

Talking to Your Boss About Your Bump

*This fact sheet provides information on laws that apply nationwide.
State or local laws where you work may give you additional protections.*

Figuring out how to manage pregnancy and work can be challenging. This guide can help. It explains your legal protections and gives you practical tips on when to tell your boss, what to say, and how to ask for time off and workplace changes you may need.

YOU SHOULD KNOW:

- If your employer has 15 or more employees, under laws that apply nationwide:
 1. Your boss can't fire you or treat you worse because you are or were pregnant.
 2. You have a right to receive changes at work that you need for pregnancy, childbirth, or related conditions, so long as it isn't very difficult or expensive for your employer.
- Many employees nationwide have a right to take unpaid leave to recover from childbirth and/or bond with an infant. Employees in certain states are entitled to pay during their time off under state paid family and medical leave laws.
- Many states and cities have laws that apply to small employers or provide more protections.
- Free legal help is available.

Telling Your Boss About Your Pregnancy

WHEN to have the conversation:

- There are no legal deadlines for telling your employer you are pregnant. But if you need to take time off, under the [FMLA](#) you will need to request it at least 30 days before your leave begins. (If your need for time off is unexpected, this rule does not apply. For example, if you have premature labor or sudden complications, you should just tell your boss you need time off as soon as you're able to.)
- If you think your boss won't be happy to hear you are pregnant, you don't need to say anything before you are ready. But keep in mind that your coworkers and boss may appreciate being told as soon as you feel comfortable, so that they can plan ahead for your time off.

WHAT to say:

- **Before starting the conversation**, it's a good idea to gather some information. Read any written policies your employer has on pregnancy and parental leave. Look into

whether your employer has a paid leave and/or short-term disability policy that provides paid leave during pregnancy. You may also want to talk to trusted coworkers who were pregnant while working for the same employer. Or you may want to talk with the human resources department, if your employer has one. Just remember that HR might tell your boss what you say to them.

- **Make sure your boss knows you are committed to your job** and that you plan to return to work after the baby arrives. Many bosses believe that an employee will no longer be reliable or dedicated to their job after they get pregnant. It's a good idea to tackle those false beliefs up front by telling your boss that your job is still very important to you.
- Tell your boss directly that you are willing and able to keep working. Even if your pregnancy impacts your work, it will be a short-term situation. You don't need a doctor's note to tell your employer you are pregnant. In fact, sometimes a note can cause trouble if your boss thinks it limits the work you can do.
- Tell your boss that you are a primary income-earner for your family, and your household depends on your paycheck.
- Come prepared with a plan to help your boss prepare for your absence. Share your ideas about how they can cover your workload when you are out of work.
- Listen carefully and take notes after your conversation, especially about anything that sounded strange or wrong to you.

Understanding Your Legal Protections:

Pregnancy Discrimination Act: Under this law that applies nationwide, if you work for an employer with 15 or more employees, it is illegal for your employer to treat you worse because of your pregnancy. This means they cannot fire you, reduce your hours, take away your responsibilities, penalize you, or harass you, if the reason they are doing those things is that you are or were pregnant, or gave birth. Many states also have similar protections that apply to smaller employers.

Asking for Changes at Work (Reasonable Accommodations)

Many pregnant people need changes at work so they are able to work safely and maintain their health and wellbeing during pregnancy or after giving birth. These changes are called "accommodations." You may need accommodations because of the typical changes your body is going through during pregnancy (tiredness, morning sickness, swelling, need to use the bathroom, etc.) or because you have a pregnancy complication (gestational diabetes, depression, preeclampsia, etc.). Or you may need accommodations to avoid job duties that pose a risk to your pregnancy.

For example, you may need:

- a flexible schedule for prenatal or postpartum appointments or morning sickness
- a stool to sit on

- permission to carry a water bottle
- a change to your work uniform
- limits to heavy lifting
- frequent bathroom breaks
- having one of your job duties reassigned to another employee during your pregnancy
- transfer to a different position during your pregnancy
- permission to work from home
- time off to for bedrest, to recover from childbirth or pregnancy loss, or to address postpartum depression
- Other changes that keep you healthy and safe. [Here](#) are more accommodation ideas.

