employee to sit more frequently if the job requires the employee to stand; providing assistance with manual labor and limits on lifting; temporarily transferring the employee to a less strenuous or hazardous vacant position, if qualified; providing job restructuring or light duty, if available; acquiring or modifying equipment or devices necessary for performing essential job functions; modifying work schedules. S.C. Code Ann. § 1-13-30(T)(2)(b).
- **Workplace breast feeding rights:** Under South Carolina's Pregnancy Accommodations Act, a reasonable accommodation may include for individuals with medical needs arising from pregnancy, childbirth, or related medical conditions providing more frequent or longer break periods; providing more frequent bathroom breaks; providing a private place, other than a bathroom stall for the purpose of expressing milk.
S.C. Code Ann. § 1-13-30(T)(2)(b).
An employer that employs one or more employees, including the state, shall provide an employee with reasonable unpaid break time or shall permit an employee to use paid break time or meal time each day to express breast milk. The employer shall make reasonable efforts to provide a room or other location, other than a toilet stall, in close proximity to the work area, where an employee may express milk in privacy. S.C. Code Ann. § 41-1-130.

South Dakota

- **Protection against pregnancy discrimination:** Only federal protections apply.
- **Provisions for pregnancy accommodation:** Employers must treat pregnancy and childbirth the same as they treat temporary disabilities, except in the context of insurance. This applies to all employers. S.D. Admin. R. 20:03:09:12.
- **Workplace breast feeding rights:** Only federal protections apply.

Tennessee

- **Protection against pregnancy discrimination:** The Tennessee Human Rights Act prohibits employment discrimination on the basis of sex. Although the statute does not explicitly define sex to include pregnancy, the Tennessee Court of Appeals has repeatedly interpreted the Human Rights Act to prohibit discrimination on the basis of pregnancy. The Tennessee Human Rights Act applies to all employers with eight or more employees in Tennessee, except for domestic employers. Tenn. Code Ann. §§ 4-21-101, 4-21-401; see, e.g., *Spann v. Abraham*, 36 S.W.3d 452 (Tenn. Ct. App. 1999); *Castro v. TX Direct, LLC*, W2012-01494-COA-R3CV, 2013 WL 684785 (Tenn. Ct. App. Feb. 25, 2013); *Pierce v. City of Humboldt*, W2012-00217-COA-R3CV, 2013 WL 1190823 (Tenn. Ct. App. Mar. 25, 2013).
- **Provisions for pregnancy accommodation:** If an employee has worked for the same employer full-time for at least twelve consecutive months, he or she may take four months leave for adoption, pregnancy, childbirth, or nursing an infant. Such leave shall not affect the employee's accrued seniority, leave, or benefits, although the employer is not required to pay for such benefits during the leave period. Generally, if three months' notice was given prior to the start of leave, the employer will be required to restore the employee, upon return, to his or her original position or to a similar position. Tenn. Code Ann. § 4-21-408.
- **Workplace breast feeding rights:** Employers are required to provide reasonable daily unpaid break time to employees who need to express breast milk for their infant children unless doing so would unduly disrupt the employer's business. If possible, this break shall run concurrently with any other break time already provided. Employers must make reasonable efforts to provide employees with a private space close to their work area, other than a toilet stall, to express breast milk. This law applies to all employers. Tenn. Code Ann. § 50-1-305.

Texas

- **Protection against pregnancy discrimination:** Texas prohibits employment discrimination on the basis of sex, which explicitly includes pregnancy, childbirth, or a related medical condition. This applies to private employers with fifteen or more employees, as well as to all public employers. Tex. Lab. Code Ann. §§ 21.051, 21.106.
- **Provisions for pregnancy accommodation:** Employers with fifteen or more employees are required to treat female employees affected by pregnancy, childbirth, or a related medical condition the same as other employees not so affected but similar in their ability or inability to work for all purposes related to employment, including in leave and benefit policies. Tex. Lab. Code Ann § 21.106.
Municipal and county employers must make reasonable efforts to accommodate employees who are partially physically restricted by pregnancy; this may include making a temporary work assignment within the employee's office. Tex. Loc. Gov't Code § 180.004.
- **Workplace breast feeding rights:** Public employers are required to provide breastfeeding employees with reasonable accommodations including break time and a private location other than a restroom, and cannot discriminate against breastfeeding employees. Tex. Loc. Gov't Code § 619.004

