

FACT SHEET

Pregnancy Discrimination Outlawed & Accommodations Required

New Virginia Law: As of July 1, 2020, Virginia employers that employ five or more workers for “each working day in each of 20 or more calendar weeks in the current or preceding calendar year” who operate at least 20 weeks during the year may not discriminate against pregnant workers and must make reasonable accommodations for pregnant workers as long as it doesn’t cause undue hardship on the employer.

What kinds of discrimination are covered?

Employers may not fail or refuse to hire a person based on pregnancy, childbirth or related medical conditions, refuse to make reasonable accommodations, take adverse action against an employee asking for reasonable accommodations, deny employment or promotion opportunities, or require an employee to take leave if another reasonable accommodation can be provided.

What are reasonable accommodations? The law states that reasonable accommodations may include, but are not limited to, the following:

- temporary transfer to a less strenuous or hazardous position
- assistance with manual labor
- job restructuring
- a modified work schedule
- light duty assignments
- leave to recover from childbirth.
- more frequent or longer bathroom breaks

to express breast milk

- access to a private location other than a bathroom for the expression of breast milk
- acquisition or modification of equipment or seating

What is undue hardship? The law says that the following should be considered in terms of determining undue hardship:

- (1) Hardship on the conduct of the employer's business, considering the nature of the employer's operation, including composition and structure of the employer's workforce;
- (2) The size of the facility where employment occurs; and
- (3) The nature and cost of the accommodations needed.

What should you do if you need

accommodations? Talk with your employer. Each employer is required to “engage in a timely, good faith interactive process” about possible accommodations.

What if you have been discriminated against or believe your employer has not provided reasonable

accommodations? You can file a complaint with the Division of Human Rights of the Virginia Department of Law or you may seek a private attorney to file a law suit. Attorneys that handle this kind of case can be found at www.VELA.org or www.wagetheftva.org.