



This leaflet cannot answer all your questions on the subject. The Broward County Civil Rights Division will gladly provide more detailed information and interpret the Human Rights Act as it relates to maternity benefits and other aspects of discrimination. As a part of the Division's responsibility, staff will provide technical assistance to encourage fair treatment.



THE BROWARD COUNTY HUMAN RIGHTS ACT STATES:

Section 16 ½ - 3 Definitions.

(15) "Discriminatory Classification" means a classification on the basis of race, color, religion, sex, national origin, age, marital status, political affiliation, disability, sexual orientation.

ARTICLE II DISCRIMINATION PRACTICES

Section 16 ½ - 21.

- (a) Employers. It is a discriminatory practice for an employer:
 - (1) To fail or refuse to hire, discharge, or otherwise discriminate against an individual, with respect to compensation or the terms, conditions, or privileges of employment, because of a discriminatory classification; or
 - (2) To limit, segregate, or classify an employee in a way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee because of a discriminatory classification.

REMINDERS

Become knowledgeable of your company's policy regarding medical leaves, disability benefits, and insurance coverage.

Request a doctor's note regarding your ability to work and submit it to your employer. Usually what the doctor says, goes.

Remember, you are not granted any "special privileges" because you are pregnant. You are to be treated equally to other temporarily disabled employees.



BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS

Josephus Eggleton, Jr.
 Ben Graber
 Sue Gunzburger
 Kristin D. Jacobs
 Ilene Lieberman
 John E. Rodstrom, Jr.
 Jim Scott
 Diana Wasserman-Rubin
 Lois Wexler

BROWARD COUNTY OFFICE OF EQUAL OPPORTUNITY CIVIL RIGHTS DIVISION

115 S. Andrews Avenue, Room A680
 Fort Lauderdale, FL 33301
 954-357-6050

If you require auxiliary aids for communication, please call our office at 954-357-6050 (voice), or 954-357-6181 (TTY) in advance of your visit.

This publication can be made available in large print, tape cassette, or braille, by request.

An equal opportunity employer and provider of services.

This public document was promulgated at a cost of \$310.00, or \$0.310 per copy, to provide information on working while pregnant.



Office of Equal Opportunity
Civil Rights Division

Pregnant AND Working

Answers to frequently asked questions about pregnancy, childbirth and related medical conditions in the area of employment.

Answers To Frequently Asked Questions Regarding Pregnancy, Childbirth, or Related Medical Conditions

Title VII of the Civil Rights Act of 1964 was amended October 31, 1978 to include discrimination against women workers because of pregnancy, childbirth, or related medical conditions. The ban on pregnancy discrimination covers all areas of employment, including hiring, promotion, seniority rights, and fringe benefits.

The Broward County Human Rights Act includes sex discrimination among the covered classes of employment discrimination. The Act also includes pregnancy as stated above.

COVERED EMPLOYERS

- An employer, labor organization, employment agency (must have five or more employees and a charge of discrimination must be filed within 180 days of the harm date)
- An employer other than:
 - (a) the United States government or a corporation wholly owned by the U.S.
 - (b) an Indian Tribe
 - (c) a bona fide private membership club

To file a charge with the Broward County Civil Rights Division, the employer must conduct business within Broward County.



Can my employer force me to take a leave of absence?

An employer cannot force a leave of absence at an arbitrary time during a pregnancy. Requested leave time must be based on the inability to continue working.

Does my employer have to reinstate me following a leave of absence for pregnancy?

An employer cannot differentiate between the reinstatement rights following a pregnancy related leave of absence or childbirth, and the reinstatement rights of other disability leaves.



Do I receive disability pay while I am on my leave of absence for pregnancy?

Employers cannot differentiate between the employee benefit programs that provide health insurance or income support programs offered to women on leaves due to pregnancy and the benefit programs that they offer employees on leaves for other disabilities (such as broken arms, heart attacks, or other temporary disabilities).



Am I entitled to sick pay while pregnant?

Pregnant women are not paid sick leave or granted disability pay simply because they are pregnant. Employers are requested to pay these benefits on the same terms as they are granted to other employees, and generally this is when an employee is medically unable to work.

Can an employer transfer me to a lighter assignment while pregnant?

Again, an employer cannot differentiate between the practices used when transferring disabled or pregnant workers to lighter assignments.

When I am looking for a job, must I tell the employer that I am pregnant?

No. An employment decision cannot be determined on your condition of pregnancy. Of course you must be qualified for the position, or the employer may refuse to hire you if you are not.

Can I file a discrimination complaint if an employer refuses to hire me because I am pregnant?

Yes. It is a violation to refuse to hire a woman solely because she is pregnant. In such cases, the burden is on the employer to justify the refusal to hire.

Can my employer refuse to promote me because I am pregnant?

No. An employer must consider the ability or inability to perform a job as the basis for a personnel decision involving pregnant workers.



Must my employer hold open my job while I am on leave because I am pregnant?

Unless you have informed your employer that you do not intend to return to work, your job must be held open on the same basis as jobs are held open for employees on sick or disability leaves.



Must my employer provide benefits for pregnancy related conditions?

If benefits are provided for other conditions, they must also be provided for pregnancy related conditions.

On what basis should I be reimbursed for medical expenses arising from pregnancy, childbirth, or related conditions?

Pregnancy related expenses should be reimbursed in the same manner as are expenses incurred for other medical conditions.

If my employer's health insurance plan excludes the payment for any conditions existing at the time my insurance coverage becomes effective (pre-existing clause) can my benefits be denied?

If benefits are also denied for other pre-existing conditions, they may be denied for the pre-existing condition of pregnancy.



Can I collect unemployment compensation benefits while I am pregnant?

When applying for unemployment benefits, you will be treated the same as other applicants and must meet the same requirements, including being available to work and actively seeking employment. A doctor's note is often required stating you are able to work.

Can my employer fire me if I am out sick due to my pregnancy?

If your employer fires other employees when they are out sick for other disabilities, this practice must not differ for pregnant employees.