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Pregnancy Discrimination Act

Facts About Pregnancy Discrimination

The Pregnancy Discrimination Act is an amendment to *Title VII of the Civil Rights Act of 1964*. Discrimination on the basis of pregnancy, childbirth or related medical condition, constitutes unlawful sex discrimination under *Title VII*. Women affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

Hiring

- 1.) An employer may not single out pregnancy related conditions for special procedures to determine an employee's ability to work. However, an employer may use any procedure to screen other employees' ability to work. For example, if an employer requires 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.
- 2.) If an employee is temporarily unable to perform her job due to pregnancy, the employer must treat her the same as any other temporarily disabled employee; (for example, provide modified tasks, alternative assignments, disability leave or leave with out pay.
- 3.) 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 may not have a rule which prohibits an employee from returning to work for a predetermined length of time after childbirth.
- 4.) Employers must hold open a job for a pregnancy related absence the same length of time jobs are held open for employees on sick or disability leave.

Health Insurance

- 1.) Any health insurance provided by an employer must cover expenses for pregnancy related conditions on the same basis as cost for other medical conditions. Health insurance for expenses arising from abortion is not required, except where the life of the mother is endangered.
- 2.) Pregnancy related expenses should be reimbursed exactly as those incurred for other medical conditions, whether payment is on a fixed basis or on a percentage of reasonable and customary charge basis.
- 3.) The amounts payable by the insurance provider can be limited only to the same extent as costs for other conditions. No additional increase or larger deductible can be imposed.
- 4.) If a health insurance plan excludes benefit payments for pre-existing conditions when the insured's coverage becomes effective, benefits can be denied for medical costs arising from an existing pregnancy.
- 5.) Employers must provide the same level of health benefits for spouses of male employees as they do for spouses of female employees.

Fringe Benefits

- 1.) Pregnancy related benefits cannot be limited to married employees. In an all female workforce or job classification, benefits must be provided for pregnancy related conditions if benefits are provided for other medical conditions.
- 2.) If an employer provides any benefits to workers on leave, the employer must provide the same benefits for those on leave for pregnancy related conditions.
- 3.) Employees with pregnancy related disabilities must be treated the same as temporarily disabled employees for accrual and crediting of seniority, vacation calculation, pay increases and temporary disability benefits.