



Having a baby?

Know your rights.



Employment discrimination on the basis of sex violates the Pennsylvania Human Relations Act. This includes discrimination based on pregnancy, childbirth and child rearing.

A woman has the right to 1) freedom from discrimination because of her sex, and 2) reasonable accommodation when she is disabled due to pregnancy.

Q. Can I take all the sick leave time I'm entitled to while I am disabled by my pregnancy?

A. If your employer provides paid sick leave for other temporary disabilities, paid sick leave must be provided for your pregnancy-related disability.

Q. Can I take as much sick leave time as I want for maternity reasons?

A. No. Unless you are actually unable to work because you have been disabled by your pregnancy, you are not entitled to sick leave.

Q. Am I entitled to accumulated sick leave benefits if I miscarry, have an abortion or give birth?

A. Yes. If your employer provides sick leave benefits for temporary disabilities, then you are entitled to the same benefits for your disability as anyone else is for theirs.

Q. Do I have to be examined by the company doctor?

A. Yes, if the company doctor examines all employees requesting sick leave for a temporary disability. You also have the right to be examined by your own doctor and have the results considered by your employer.

Q. Can my employer refuse me benefits or fire me because I am pregnant and not married?

A. No. Your rights to benefits and reinstatement are the same as they would be if you were married.

Q. How must my employer treat my temporary disability due to pregnancy, childbirth or related factors?

A. Your employer must deal with your temporary, pregnancy-related disability the same as other temporary disabilities. Your employer may not impose harsher terms and conditions on you than it would impose on any other temporarily disabled employee.

Q. When I return to work, does my employer have to reinstate me in my old job or a similar job?

A. Following childbirth, your employer must reinstate you the same way it would reinstate anyone returning to work following a broken leg, heart attack or any other temporary disability of no less duration than yours. An employer must make reasonable accommodations for your disability, up to and including reinstatement in your old position or something similar, unless doing so would be an undue hardship on the employer.

Q. Do I forfeit my seniority rights when I take leave because of childbirth or a pregnancy-related disability?

A. No, unless you would lose seniority rights if you had a broken leg, heart attack or other temporary disability of similar duration.

Q. Can I be fired for taking childbirth leave?

A. You may not be fired unless it would be an undue hardship for the employer to retain you, and the employer discharges everyone who becomes temporarily disabled for a similar or greater length of time.

Q. When I am looking for work, must I tell an employer that I am pregnant?

A. An employer may not inquire about any disabilities prior to offering you a job.

Q. Can I file a complaint with the PA Human Relations Commission if an employer refuses to hire me because I am pregnant?

A. Yes. It is a violation of the law to refuse to hire you solely because you are pregnant. In such a case, the burden is on the employer to establish that it would be an undue hardship on the employer to hire you, and that under similar circumstances the employer does not hire men with similarly severe, temporary disabilities.

Q. Can my employer arbitrarily force me to take a specified amount of time off for maternity leave?

A. No. Under state law, you and/or a physician determine the period of time you are disabled by your pregnancy. An employer may not arbitrarily force you to leave work or return to work at a specified time. An employer may require a doctor's certificate, if one is required for everyone who has a temporary disability of no less duration than yours, which attests to the period for which you are actually disabled and unable to work.

Q. Am I entitled to take time off for my new baby?

A. Only if your employer allows other employees time off for other non-disability related reasons.

Q. Can a man get childrearing leave?

A. Yes. If an employer provides time off to raise a child, it must be granted equally to men and women.

Q. What if my child was adopted?

A. If an employer gives time off for childrearing leave for birth parents, time off must be granted equally to adoptive parents.

Learn more about your civil rights & how to file a complaint or get training at
www.phrc.state.pa.us

The federal **Family & Medical Leave Act**, enforced by the U.S. Department of Labor's Wage & Hour Division, may provide additional rights related to pregnancy and childrearing. Find out more online at **www.dol.gov**.



pennsylvania
HUMAN RELATIONS COMMISSION