Utah

- **Protection against pregnancy discrimination:** The Utah Antidiscrimination Act prohibits employment discrimination on the basis of pregnancy, childbirth, or pregnancy-related conditions. This law applies to all employers except religious businesses and organizations. Utah Code § 34A-5-106.
- **Provisions for pregnancy accommodation:** Public employers and private employers with 15 or more employees must provide reasonable accommodations to employees related to pregnancy, childbirth, breastfeeding, or related conditions if a reasonable accommodation is requested, unless the employer can demonstrate the accommodation would create an undue hardship on the operations of the employer.
Employers may not deny employment opportunities to an employee if the denial is based on the need of the employer to

make reasonable accommodations related to the pregnancy, childbirth or related conditions of an employee, unless the employer can establish that such an accommodation would create an undue hardship on the operations of the employer. Utah Code § 34A-5-106(1)(g).

- **Workplace breast feeding rights:** Employers with 15 or more employees must provide reasonable accommodations to employees related to breastfeeding if a reasonable accommodation is requested, unless the employer can demonstrate the accommodation would create an undue hardship on the operations of the employer. Utah Code § 34A-5-106(1)(g). Public employers must provide for at least one year after the birth of a public employee's child reasonable breaks for the employee to breast feed or express milk and must provide for a public employee a clean, sanitary, and private room or other location in close proximity to the public employee's work area that is not a bathroom or a toilet stall unless doing so would create an undue hardship on the operations of the employer. Utah Code § 34-49-202. A public employer must provide access to a clean and well-maintained refrigerator or freezer for the temporary storage of the public employee's breast milk. Utah Code § 34-49-202. A public employer may not refuse to hire, promote, discharge, demote, terminate, retaliate against, harass, or discriminate against a person because the person breastfeeds or expresses milk in the workplace. Utah Code §34-49-204

Vermont

- **Protection against pregnancy discrimination:** The Vermont Fair Employment Practices Act prohibits employment discrimination based on sex. The Supreme Court of Vermont has held that this includes discrimination based on pregnancy. This law applies to all employers. Vt. Stat. tit. 21, § 495; Lavalley v. E.B. & A.C. Whiting Co., 166 Vt. 205, 692 A.2d 367 (1997).
- **Provisions for pregnancy accommodation:** "Employers are required to provide up to twelve weeks of unpaid leave during an employee's pregnancy and/or following the birth of an employee's child. Upon return from leave, the employee must be restored to the same or a comparable position. Vt. Stat. Ann. tit. 21, § 472. It shall be an unlawful employment practice for an employer to fail to provide a reasonable accommodation for an employee's pregnancy-related condition, unless it would impose an undue hardship on the employer. Vt. Stat. Ann. tit. 21, § 495k(a)(1).
- **Workplace breast feeding rights:** Employers must provide nursing employees provide reasonable compensated or uncompensated time throughout the day for nursing mothers to express breast milk, as well as a private space other than a bathroom in which to do so, for up to three years after the birth of the child, unless doing so would constitute a substantial disruption to the employer's business. Employers cannot discriminate against employees who exercise this right. Vt. Stat. Ann. tit. 21, § 305.

Virgin Islands

- **Protection against pregnancy discrimination:** The U.S. Virgin Islands prohibits employment discrimination on the basis of sex, which explicitly includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. This applies to all employers. 10 V.I. Code § 64; 24 V.I. Code § 451.
- **Provisions for pregnancy accommodation:** Employers must treat women affected by pregnancy, childbirth, or related medical conditions the same as other employees not so affected but similar in their ability or inability to work for all purposes, including benefits and leave. 24 V.I. Code § 451.
- **Workplace breast feeding rights:** Only federal protections apply.

