

Pregnancy and work

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Washington State's Healthy Starts Act is a law that gives many pregnant workers the right to accommodations at work related to bathroom breaks, food and drink, heavy lifting, sitting/standing, and other accommodations as needed.

"Accommodation" here means a change to your workday that you've asked for to allow for your physical needs while you're pregnant.

Does the Healthy Starts Act cover me?

If you work in Washington State for an employer with 15 or more employees, the Healthy Starts Act (<https://app.leg.wa.gov/RCW/default.aspx?cite=43.10.005>) covers you.

Starting January 1, 2027 (<https://lawfilesext.leg.wa.gov/biennium/2025-26/Pdf/Bills/Session%20Laws/Senate/5217-S2.SL.pdf#page=1>), the law will expand to cover employers of any size. This means the Healthy Starts Act will cover all workers in Washington state.

If you work for an employer with fewer than 15 employees, the Healthy Start Act doesn't cover you currently, but you may still have rights to certain accommodations, such as provided for in the Washington Law Against Discrimination (<https://app.leg.wa.gov/rcw/default.aspx?cite=49.60>).

Employment discrimination cases can be complex. If you think your rights have been violated but you're not sure if you're protected by the Healthy Starts Act or other employment laws, try to talk to an employment lawyer

(<https://www.mywsba.org/PersonifyEbusiness/Default.aspx?TabID=1536&ShowSearchResu>

about your situation.

What If I'm not a U.S. citizen?

The Healthy Starts Act protects citizens, documented immigrants, and undocumented immigrants all the same. All the laws explained here protect everyone the same.

What does the Healthy Starts Act require employers to do?

If your employer has 15 or more employees, they must do at least all of these:

- Provide more frequent, longer, or flexible restroom breaks
- Change a no-food or no-drink policy
- Provide seating or let you sit more frequently
- Limit your lifting to 17 pounds or less

Depending on your job, these accommodations might be hard to provide. Even if that's true, your employer must make these accommodations if you ask for them.

Your employer also must consider other accommodations you request.

Do I need a note from my healthcare provider?

Not for the required accommodations. But if you're asking for other accommodations, your employer can ask for a note from your provider to support that request.

What other accommodations can I ask for?

You can also ask for any of these, as appropriate to your needs:

- Job restructuring, including a part-time or adjusted work schedule, job reassignment to an empty position
- Providing or changing equipment, devices, or your workstation
- A temporary transfer to a less active or less dangerous position
- Help with manual labor
- Scheduling flexibility for prenatal visits
- Any other accommodation you may need

Your employer must consider your request and review any medical documents you provide. Your employer can deny your request only if it's an "undue hardship."

What's an undue hardship?

The Healthy Starts Act defines “undue hardship” as “an action requiring significant difficulty or expense.” Your employer can turn down your request if it would be very hard or expensive for them.

But your employer must allow your request for accommodations related to food and drink, breaks, lifting, and sitting and standing. Your employer isn't allowed to say those accommodations are an undue hardship.

What if I get fired or demoted for this?

Your employer **may not** discriminate against you (<https://legalvoice.org/employment-discrimination/>) because you're pregnant or you've asked for an accommodation. Your employer may not:

- Retaliate or punish you for asking for an accommodation
- Deny you employment opportunities because you requested an accommodation
- Make you take time off instead of letting you have a reasonable accommodation
- Deny your request for other accommodations (unless they can show undue hardship)

Do I have to accept these accommodations?

No. Your employer can't make changes to your job because you're pregnant unless you ask for them.

What do I do if my employer violates my rights?

- You may be able to fix the situation with help from a lawyer or the Attorney General's office.
- You can sue your employer for not following (for violating) the Healthy Starts Act.
- You may also file a complaint with the Attorney General's office (<https://www.atg.wa.gov/pregnancy-and-breastfeeding-accommodations>).

Employment discrimination cases are complex. We strongly encourage you to try to get help from an employment lawyer

(<https://www.mywsba.org/PersonifyEbusiness/Default.aspx?TabID=1536&ShowSearchResu>)

Do other laws protect pregnant workers?

Yes. The Healthy Starts Act adds to your rights and doesn't conflict with these other laws:

The Washington Law Against Discrimination (WLAD) (<https://app.leg.wa.gov/RCW/default.aspx?cite=49.60>) covers employers with 8 or more employees. These employers must make reasonable accommodations for known disabilities. This can include pregnancy-related medical conditions (for example gestational diabetes or mood disorders) if the employer makes similar accommodations for other disabilities or medical conditions. This law is like the federal Pregnancy Discrimination Act, below, but more employers.

The Americans with Disabilities Act (ADA) (<https://www.ada.gov/law-and-regs/ada/>), a federal law, covers employers with 15 or more employees. These employers must make reasonable accommodations for disabilities, including some pregnancy-related medical conditions.

Under the Pregnancy Discrimination Act (<https://www.law.cornell.edu/uscode/text/42/2000e>), a federal law, employers with 15 or more employees must make reasonable accommodations for a pregnant worker if the employer makes similar accommodations for other disabilities or medical conditions. This law also governs discriminatory treatment, like hiring and firing, job assignments, and so on.

Under the Pregnant Workers Fairness Act (PWFA) (<https://www.law.cornell.edu/uscode/text/42/chapter-21G>), a federal law, employers with 15 or more employees must provide reasonable accommodations for limitations due to pregnancy, childbirth, or related medical issues. The employer must know about the limitation, and the accommodation must not cause an "undue hardship." Reasonable accommodations can include

- Sitting down
- Drink water
- Have a closer parking spot
- Have more flexible hours
- Get additional break time to use the bathroom, eat, and rest
- Take leave or time off to recover from childbirth

- Be excused from activities that are strenuous or involve exposure to materials or chemicals that aren't safe for pregnancy

The Rehabilitation Act (<https://www.law.cornell.edu/uscode/text/29/701>) covers **federal employees only**. Employers must reasonably accommodate a federal employee's limitations due to pregnancy or childbirth that substantially limit a major life activity. The employer can't take any adverse employment actions against such an employee.

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