

LAW OFFICE *of*
KRISTIE MCCANN

INC.

YOUR PARTNERS IN COMPLIANCE & PREVENTION

UNDERSTANDING PREGNANCY RIGHTS

DISCLAIMERS

The information shared in this training, whether in group discussions or private conversations, is for educational purposes only and does not constitute legal advice or a guarantee of compliance.

While our organization is available for hire to provide legal counsel or advice, our trainings do not offer or constitute legal advice.

For guidance specific to your organization, consult legal counsel to ensure alignment with relevant case law, state and local regulations, and evolving federal standards.



MEET OUR TEAM



Kristie McCann, Esq.
Owner, Attorney



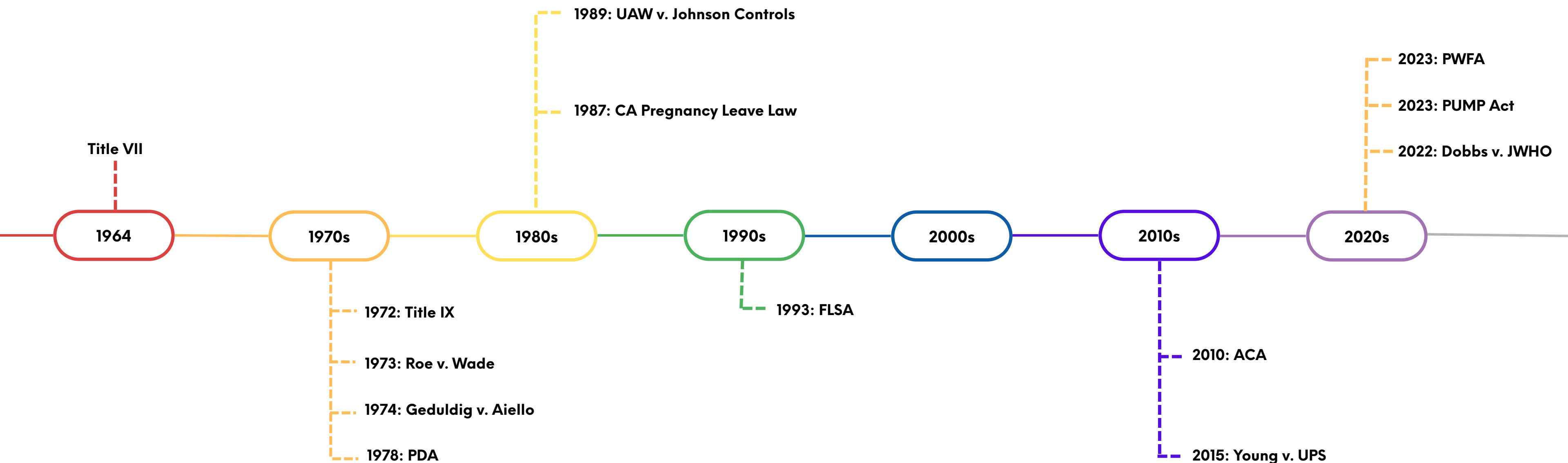
Alyssa Roush
Civil Rights Specialist

Learning Objectives

Afterwards, you'll be able to:

- Understand key federal laws (Title IX, PDA, FLSA, PUMP Act, PWFA) protecting pregnancy and related conditions.
- Describe legal obligations for accommodations in education and the workplace.
- Analyze scenarios to determine compliance with federal protections.
- Evaluate organization policies for alignment with legal requirements.
- Apply best practices to prevent discrimination and support individuals.

Quick U.S. History



Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Pregnancy Discrimination Act (PDA) of 1978

To amend Title VII of the Civil Rights Act of 1964 (TVII) to prohibit sex discrimination on the basis of pregnancy.

