

# FACT SHEET

## The Pregnancy Discrimination Act

For many years, a woman's steady employment was jeopardized by her decision to have a child. Some employers tended to fire a pregnant employee rather than allow a reasonable period of maternity leave. When leave was granted it was often without pay or medical benefits, even though disability and medical fringe benefits were part of the regular employment contract. Such exclusions financially burdened women workers and broke down the continuity of their employment, thus reinforcing the woman's role as a temporary worker.

In response to this type of discrimination, and the Supreme Court's decision to allow employer benefit plans to exclude pregnancy coverage, various labor, feminist, and legal organizations sought legislative change in Congress.

On April 29, 1979, the Pregnancy Discrimination Act, an amendment to Title VII of the 1964 Civil Rights Act, went into effect. The Act makes clear that discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination. A woman is, therefore, protected against being fired or refused a job or a promotion because she is pregnant or has had an abortion. Moreover, a pregnant woman who goes on leave is entitled to have her job back with no less in seniority when she returns, just as other employees on disability leave for other medical conditions are entitled to their jobs upon their return.

The same principle applies in the area of fringe benefits, such as sick leave, disability benefits and health insurance. A woman unable to work for pregnancy-related conditions is entitled to disability benefits or sick leave on the same basis as employees unable to work for other reasons. Any health insurance plan provided by the employer must cover expenses for pregnancy-related conditions to the same extent that it provides coverage for other medical conditions.

### Application of the Pregnancy Discrimination Act to Disability/Health Insurance Plans

- 1) *Provision of Insurance* - The Act does not require each employer to provide a comprehensive disability/health insurance plan but applies to those employers who currently have a plan or will implement one in the future.
- 2) *Pre-existing Pregnancy* - A woman whose pregnancy started before employment began may be excluded from coverage under a company plan as long as the exclusion also applies, and on the same basis, to other conditions pre-existing before employment.



District 1199, NUHHC

Pregnant workers are protected by the new law.

- 3) *Medical Examinations* - An employer can require a medical examination by a company physician to confirm the existence of a pregnancy-related condition, but only if such an examination procedure is normally required evenhandedly of all applicants for disability benefits.
- 4) *Time Limitation of Payments* - A company may legally limit the number of weeks it will pay disability and sick leave benefits, even if the disability surpasses the limitation, but only if the cap on payments applies equally to all conditions.
- 5) *Abortion* - Health insurance coverage for expenses arising from abortion is not required except where the life of the mother would be endangered if the fetus were carried to term, or where medical complications have arisen from an abortion. All other benefits, such as sick leave, however, must be provided for employees who have abortions.
- 6) *Optional Coverage* - An employer may not provide a policy with coverage for pregnancy-related conditions

as an option. Every company plan must cover such conditions.

7) *Shared Cost* – The additional cost of compliance with the Act may be apportioned between the employer and the employees in the same proportion that the entire fringe benefit plan is apportioned. Under no circumstances must male or female employees be required to pay unequal proportions on the basis of sex or pregnancy.

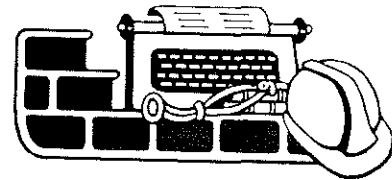
For further information, you may contact the WOHRC office for a copy of the Equal Employment Opportunity Commission's booklet, *Questions and Answers on the Pregnancy Discrimination Act*. There is a charge of 75 cents per copy, plus a 50 cent handling charge. There is no additional handling charge for large orders. —Gary Epler, Legal Intern, WOHRC

*For separate copies of this fact sheet and updates of information on reproductive rights, write to WOHRC.*

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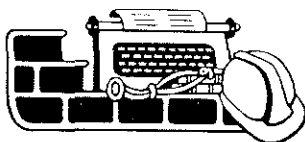
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