

PDA Cheat Sheet

What Employers Are Covered?

Those with 15 or more employees

What Employees Are Covered?

Applicants and employees who are pregnant, give birth, or have “related” medical conditions

What’s Prohibited?

Discrimination against women in any aspect of employment because of pregnancy, childbirth or related medical conditions

What’s Required?

That women who are pregnant or affected by related conditions be treated in the same manner as other applicants or employees with similar abilities or limitations

What are “Related Conditions”?

Federal courts have recently defined “related conditions” to include abortion and in vitro fertilization procedures

What’s the Effect on Insurance Plans?

- Any health insurance provided by an employer must cover expenses for pregnancy-related conditions on the same basis as costs for other medical conditions
- Pregnancy-related expenses must be reimbursed in the same manner as those incurred for other medical conditions
- Employers must provide the same level of health benefits for spouses of male employees as they do for spouses of female employees

What’s the Effect on Benefits?

- Pregnancy-related benefits cannot be limited to married employees
- If an employer provides benefits to workers on leave, the employer must provide the same benefits for those on leave for pregnancy-related conditions

Does the PDA Provide Leave?

No. However, employers should be aware that:

- The FMLA allows unpaid leave for childbirth, adoptions and foster care placements and for an employee’s serious health condition, which can include complications or conditions relating to pregnancy and childbirth
- The ADA may provide for leave for pregnant employees or employees with a pregnancy-related condition in limited circumstances

Top PDA Tips

- The PDA is an amendment to Title VII of the Civil Rights Act of 1964
- Pregnant employees can’t be forced to take leave or remain on leave as long as they are able to perform their jobs
- Employers can’t have a rule that prohibits an employee from returning to work for a pre-determined period after childbirth
- Employers must hold a job open for a pregnant employee for the same length of time it would hold open a job for employees on sick or disability leave
- The PDA does not prohibit employment practices that favor pregnant women -- employers should consider PDA obligations a floor, not a ceiling
- Generally, pregnancy is not covered under the ADA, but where an employee experiences substantial complications that limit a major life activity, she may be considered disabled under the ADA and entitled to an accommodation