- **Prohibits discrimination** due to pregnancy, childbirth, or related medical conditions
- Employers **must treat** pregnancy-related conditions **like other temporary medical conditions**
- Covers **hiring, promotions, benefits**, and workplace **accommodations**
- **Protects against retaliation** for requesting accommodations
- Applies to **all employees** covered by TVII

Fair Labor Standards Act (FLSA)

amended by the ACA in 2010:

- Employers must provide **reasonable break time** to express breast milk.
 - When an employee is using break time at work to express breast milk they either:
 - Must be completely relieved from duty; or
 - Must be paid for the break time.
 - When employers provide paid breaks, an employee who uses such break time to pump breast milk must be compensated in the same way that other employees are compensated for break time.
- A **private, non-bathroom** space must be provided.
- Protections **apply** for up to **one year postpartum**.
- FLSA applied to **non-exempt (hourly) employees**.
- Employers with fewer than 50 employees may claim hardship exemption.

Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act) - 2023

29 U.S.C. § 218d.

- Further expanded the FLSA
- Covers non-exempt (hourly) **and** exempt (salaried) employees
- Clarifies employer responsibilities for **breaks and lactation spaces**
- Allows employees to **seek legal recourse** for violations

Pregnant Workers Fairness Act (PWFA) – 2023

42 U.S.C. § 2000gg, et seq.

- Requires **reasonable accommodations** for pregnancy and related conditions
- Applies to employers with 15 or more employees
- Covers **pregnancy, childbirth, miscarriage, abortion, and related conditions**
- **Protects** employees **from retaliation** for requesting accommodations
- **Distinct from PDA**—it mandates accommodations rather than just equal treatment

“Related conditions”

A variety of health conditions that can develop during pregnancy or childbirth. The condition does not need to be a disability or even a formally diagnosed “complication” to receive reasonable modifications

Some common examples:

- Chronic or pregnancy-induced high blood pressure
- Gestational diabetes
- Nausea and vomiting/persistent morning sickness
- Depression, anxiety, and other mental health conditions
- Deep vein thrombosis
- Carpal tunnel syndrome
- Chronic migraines
- Edema
- Shortness of breath
- Fatigue
- Hemorrhoids
- Severe back pain
- Feeling lightheaded/dizzy/fainting
- UTI or bladder infection
- Ectopic pregnancy
- Miscarriage
- Abortion
- Premature birth
- Stillbirth

Supporting Pregnancy Loss & Fertility Treatment

Many individuals experience loss or fertility challenges before disclosing a pregnancy or never disclose it at all. Loss and challenges are common, deeply personal, and often invisible.

- Proactively share resources and rights (Title IX, ADA, FMLA, state laws).
- Remind employees and students that "pregnancy-related conditions" include miscarriage, stillbirth, ectopic pregnancies, fertility treatment, and recovery.
- Mirror reasonable accommodations you'd offer for other temporary health needs.
- Focus on the impact (missed class/work, attendance, focus, emotional distress, doctor's appointments), not the cause.
- Coordinate support across HR, Disability Services, or Student Affairs, ensuring privacy and dignity.

Reasonable Modifications/Accommodations

Some common examples:

- Flexible work hours or breaks
- Modified duties or temporary reassignment
- Rest periods or assistance with physical tasks
- Limits on lifting/bending requirements
- Private, non-bathroom lactation spaces
- Adjustments to class schedules
- Access to a larger desk and elevators
- Allowance for longer/more frequent restroom breaks
- More frequent breaks to drink water or eat
- Excused absences due to pregnancy or childbirth
- Time off to attend doctor's appointments or attend to health needs
- Changes to provide a less distracting environment
- Permit use of a heating pad
- Providing a stool or chair for sitting, adjusting the height of a workstation, or making equipment more accessible
- Allowing to sit instead of stand/stand instead of sit
- Ability to wear more comfortable shoes or uniform modifications to accommodate a growing body
- Avoiding hazardous chemicals or activities
- Permission to eat small snacks/carry a water bottle
- Delayed deadlines
- Parking spaces
- Notetakers/ability to record classes
- Remote/virtual learning
- Leave of absence for medical treatment or recovery

Reasonable Accommodations

- Engage in an interactive process to determine appropriate accommodations
- Ensure accommodations are provided promptly and without discrimination
 - The process begins when the institution or company is notified about the need and assistance is requested
 - Accommodations cannot be provided retroactively
 - Documentation cannot be required unless there's a general policy that requires medical documentation for all with medical conditions, and you cannot demand more documentation for pregnancy-related conditions than for other similar conditions.
- No retaliation for requesting accommodations

Documentation

- It is not acceptable to ask for documentation when:
 - The need is obvious. For example, if an employee needs a different uniform for a growing body.
 - The person has already provided enough documentation.
 - The information requested is only to confirm pregnancy.
 - Other people are provided the accommodation without submitting documentation.
 - The accommodation requested is for:
 - carrying and drinking water
 - a bigger desk
 - sitting or standing
 - taking breaks to eat, drink, or use the restroom
 - lactation breaks and space
 - Typically, faculty should not be requesting medical documentation on their own.