Your needs may change over the course of your pregnancy and following birth. If you want to learn how to ask for an accommodation, keep reading!

Understanding Your Legal Right to Accommodation:

Pregnant Workers Fairness Act: If you work for an employer with 15 or more employees, you have a right under this nationwide law to workplace changes for your pregnancy, childbirth, or related medical conditions such as lactation, miscarriage, stillbirth, abortion, and infertility. These are called reasonable accommodations. Many states have similar laws that apply to smaller employers.

You do not need to have a disability or pregnancy complication to be eligible for an accommodation. You have a right to receive accommodations to protect your health and wellbeing.

HOW to Ask for An Accommodation:

1. **Make a plan, if possible, before you request the accommodation:** What kind of changes do you need and how can you make that work? How long will you need the accommodation for? What job duties are you still able to do? For accommodation ideas to match your needs, see the list above. Talk with your trusted coworkers and ask for their help.
2. **Talk to your boss or a human resources representative:**
 - Say that you need a “reasonable accommodation” for pregnancy or childbirth.
 - Be specific about what limitations or needs you have, and what job duties or workplace rules you would like temporarily changed. Try to be as specific as possible about how long you will the need accommodation for.

- Explain how your requested accommodation will not be too difficult or expensive for your employer (for example: it is for only a short time, or another employee is willing to help you with the task you can't perform).
 - **A sample accommodation request letter is available [here](#).**
3. **Your boss must respond to your request.** They must grant your request, or have a conversation with you to understand your needs and identify an accommodation that will meet them. You are responsible for communicating with your employer to make sure they understand exactly what your needs are. Your employer does not have to provide an accommodation that causes them an “undue hardship,” meaning it would be very difficult or expensive for them to provide. Undue hardship will depend on what you need and things like the size of your employer and the resources they have. Also, your employer isn't required to give you the exact accommodation you request if there is another option that meets your health needs. But your employer *is* required to work with you to find an accommodation that meets your needs.
 4. **Make sure to get a written record of what was discussed**—you may send an e-mail or note to your employer summarizing what was said by them and by you. Be sure to keep a copy for yourself. (It's a good idea to print or forward to your personal email account any emails sent from your work email account, in case you lose access.)
 5. **You may need to provide a note from your doctor, midwife, therapist, or other type of health care provider.** Your employer may ask you to bring a medical note when you request an accommodation. Or, if you think your boss may not want to give you an accommodation, it could be helpful to give them a medical note when you make your request.

Make sure that the note is as specific as possible and outlines exactly what you can and cannot do at work. Avoid vague terms like “heavy lifting,” “avoid stress,” or “light duty,” which may lead your boss to think you can't do your job. Ask your healthcare provider to follow this [guide for writing notes](#).

Remember: It is your right to ask for an accommodation, but your boss can't force you to agree to an accommodation or force you out onto leave if you want to keep working.

Call us if you are being pressured to accept time off or other changes at work that you didn't ask for and don't want.

Do You Need Time Off Work During Your Pregnancy?

You may need time off work at different points during your pregnancy and after giving birth. For example:

- To attend prenatal care appointments
- For medical conditions like severe morning sickness or depression/anxiety
- If you are put on bedrest or hospitalized
- To avoid pregnancy risks or toxic exposures like pesticides and radiation
- To recover from childbirth or pregnancy loss

Understanding Your Legal Rights to Leave:

Time off work is a “reasonable accommodation” under the **Pregnant Workers Fairness Act** (see above), so long as it can be provided without it being very difficult or expensive for your employer.