Virginia

- **Protection against pregnancy discrimination:** Virginia law prohibits employers with more than five employees from failing or refusing to hire, discharging, or otherwise discriminating against an individual on the basis of pregnancy, childbirth, or related medical conditions, including lactation. Va. Code § 2.2-3905.
- **Provisions for pregnancy accommodation:** Employers must treat female employees affected by pregnancy, childbirth, or related medical conditions the same as persons not so affected but similar in their abilities or disabilities for all purposes. Va. Code § 2.2-3901.
- **Workplace breast feeding rights:** Employers with more than five employees may not discharge or otherwise discriminate against an individual on the basis of lactation. Va. Code § 2.2-3905.

Washington

- **Protection against pregnancy discrimination:** The Washington Law Against Discrimination prohibits employment discrimination on the basis of sex. The Supreme Court of Washington and the Washington Human Rights Commission have held that this includes discrimination on the basis of pregnancy or childbirth. This applies to employers with eight or more employees, but it does not apply to religious non-profit organizations. There is also a "business necessity" exception under the regulations. Wash. Rev. Code § 49.60.030; Wash. Admin. Code § 162-30-020; *Hegwine v. Longview Fibre Co., Inc.*, 162 Wash. 2d 340, 344, 172 P.3d 688, 691 (2007)."
- **Provisions for pregnancy accommodation:** It is an unfair practice for any employer to fail or refuse to make reasonable accommodation for an employee for pregnancy, unless the employer can demonstrate that doing so would impose an undue hardship on the employer's program, enterprise, or business; take adverse action against an employee who requests, declines, or uses an accommodation under this section that affects the terms, conditions, or privileges of employment; deny employment opportunities to an otherwise qualified employee if such denial is based on the employer's need to make reasonable accommodation required by this section; require an employee to take leave if another reasonable accommodation can be provided for the employee's pregnancy. Wash. Rev. Code § 43.10.005(2).
"Reasonable accommodation" means: providing more frequent, longer, or flexible restroom breaks; modifying a no food or drink policy; job restructuring, part-time or modified work schedules, reassignment to a vacant position, or acquiring or modifying equipment, devices, or an employee's work station; providing seating or allowing the employee to sit more frequently if her job requires her to stand; providing for a temporary transfer to a less strenuous or less hazardous position; providing assistance with manual labor and limits on lifting; scheduling flexibility for prenatal visits; any further pregnancy accommodation an employee may request, and to which an employer must give reasonable consideration in consultation with information provided on pregnancy accommodation by the department of labor and industries or the attending health care provider of the employee. Wash. Rev. Code § 43.10.005(1)(c).
Employers with at least eight employees must grant female employees a leave of absence for the period of time that they are sick or temporarily disabled because of pregnancy or childbirth. Employers must treat a woman on pregnancy-related leave the same as other employees on leave due to illness or other temporary disability. Wash. Admin. Code § 162-30-020.
- **Workplace breast feeding rights:** Employers with 15 or more employees must provide reasonable break time for an employee to express breast milk for two years after the child's birth. Employers also must provide a private location, other than a bathroom, if such a location exists. If the business locations does not have a space for the employee to express milk, the employer shall work with the employee to identify a convenient location and work schedule to accommodate their needs. Wash. Rev. Code § 43.10.005.

West Virginia

- **Protection against pregnancy discrimination:** The West Virginia Human Rights Act prohibits employment discrimination on the basis of sex. The Supreme Court of Appeals of West Virginia has held that this includes discrimination on the basis of pregnancy. This applies to public employers and to employers of twelve or more persons, except private clubs. W. Va. Code § 5-11-9; *Frank's Shoe Store v. W. Virginia Human Rights Comm'n*, 179 W. Va. 53, 365 S.E.2d 251 (1986).
- **Provisions for pregnancy accommodation:** The Pregnant Workers' Fairness Act requires employers to make reasonable accommodations for known limitations related to the pregnancy, childbirth, or related medical condition of a job applicant or employee, unless doing so would impose an undue hardship on the employer. It also prohibits employers from imposing mandatory leave or requiring applicants or employees to accept a pregnancy-related accommodation. This applies to public employers and to private employers of twelve or more persons, except private clubs. W. Va. Code § 5-11B-2.
- **Workplace breast feeding rights:** Only federal protections apply.