New in 2025: Rhode Island Expands Pregnancy Law to Include Menopause

- On June 24, 2025, Rhode Island became the first state to explicitly add menopause and related conditions to its pregnancy protections under fair employment law.
- This update:
 - Expands definitions of reproductive health in the workplace.
 - Protects workers from discrimination based on menopause symptoms (e.g., hot flashes, fatigue, brain fog).
 - Signals a growing recognition of the full reproductive lifespan in employment law.
- This law became effective immediately.

Note: Massachusetts and Connecticut have strong pregnancy accommodation laws but do not yet include menopause explicitly.

New in 2025: Rhode Island Expands Pregnancy Law to Include Menopause

Action Steps:

- Add “menopause and menopause-related conditions” to lists of protected medical conditions under employment policies related to pregnancy, childbirth, and related conditions.
- Revise reasonable accommodation policies to treat menopause-related limitations (e.g., hot flashes, sleep disruption, fatigue, concentration issues) as eligible for workplace accommodations similar to how pregnancy or postpartum conditions are handled.
- Train supervisors, HR personell, and Title IX Coordinators.
- Confirm that short-term leave, sick leave, or other policies allow for flexibility related to menopause symptoms without penalizing employees.
- Send out a notice or memo to employees that updates the protected categories and explains how to request accommodations.

Implementing Best Practices for Compliance

STEP 1

Identifying the Need

Example: Janet has severe hand pain, and was diagnosed with a pregnancy-related carpal tunnel and can't type her notes in class.

Implementing Best Practices for Compliance

STEP 2

Interactive Process

- You must consider a request for accommodation promptly and in good faith.
- The Title IX Coordinator, or other representative, must be willing to engage in an interactive process to determine the best way to accommodate the student/employee's pregnancy-related needs.
- You may need to have several discussions to determine an appropriate accommodation.

Recording classes will be difficult to accommodate because of current policies. **What else is possible?** The school offers to provide Janet with a note taker to type her notes for her. Assuming she will still need assistance at the end of the semester, they also offer to set up text-to-speech software for Janet to be able to compose her final papers and exams.

Implementing Best Practices for Compliance

STEP 2 (cont.) Interactive Process

- The accommodation must be tailored to the specific needs and give them an opportunity to succeed that is equal to the opportunity given to other students/employees.
- However, the school/company is not required to offer accommodation that would be “unreasonable” because it changes the very nature of the program, academic, or job standards.
- Accommodations are voluntary and cannot be required (e.g. required leave)

One of Janet’s classes is a speed-typing elective. Because typing quickly is the entire purpose of the course, it would be impossible for someone else to type Janet’s exams. The school will mark her grade as an incomplete for the semester, but Janet will be allowed to finish the class without penalty when she has recovered.

Implementing Best Practices for Compliance

STEP 3

Granting the Accommodation

- Once you + the student/employee have agreed to a reasonable accommodation, DOCUMENT it
- You can either inform their professors/supervisor of the accommodations, or give them the resources to do so. Often, you provide a letter notifying professors that they must provide accommodations.

Janet agrees with the modifications offered by the school. The Title IX office provides Janet with a letter confirming that she is entitled to typing accommodations, and provides her with a note taker in class that next week. The Title IX Coord. emails the accommodation letter to her professor informing them of the accommodation and requests their cooperation and discretion.

