

Appendix A

PREGNANCY DISCRIMINATION

The Pregnancy Discrimination Act, a 1979 amendment to Title VII of the 1964 Civil Rights Act, protects a woman against being fired or refused a job or a promotion because she is pregnant. Also, a pregnant woman who goes on leave is entitled to have her job back with no less seniority when she returns, just as other employees on disability leave for other medical conditions are entitled to their jobs when they return.

The same concept applies in the area of fringe benefits, such as sick leave, disability benefits and health insurance. A woman unable to work because of pregnancy-related conditions is entitled to disability benefits or sick leave on the same basis as other employees unable to work for other reasons. Any health insurance plan provided by the employer must cover expenses for pregnancy-related conditions to the same extent that it provides coverage for other medical conditions. A company may legally limit the number of weeks it will pay disability and sick leave benefits, even if the disability surpasses the limitation, but only if the cap on payments applies equally to all conditions.

Notes:

The Act does not require an employer to provide a comprehensive disability/health insurance plan, but only applies to those employers who currently have a plan or who will implement one in the future.

A woman whose pregnancy started before employment began may be excluded from coverage under a company plan as long as the exclusion applies, on the same basis, to other conditions pre-existing before employment.

An employer can require a medical examination by a company physician to confirm the existence of a pregnancy-related condition, but only if such an examination procedure is also normally required of all applicants for disability benefits.

An employer may not provide a policy with coverage for pregnancy-related conditions as an option. Every company plan must cover such conditions.

(The above is excerpted from "Fact Sheet: The Pregnancy Discrimination Act," published by Women's Occupational Health Resource Center.)

The rights outlined above are the minimum a pregnant woman is guaranteed by federal law; however, many companies provide additional benefits. These benefits can vary widely from company to company, so a woman who is pregnant or planning to become pregnant, may want to ask her employer (or benefit office) some of the questions below:

- 1) What is the length of maternity leave?*
- 2) How long will her position be held? Is she guaranteed the same position when she returns, or a comparable position?*
- 3) If complications arise prior to scheduled maternity leave, can she leave then? Does she use sick leave or part of her maternity leave?*

- 4) *While on maternity leave, is she still eligible for pay raises?*
5) *Can she use sick days to care for a sick child?*

*A woman who feels she may have been discriminated against because of her pregnancy or who has any legal questions about the above federal policies, California laws, or her company's policies in particular, should contact one of the agencies listed below or the **Legal Assistance Chapter**.*

Equal Employment Opportunity Commission

619-557-7235 or **800-669-4000**

619-557-5748 TTY for hearing impaired

401 B Street #510, San Diego, 92101

Call to file a complaint about employment discrimination, including discrimination based on pregnancy, gender, or age.

Fair Employment & Housing Department, State of California

800-884-1684 Employment/Public Accommodations

800-700-2320 TTY for hearing impaired

1350 Front Street #3005, San Diego, 92101

Call to file a complaint about employment discrimination.