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Pregnancy Discrimination Laws

By Shannon J. Lawless

Federal or Washington	Name of Law	Citation	Applies to	Requirements
Federal	Pregnancy Discrimination Act (PDA)	42 U.S.C. § 2000e(k)	Employers with 15 or more employees	Employer may not take adverse employment actions or allow harassment on the basis of pregnancy, childbirth, or related medical conditions. "Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes...as other persons not so affected but similar in their ability or inability to work."
	Americans with Disabilities Act (ADA)	42 U.S.C. § 12101 et seq. 29 CFR Part 1630	Employers with 15 or more employees	Employer must provide a reasonable accommodation to a qualified individual with a disability. Disability may include pregnancy related conditions. When aware of the need for an accommodation, employer must engage in interactive process.
	Family Medical Leave Act (FMLA)	29 U.S.C. § 2601 et seq. 29 CFR Part 825	Employers with 50 employees within 75 miles Employees who worked 1,250 hours in previous 12 months	12 weeks of unpaid, job-protected leave for (1) birth of a child, or placement through adoption or foster care, and (2) serious health conditions, including pregnancy and childbirth.



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Federal or Washington	Name of Law	Citation	Applies to	Requirements
Federal	Fair Labor Standards Act (FLSA), as amended by Patient Protection and Affordable Care Act (ACA)	29 U.S.C. § 207(r)	Employers with gross yearly sales/receipts of at least \$500k, hospitals, nursing homes, and schools Unless they employ fewer than 50 employees and can demonstrate undue hardship	Employer must provide reasonable break time for employee to express breast milk for 1 year after birth. Employer must provide a private place, other than a bathroom, to express breast milk.
Washington	Washington Law Against Discrimination (WLAD)	Chapter 49.60 RCW WAC 162-30-020	Employers with 8 or more employees	Employer may not take adverse employment actions or allow harassment on the basis of pregnancy, childbirth, or related medical conditions. Pregnancy disability leave allowed for time recovering from childbirth (usually 6-8 weeks).
	Washington Family Leave Act (WFLA)	Chapter 49.78 RCW Chapter 357-31 WAC	Employers with 50 employees within 75 miles Employees who worked 1,250 hours in previous 12 months	12 weeks of unpaid, job-protected leave for birth of a child, or placement through adoption or foster care. Runs concurrently with FMLA leave but consecutively with pregnancy disability leave under WLAD.

For more information, contact Shannon J. Lawless at lawless@ryanlaw.com or (206) 654.2211.