



Workplace Pregnancy Protection

Michigan Resource Guide

U.S. and Michigan laws protect and insure the rights of pregnant women in the workplace. This guide provides key resources for Support. Nisaba is not associated with any legal entity.

This is a living document. Check regularly for updates, information will be added frequently.

Michigan Law: The Elliott-Larsen Civil Rights Act

This Michigan civil rights act prohibits discrimination on the basis of sex which includes, but is not limited to pregnancy, childbirth, or medically related conditions of pregnancy or childbirth.

An employer may not terminate a pregnant woman's employment because of her pregnancy.

Website: [Michigan Department of Civil Rights](#)

Pregnancy Discrimination Act and Title VII of the U.S. Civil Rights Act of 1964

The Pregnancy Discrimination Act is an amendment to Title VII of the Civil Rights Act of 1964. The amendment requires that employees temporarily and medically disabled by pregnancy, childbirth, or related medical conditions be treated in a like manner to employees temporarily and medically disabled by other non-work related conditions or injuries.

Employees cannot be forced to begin or return from maternity leave at predetermined times. It is the opinion of the woman's doctor that controls the beginning and end of the maternity leave.

An employer cannot treat a pregnant employee differently than employees with other temporary medical disabilities for purposes of hiring, transfer, or accumulation of benefits while on leave. Compensation for time off during maternity must be consistent with the employer's policy for other types of leaves of absence.

Website: [Fact Sheet: Pregnancy Discrimination | U.S. Equal Employment Opportunity Commission](#)

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Family and Medical Leave Act

The federal Family and Medical Leave Act (FMLA) was enacted “to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, to promote national interests in preserving family integrity.”

The [Family and Medical Leave Act \(FMLA\)](#) provides certain employees with up to 12 weeks of unpaid, job-protected leave per year. It also requires that their group health benefits be maintained during the leave.

For more information about this act contact the U.S. Department of Labor, Wage and Hour Division.

Website: [Family and Medical Leave Act | U.S. Department of Labor](#)

Workplace Hazards to the Fetus

There is increasing scientific concern about the exposure of the fertile or pregnant woman to hazardous substances or unsafe conditions in the workplace. Such concerns often place an employer between potentially conflicting legal responsibilities.

An employer’s reassignment of a pregnant woman or termination of her employment may be considered sex discrimination. However, an employer’s failure to reassign or terminate the employee may expose the employer to civil liability for injuries if the fetus is harmed.

A U.S. Supreme Court decision in 1991 that dealt with this issue suggested that the issue of safety to potential offspring is best left to parents and if need be, to the legislature.

What You Can Do About Pregnancy Discrimination

If you believe you have been subjected to unlawful discrimination based on pregnancy under state or federal law, contact the Office of the Michigan Department of Civil Rights.

A rights representative will discuss your concern and attempt to resolve the matter. If this effort is not successful, a formal civil rights complaint may be taken. While resolution attempts continue an investigation may be conducted to determine if there is sufficient evidence to proceed with more formal measures.

There is no charge for departmental services.

Website: [Request Complaint - MDCR Intake](#)

For Further Assistance

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