Wisconsin

- **Protection against pregnancy discrimination:** Wisconsin law prohibits employment discrimination on the basis of sex, which includes discrimination on the basis of pregnancy, childbirth, maternity leave or related medical conditions. This applies to all employers except social clubs and fraternal organizations. Wis. Gen. Stat. §§ 111.31, 111.36
- **Provisions for pregnancy accommodation:** Wisconsin requires employers to treat employees unable to perform her job because of pregnancy in the same manner as it treats other temporarily disabled employees, whether by providing modified tasks, alternative assignments, disability leave or leave without pay. Additionally, employers with 50 or more permanent employees must allow covered employees up to six week of family leave per year, without pay, for the birth of the

employee's child if the leave begins within 16 weeks of the child's birth. WI Gen. Stat. Sec. 103.10; WI Gen. Stat. Sec. 111.31-111.395.

- **Workplace breast feeding rights:** Only federal protections apply.

Wyoming

- **Protection against pregnancy discrimination:** Wyoming law prohibits employment discrimination on the basis of pregnancy. This applies to all public employers and to all other employers, except religious organizations, with two or more employees. Wyo. Stat. § 27-9-105.
- **Provisions for pregnancy accommodation:** Only federal protections apply.
- **Workplace breast feeding rights:** Only federal protections apply.

United States (federal)

- **The major federal laws that afford workplace protections and employment rights for workers who are pregnant or nursing are:**

- The Trial Division of the High Court of American Samoa has held that its territorial public policy prohibits employment discrimination on the basis of pregnancy. *Nguyen v. Daewoosa Samoa, Ltd.*, 7 Am. Samoa 3d 171 (Am. Samoa 2003).

- [The Pregnancy Discrimination Act \[1978\]](#)

What is covered?

The PDA amended Title VII of the Civil Rights Act of 1964 to make employment discrimination on the basis of pregnancy, childbirth or related medical conditions constitute sex discrimination under Title VII. Women who are pregnant or affected by pregnancy-related conditions must be treated in the same manner in all terms and conditions of employment as other applicants or employees with similar abilities or limitations.

Who is covered?

The PDA covers the same employers and employees as Title VII of the Civil Rights Act. **Terms and Conditions of Employment:** This law prohibits an employer from refusing to hire a woman because of a pregnancy-related condition as long as she is able to perform the major functions of her job. It also prohibits an employer from treating an applicant or worker differently on the basis of pregnancy, childbirth or a related medical condition, for any employment purpose.

- **Pregnancy and Maternity Leave:** An employer may not single out pregnancy-related conditions for special procedures to determine an employee's ability to work. However, if an employer requires all of its employees to submit a doctor's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy-related conditions to submit such statements.
If an employee is temporarily unable to perform her job because of her pregnancy or a pregnancy-related condition, the employer must treat her the same as any other temporarily disabled employee. For example, if the employer allows temporarily disabled employees to modify tasks, perform alternative assignments, or take disability leave or leave without pay, the employer also must allow an employee who is temporarily disabled because of pregnancy to do the same.
- **Health Insurance:** Any health insurance provided by an employer must cover expenses for pregnancy-related conditions on the same basis as costs for other medical conditions. An employer need not provide health insurance for expenses arising from abortion, except where the life of the mother is endangered by the pregnancy or where medical complications have arisen from an abortion.
Pregnancy-related expenses should be reimbursed exactly as those incurred for other medical conditions, whether payment is on a fixed basis or a percentage of reasonable-and-customary-charge basis.
The amounts payable by the insurance provider can be limited only to the same extent as amounts payable for other conditions. No additional, increased or larger deductible can be imposed.
- **Fringe Benefits:** If an employer provides any benefits to workers on leave, the employer must provide the same benefits to those on leave for pregnancy-related conditions.

