

Pregnancy Accommodation

The Women's Economic Security Act (WESA), enacted in 2014, requires employers to provide reasonable accommodation at the request of a pregnant employee for health conditions related to pregnancy or childbirth. The basic elements of the accommodation provisions of the new law, [Minnesota Statutes, section 181.9414](#), are discussed below.

What does the law require?

Upon request of a female employee, employers must provide reasonable accommodation for health conditions that are related to pregnancy or childbirth. An employer may request the advice of the employee's licensed health care provider, including a certified doula, in providing the accommodation.

An employer cannot require an employee to take a leave or accept an accommodation or retaliate against an employee for requesting or obtaining an accommodation.

What is reasonable accommodation?

Reasonable accommodation includes, but is not limited to:

- temporary transfer to a less strenuous or hazardous position;
- seating;
- frequent restroom breaks; and
- limits on heavy lifting.

The law, however, specifies that an employer is not required to do any of the following in order to provide accommodation:

- create a new or additional position
- transfer an employee with greater seniority
- discharge any employee
- promote any employee

Are there exceptions to the requirement to provide reasonable accommodation?

Reasonable accommodation need not be provided if an employer can demonstrate that the accommodation would impose undue hardship on the operation of the business.

This exception, however, does not apply to, nor can an employer require the advice of a licensed health care provider or certified doula, for the following accommodations:

- more frequent restroom, food, and water breaks
- seating
- limits on lifting over 20 pounds

***What employers
does this apply to?***

Pregnancy accommodation must be provided by employers with 21 or more employees at at-least one site.