



*Helping working families make it work.*

## **Know Your Rights: Pregnancy Protections and Leave**

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### **Maryland**

#### **+ When should I notify my employer?**

- As soon as you announce your pregnancy in your personal life, you should tell your employer. Do not wait until your pregnancy is physically obvious. Under the Family Medical Leave Act, you must notify your employer at least 30 days in advance of your need to take planned leave when the baby is born. *Notify your employer in writing.*
- Before notifying your employer, check your company's maternity and disability policies. If your company does not have an official written policy, you can also check with your personnel office and/or your union.

#### **+ Can my employer fire me for being pregnant?**

- No. Maryland's Reasonable Accommodations for Disabilities Due to Pregnancy Act and the Pregnancy Discrimination Act (PDA) of 1978 prohibit employers from discriminating against you on the basis of pregnancy, childbirth, or related medical conditions.
- Not only is it illegal for an employer in Maryland to fire you for being pregnant, it is also illegal for the employer to refuse to consider you for a position for fear that you may become pregnant.

#### **+ Is my employer required to make accommodations in the workplace?**

- Yes. The Reasonable Accommodations for Disabilities Due to Pregnancy Act requires Maryland employers to make reasonable accommodations for employees who are disabled, in whole or in part, due to pregnancy. Such accommodations may include changing the employee's duties or hours, relocating the employee's work area, transferring the employee to another position, or providing leave.
- Employers with more than 15 employees are also required to provide reasonable accommodations to employees with disabilities recognized under the Americans with Disabilities Act (ADA). Although pregnancy is not recognized under the ADA, certain pregnancy-related conditions (such as gestational diabetes) qualify.

- To request accommodation, you should obtain a doctor's order outlining specific recommendations, such as tasks that should be avoided or whether you need to take frequent breaks or stay off your feet for periods of time.

### **+ Can I take leave?**

- Maybe. The Family Medical Leave Act (FMLA) guarantees employees 12 weeks of unpaid medical or family leave within a one-year period if:
  - Your workplace employs 50 or more people; and
  - You have worked for the employer continuously for at least one year; and
  - You have worked at least 1,250 hours in the last 12 months.
- Under the FMLA, pregnant women can take leave for prenatal appointments or morning sickness. Intermittent leave can be taken for other reasons if your doctor says that it is medically necessary.
- If you do not qualify for FMLA leave, your employer may still be required under the PDA to provide leave if they provide leave to other temporarily disabled or ill employees. Your workplace must employ at least 15 employees to qualify.
- Your employer cannot force you to take leave before you are ready. Your supervisor also cannot assign you different responsibilities because of his or her discomfort in having you fulfill your normal job duties while pregnant – even if the discomfort is rooted in a concern for your safety.

### **+ What happens to my benefits and health insurance while I'm on leave?**

If you qualify for protected leave under FMLA, your employer must continue to provide you with health insurance while you are on leave. When you return, you must be reinstated in your previous position, or an equivalent position with equivalent pay and benefits.

### **+ What can I do if I experience discrimination?**

- If your employer discriminates against because of your pregnancy or refuses to provide reasonable accommodations, you can file a complaint with the Maryland Commission on Civil Rights within 6 months of the discriminatory action: (800) 637-6247 or <http://mccr.maryland.gov/Intake.html>.
- If you work in Howard County, Montgomery County, or Prince George's County, you may file your complaint through your designated county commission:
  - Howard County Office of Human Rights: (410) 313-6430 or [ohr@howardcountymd.gov](mailto:ohr@howardcountymd.gov). Claims must be filed within 6 months of the discriminatory action.

- Montgomery County Office of Human Rights: (240) 777-8450 or [www.montgomerycountymd.gov/humanrights/](http://www.montgomerycountymd.gov/humanrights/). Claims must be filed within one year of the discriminatory action.
- Prince George's County Human Relations Commission: (301) 883-6270 or [HRCStaff@co.pg.md.us](mailto:HRCStaff@co.pg.md.us). Claims must be filed within 6 months of the discriminatory action.
- You may also file a claim for pregnancy discrimination under Title VII of the Civil Rights Act of 1964 and PDA with the Equal Employment Opportunity Commission (EEOC). Discrimination claims must be filed within 300 days of the discriminatory act: <http://www.eeoc.gov/employees/howtofile.cfm>.
- If your employer violates the FMLA, you may file a complaint through the Wage and Hour Division of the Department of Labor. Claims must be made within two years of the discriminatory action: (866) 487-9243 or <http://www.dol.gov/wecanhelp/howtofilecomplaint.htm>.

#### **Need legal assistance?**

- This fact sheet is intended to provide general information about legal rights in the workplace. For legal advice about your own individual situation, please consult an attorney.
- First Shift Justice Project can advise you on these issues for free or low-cost. Please contact us at [lbrown@firstshift.org](mailto:lbrown@firstshift.org) or consult our website: [www.firstshift.org](http://www.firstshift.org).