

DELAWARE PREGNANT WORKERS FAIRNESS ACT

Summary

The Delaware Pregnant Workers Fairness Act prohibits discrimination related to pregnancy, childbirth, and related conditions and allows for reasonable accommodations to known limitations related to pregnancy, childbirth, and related conditions. The law prohibits employers from denying a job to a pregnant individual based on the need for workplace accommodations or forcing a pregnant employee to take paid or unpaid leave when a reasonable accommodation is available.

If the employer requires its employees to submit a doctor's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy-related conditions to submit such statements.

Requirements of the Law

The Act requires employers to make reasonable accommodations for the known limitations of pregnant employees as long as the accommodation does not constitute an undue hardship for the employer. An accommodation constitutes an undue hardship if it requires significant difficulty or expense in light of the type of accommodation, the employer's size and resources, and the impact of the accommodation on the employer's operations.

Employers are required to accommodate employees whose ability to work is limited by pregnancy, childbirth, lactation, and related conditions. Accommodations may include but are not limited to:

- Provide more frequent or longer breaks
- Acquisition of equipment for sitting
- Modify a "no food" or "no drink" policy
- Provide periodic rest
- Provide light duty assignments
- Temporary transfer to alternative position
- Modify the work schedule or job responsibilities
- Assistance with manual labor
- Time off to recover from childbirth
- Provide appropriate facilities for expressing breast milk

Individuals are not required to accept an accommodation if the individual has no known limitations related to pregnancy or does not need the accommodation to perform the essential job duties.

Questions/Contacts

For additional information, access the Delaware state Web site at www.de.gov or contact your Kelly Representative.