Lactation Spaces

Must be:

- “A place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk” (FLSA)
- “Functional” for pumping—having a place to sit, an outlet to plug in a breast pump, and a flat surface for a pump
- Sanitary and easy to clean—nonporous surfaces and nonabsorbent materials can help reduce odors and stains
- Determining how many lactation spaces—National Institute of Health (NIH) recommends: 6 lactation spaces for 1000 female employees; 2 for 250 female employees; 1 for 100 or fewer female employees

Lactation Spaces

Should be:

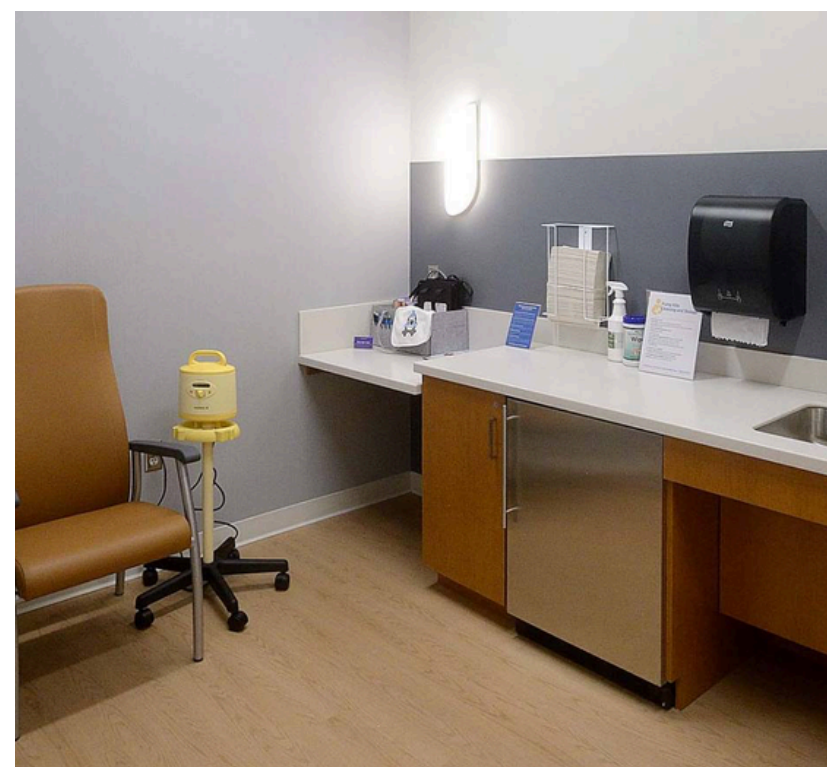
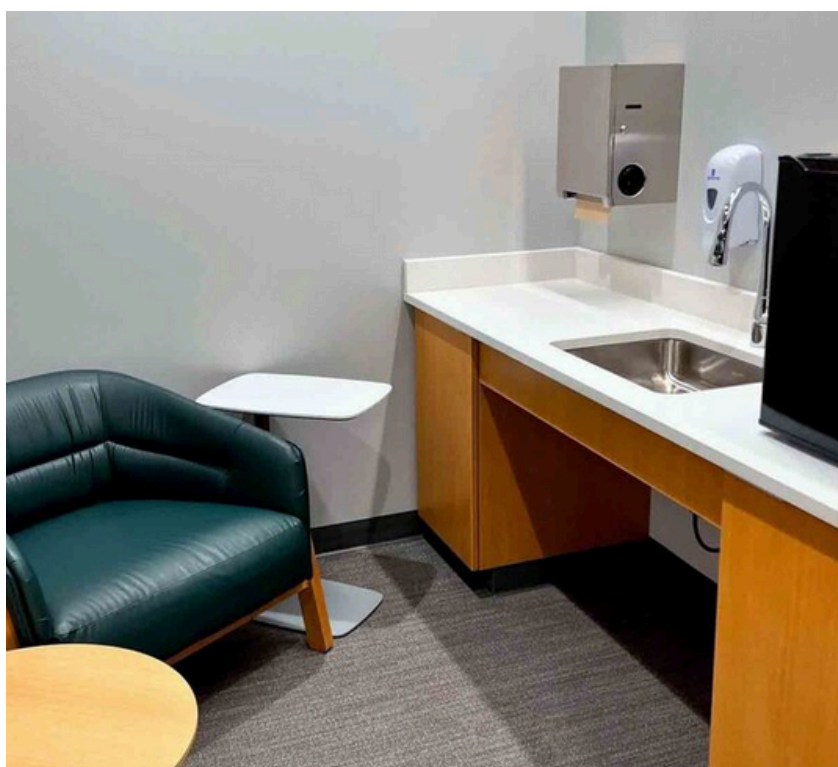
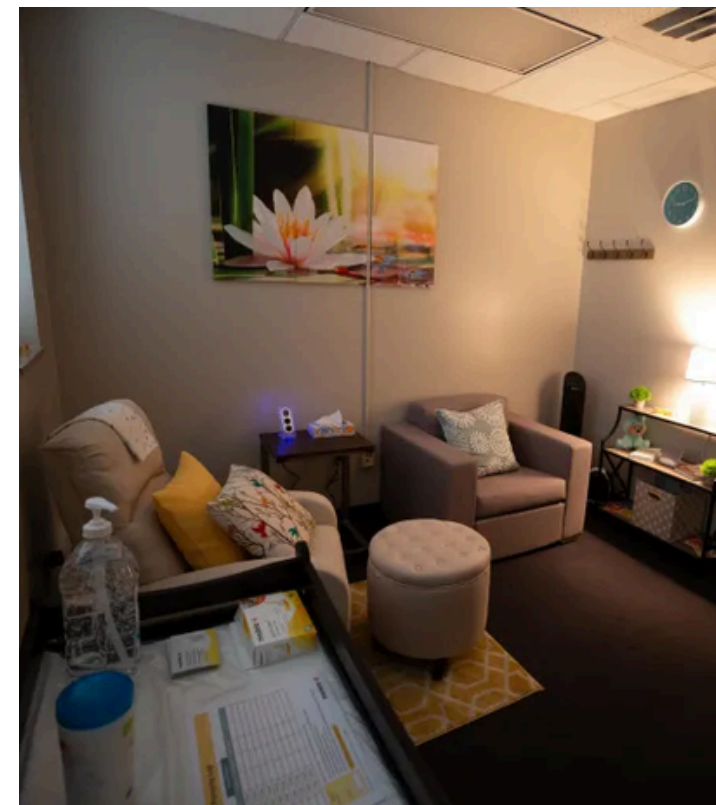
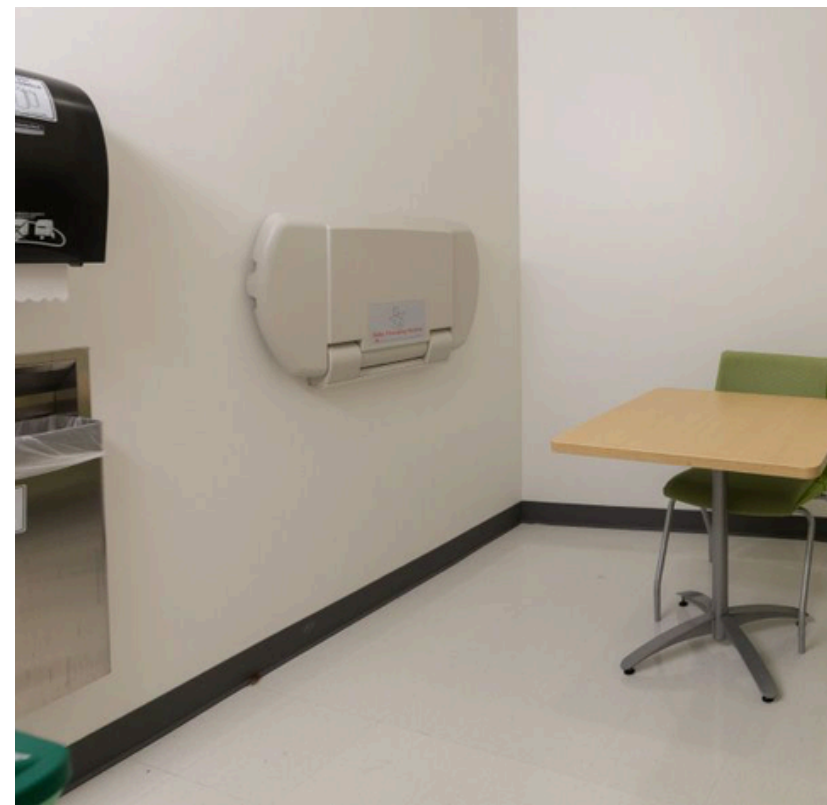
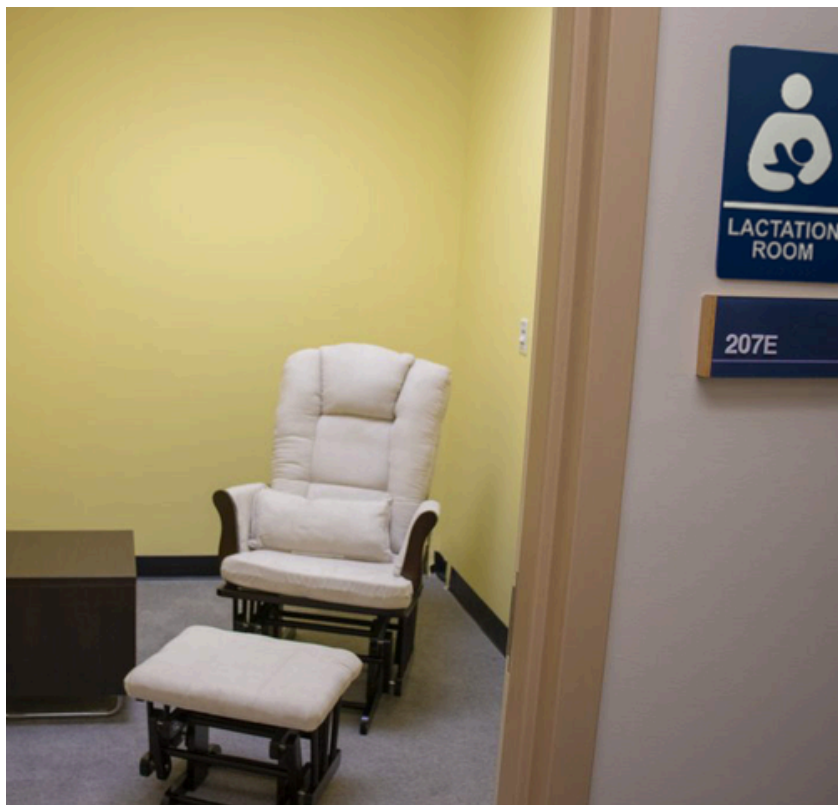
- Conveniently located for students/employees, as having to travel to a far away lactation space is stressful and time consuming
- Included in all cleaning schedules
- Wheelchair accessible