You may *also* have a right to take up to 12 weeks of unpaid leave under the **Family and Medical Leave Act (FMLA)**. Your employer must put you in the same job, or very similar job, when you come back to work. Also, your employer must continue paying its part of your health insurance costs during the time you are off work. Unfortunately, not all employees are eligible for FMLA. You are covered if (1) Your employer has 50 or more employees within 75 miles of your worksite; (2) You have worked for the employer for a total of at least 12 months at any time in the past; (3) you have worked 1250 hours or more in the last 12 months (approximately 24 hours/week); and (4) you have not already used up your 12 weeks of yearly FMLA leave. Learn more about the FMLA [here](#).

If you are not eligible for FMLA, you may have a right to leave under state/local law.

CAUTION: Time you take off during your pregnancy may reduce the amount of time you can take off after you recover from childbirth to bond with your baby under the FMLA and some other laws. For help understanding your situation, call one of the free legal helplines listed at the end of this guide.

You may be able to receive pay for your time off during pregnancy or following childbirth by:

- Applying with a state agency for paid family and medical leave if you need time off for your own health needs or to bond with your new baby. [See here](#) for an overview of state paid family and medical leave laws.
- Applying with a state agency for temporary disability insurance benefits if your doctor says you are unable to do your job because of pregnancy or childbirth

- Asking your employer to use your paid sick days, which are legally required in [some states and cities](#)
- Asking your employer if it offers disability insurance or paid leave benefits as a company policy.

Call the free legal helplines below for help navigating your rights to paid time off.

How To Request Leave:

1. Make your request with your boss or with human resources. If possible, tell them at least 30 days before your time off will begin.
2. Come with a plan and ideas for how your work can be covered while you're away. Talk to your coworkers and ask for support.
3. Clearly state that your job is important to you and that you are going to return when your leave is over.
4. **If you are eligible for FMLA:** Your employer will ask you to get paperwork filled out by your healthcare provider. It is your responsibility to have the paperwork filled out and return it to your employer on time. ([Learn about FMLA eligibility.](#))

If your employer says you are not eligible for FMLA or you have already used up your 12 weeks of leave: Tell your employer that you are requesting time off as a “reasonable accommodation” under the Pregnant Workers Fairness Act and see the steps for requesting a reasonable accommodation above. The Pregnant Workers Fairness Act does not require your employer to give you leave to take care of your baby. However, you have a right to receive accommodations like leave for your own pregnancy/childbirth health needs, so long as it would not be very difficult or expensive to provide. This can include time off that you need to recover from childbirth (typically 6 weeks for a vaginal delivery and 8 weeks for a c-section) in addition to time off that you need for postpartum depression/anxiety or other medical issues that are related to your pregnancy or childbirth.

If you are planning to breastfeed or chestfeed your baby, don't forget to make a plan for pumping milk at work after you return!

It is a good idea to request break time and private space for pumping milk *before* you return to work after having a baby. To learn more, check out our [“Talking To Your Boss About Your Pump”](#) guide.

What If My Employer Refuses to Accommodate Me or Treats Me Unfairly?

Often employers that do not provide pregnancy accommodations or leave either don't understand the health needs of their employees or are unaware of the legal requirements. (The Pregnant Workers Fairness Act is a very new law.) In many cases, communicating clearly with your employer by using the tips above can help you get what you need.

In some cases, even when an employee clearly communicates their needs, their boss may still give them a hard time or even punish them for asking for changes at work or time off. If you are being treated badly at work during or soon after your pregnancy, it may be illegal discrimination or retaliation. For example, your boss should not reduce your hours or pay, force you on to unpaid leave, make harassing comments, take away your responsibilities, skip over you when giving opportunities, or penalize you for being pregnant, asking for changes, or taking time off.

If your boss doesn't accommodate your needs or treats you unfairly, we can help.

You may contact our free and confidential legal helplines for assistance.

Services are provided in English and Spanish, and other languages on request:

Center for WorkLife Law [online here](#) or at (415) 703-8276
A Better Balance [online here](#) or at 1-833-NEED-ABB (1-833-633-3222)