Employees on leave because of pregnancy-related conditions must be treated the same as other temporarily disabled employees with respect to accrual and crediting of seniority, vacation calculation, pay increases and temporary disability benefits.

For additional information see the U.S. Equal Employment Opportunity Commission. The EEOC recently issued new enforcement guidance regarding pregnancy discrimination and related issues. In particular, the guidance addresses the PDA as it applies to pregnant workers. See: http://www.eeoc.gov/laws/guidance/pregnancy_guidance.cfm.

Pregnant employees must be permitted to work as long as they are able to perform their jobs. If an employee has been absent from work as a result of a pregnancy-related condition and recovers, her employer may not require her to remain on

leave until the baby's birth. An employer also may not have a rule that prohibits an employee from returning to work for a predetermined length of time after childbirth.

Employers must hold open a job for a pregnancy-related absence the same length of time they would hold jobs open for employees on sick or disability leave.

Notes:

- Federal law requires that women affected by pregnancy, childbirth or related medical conditions be treated the same as other persons not so affected but similar in their ability or inability to work for all employment-related purposes, including receipt of benefits under fringe benefit programs. See 42 U.S.C. § 2000e (k). Also, this page only addresses state laws; county, city or other local laws may provide additional sources of protection.
- Effective 2010, the Patient Protection and Affordable Care Act amended Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. § 207) ("FLSA") to require that employers provide a nursing mother reasonable break time to express breast milk for one year after the birth of her child. The law does not require that this time be compensated. The amendment also requires that employers provide a place, other than a bathroom, for an employee to express breast milk. Note that certain workers who are exempt from Section 7 of the FLSA are not covered by this amendment. Also note that the amendment does not preempt state laws that provide employees with broader protections (for example, compensated break time, break time for exempt employees, or break time beyond one year after the child's birth). For more about the FLSA's break time requirement, see <http://www.dol.gov/whd/nursingmothers/>.
- Forty-six states, plus the District of Columbia and the U.S. Virgin Islands, also allow women to breast feed in public places or in places of "public accommodation", even if those jurisdictions do not require employers to make accommodations for breastfeeding employees. We have not included those laws here.

Additional Resources

Federal Government Resources

- [U.S. Department of Labor - Wage and Hour Division - Break Time for Nursing Mothers](#)
- [U.S. Department of Health and Human Services - Office of Women's Health - Going Back to Work - Information on Breastfeeding](#)
- [U.S. Equal Employment Opportunity Commission - Pregnancy Discrimination Information](#)

Non-Federal Government Resources

- [Legal Momentum - Pregnancy Discrimination, Breastfeeding and Leave \(including state information\)](#)
- [National Conference of State Legislatures - Breastfeeding information \(including state information\)](#)
- [Workplace Fairness - Pregnancy Discrimination Information \(including state information\)](#)

Note: Federal law requires that women affected by pregnancy, childbirth or related medical conditions be treated the same as other persons not so affected but similar in their ability or inability to work for all employment-related purposes, including receipt of benefits under fringe benefit programs. See 42 U.S.C. § 2000e (k). Also, this page only addresses state laws; county, city or other local laws may provide additional sources of protection.

Employers are required to provide nursing mothers reasonable break time to express breast milk for one year after the birth of her child under Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. § 207) ("FLSA"). The law also requires that employers provide a place, other than a bathroom, for an employee to express breast milk. The law does not require that this time be compensated. Note that certain workers who are exempt from Section 7 of the FLSA are not covered by this amendment. Also note that the amendment does not preempt state laws that provide employees with broader protections (for example, compensated break time, break time for exempt employees, or break time beyond one year after the child's birth). For more about the FLSA's break time requirement, see www.dol.gov/agencies/whd/nursing-mothers.

Forty-six states, the District of Columbia, and the U.S. Virgin Islands also allow women to breastfeed in public places or in places of "public accommodation," even if those jurisdictions do not require employers to make accommodations for breastfeeding employees. We have not included those laws here.





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