Lactation Spaces

Should include:

- Comfortable seating that is body-inclusive
- A white noise machine or similar device for common areas
- A mirror to adjust clothing after pumping
- Cleaning supplies e.g. paper towels, sanitizing wipes & sprays, and hand sanitizer
- Trash can with extra liners
- Wall or tabletop clock
- Footstool
- Moveable privacy screen
- A small refrigerator or cooler for people to store their milk, if available. Breast milk is food and may be stored in a company refrigerator in the same way other food is stored.
- A sink with running water close by to quickly clean breast pump attachments.
- Info about Human Resources, Title IX, PUMP Act, and other resources, rights and protections.
- Info about breastfeeding support services, such as the Office on Women's Health no-cost [breastfeeding Helpline](https://www.hhs.gov/od/wha/breastfeeding-helpline) at 1-800-994-9662 (M-F, 9 a.m. to 6 p.m. EST).
 - Available in English or Spanish from a breastfeeding peer counselor who has breastfed and received training to help with breastfeeding questions.

Compliance vs. Best Practice



Key Takeaways

- Pregnancy & related conditions are protected under multiple federal laws—Title VII, PDA, PWFA, FLSA, ACA, and PUMP Act—as well as many state laws.
- Reasonable accommodations must be provided when requested, unless doing so causes undue hardship.
- Employers must offer break time and private space for nursing.
- Education and communication are key—know the laws, train your people, and create a culture that supports pregnant and parenting students/employees.
- Protecting pregnancy rights isn't just about compliance—it's about equity, dignity, and supporting people through major life transitions.



THANK YOU



alyssa@kristiemccannlaw.com



kristie@kristiemccannlaw.com



www.kristiemccannlaw.com

LAW OFFICE *of*
KRISTIE MCCANN
INC.