



the work and family legal center

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## Know Your Rights: Tennessee Pregnant Workers Fairness Act

As of October 1, 2020, if you are working while pregnant, recovering from childbirth, or need to express milk at work, you don't have to choose between your health and your job. Tennessee law now gives you an explicit right to reasonable pregnancy accommodations at work, so you can stay healthy and safe while continuing to earn a paycheck to support your family.

### What does the Tennessee Pregnant Workers Fairness Act (TN PWFA) do?

- The TN PWFA protects pregnant employees and those who have recently given birth from discrimination in the workplace. Employers must allow employees with limitations related to pregnancy, childbirth, or a related medical condition to make changes to their work duties or schedule so they can stay healthy and on the job. These changes are called "reasonable accommodations."

### Am I covered?

- If you are pregnant, recovering from childbirth, nursing, or have a related medical condition, and you work for a Tennessee employer that has 15 or more employees, then you are covered.

### What are my rights?

- You are entitled to reasonable accommodations when you request them, as long as the accommodations would not impose an "undue hardship" on your employer, meaning they would be very difficult or expensive to provide.
- Reasonable accommodations could include:
  - Making existing facilities readily accessible and usable
  - Modifying food or drink policy, to allow access to a water bottle or snacks, for example
  - Acquiring or modifying equipment, devices, or your work station
  - Temporary transfer to a vacant position
  - More frequent, longer, or flexible breaks
  - Access to modified seating or the ability to sit more frequently if the job requires standing
  - Job restructuring
  - Light duty
  - Assistance with manual labor and limits on heavy lifting
  - A modified work schedule
  - Flexible scheduling for prenatal doctor's visits
  - Private, non-bathroom space to express breast milk
  - Other accommodations



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- Your employer cannot force you to take leave from work if a reasonable accommodation can be provided to keep you healthy and on the job. Your employer also cannot punish you for requesting accommodations.
- Your employer must work together with you in an interactive process to figure out the right accommodations to meet your needs.

#### **Do I need a note from my doctor in order to request an accommodation?**

- You do not need a note in order to make an initial request.
- Your employer can ask you to provide a note from a healthcare professional if they require it of other employees with medical conditions and if you are requesting a reasonable accommodation related to temporary transfer to a vacant position, job restructuring, light duty, or an accommodation that requires time away from work.
- While you are making efforts to get a note from a healthcare professional, your employer must begin working with you to figure out the right accommodations to meet your needs.

#### **Do I have to be disabled to get an accommodation?**

- No. Even an employee with a healthy pregnancy can receive a reasonable accommodation if needed, such as light duty or access to a water bottle to prevent health problems before they begin.

### **Need help or have questions?**

**Call A Better Balance's free, confidential legal helpline at 1-833-NEED-ABB (1-833-633-3222) to speak with an attorney about your workplace rights around pregnancy and family care.**