



U.S. Equal Employment Opportunity Commission

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## Helping Patients Deal with Pregnancy-Related Limitations and Restrictions at Work

If a patient's pregnancy begins to interfere with her work, and her employer has 15 or more employees, she may have the right to obtain **work adjustments** that allow her to remain employed, without jeopardizing her health, under the Pregnancy Discrimination Act (PDA) and the Americans with Disabilities Act (ADA). This fact sheet briefly explains how you, the health provider, can help your patient obtain these adjustments.

### 1. What if my patient is having a problem doing her job because of pregnancy or a medical condition related to pregnancy?

Your patient may be able to get an **accommodation** that allows her to do her regular job safely.

Examples of accommodations include **permission to sit or stand, ergonomic office furniture, shift changes, elimination of marginal job functions, permission to work from home, and altered break and work schedules, for example breaks to rest or use the restroom.**

Your patient may be able to get an accommodation under the **PDA** if her employer gives accommodations to employees who have limitations that are similar to hers, but were not caused by pregnancy.

Your patient may be able to get an accommodation under the **ADA** if the source of her problem at work is a pregnancy-related medical condition that meets the ADA definition of "disability." Examples of pregnancy-related medical conditions that may meet the ADA definition of disability include cervical insufficiency, anemia, sciatica, preeclampsia, gestational diabetes, and depression. A condition meets this definition if it would, when left untreated, "substantially limit" one or more major life activities (e.g., lifting, standing, sitting, walking, reaching, bending, eating, sleeping, or concentrating) or major bodily functions (e.g., digestive, genitourinary, bowel, bladder, neurological, circulatory, or cardiovascular functions). **A condition does not have to be permanent or severe, or result in a high degree of functional limitation, to be "substantially limiting."** It may qualify by, for example, making activities more difficult, uncomfortable, or time-consuming to perform compared to the way that most people perform them. Further, if symptoms come and go, what matters is how limiting they would be when present.

If your patient needs an accommodation to do her regular job because of a disability, the employer **must** give her one, without reducing her pay, unless doing so would involve **significant** difficulty or expense.

### 2. What if my patient needs light duty work?

Your patient might be able to get a **reduced workload, removal of an essential job function, or a temporary reassignment** under the PDA, depending on how her employer treats **non-pregnant** employees with similar limitations. However, even if this type of light duty assignment is available, you may first want to consider whether an **accommodation** is available that would allow your patient to do her regular job, particularly if light duty would come with reduced pay. (See Question 1 above.) The employer is not allowed to reduce your patient's pay because it gave her an accommodation that allows her to do her regular job.

### 3. What if my patient cannot work at all?

If your patient can't return to work at all and has no paid leave, she still may be entitled to unpaid leave as an accommodation. She may also qualify for unpaid leave under the Family and Medical Leave Act. More information about this law can be found at [www.dol.gov/whd/fmla](http://www.dol.gov/whd/fmla). Some states and localities have passed laws that provide additional protections.

### 4. How can I help my patient if she needs an accommodation for her current job, light duty, or leave because of her pregnancy?

Your patient may ask you to provide a note stating that she is pregnant, and describing her pregnancy-related restrictions and limitations.

Sometimes an employer will ask for additional information, particularly if the employer is considering whether it can provide an accommodation under the ADA for a pregnancy-related medical condition. Documentation is most likely to help her to get an ADA accommodation if it explains, using plain language, the following:

- Your professional qualifications and the nature and length of your relationship with the patient. A brief statement is sufficient.
- The nature of the patient's condition. State the patient's pregnancy-related medical condition.
- The patient's functional limitations in the absence of treatment. Describe the extent to which the medical condition *would* limit a major life activity (e.g., lifting, bending, or concentrating), or a major bodily function (e.g., bowel or circulatory functions), in the absence of treatment or any other accommodation. If the symptoms of the condition come and go or are in remission, describe the limitations during an active episode. It is sufficient to establish substantial limitation of *one* major life activity or major bodily function.
- The need for an accommodation. Explain how the patient's medical condition makes changes at work necessary. For example, if your patient needs an accommodation to perform a particular job function, you should explain how the patient's symptoms - *as they actually are, with treatment* - make performing the function more difficult. If necessary, ask your patient for a description of her job duties. Also explain to the employer why your patient may need an accommodation such as a schedule change (e.g., to attend a medical appointment during the workday.) *Limit your discussion to the specific problems that may be helped by an accommodation.*
- Suggested Accommodation(s). If you are aware of an effective accommodation, you may suggest it. Do not overstate the need for a particular accommodation in case an alternative is necessary.

**5. What will happen after I provide the documentation?**

The employer, perhaps in consultation with a health care professional, will use the information to determine whether a work adjustment is required under the PDA or ADA. The employer also may contact you to ask for clarification of what you have written, or to provide you with additional information to consider. For example, you may be asked whether a different work adjustment would be effective if the requested accommodation would be too difficult or costly to provide.

**6. Am I permitted to disclose my patient's medical information?**

The ADA and the PDA do not alter a health provider's ethical or legal obligations. You should request an accommodation on behalf of your patient or disclose her medical information only if she asks you to do so and signs an appropriate release. Employers are required to keep all information related to accommodation requests confidential.

**7. Could an employer discriminate against my patient because of the information I provide?**

The PDA and ADA prohibit employers from engaging in discrimination and harassment based on pregnancy and pregnancy-related medical conditions, and from retaliating against employees.

**Further Information**

More information about pregnancy discrimination and accommodations can be found in the EEOC publication [Legal Rights for Pregnant Workers under Federal Law](#), and on the Equal Employment Opportunity's (EEOC's) website (<https://www.eeoc.gov>). The EEOC can be contacted by phone at 800-669-4000 (voice) or 800-669-6820 (TTY).