

# Don't Ever Say This to Your Pregnant Employee. . .



## Overview

Congratulations ... one of your employees is pregnant! While you are fully prepared to provide reasonable accommodation throughout this employee's pregnancy, you've noticed that the employee's baby bump is interfering with her ability to easily perform aspects of her job. Yet, the employee has not requested any type of accommodation. Read ahead to learn how one employer (mis)handled this delicate situation.

## The Situation

Daisy, an employee at T&B Pizza, is 7 months pregnant. Despite the physical changes due to her pregnancy, she has kept up with her work schedule and has continued to perform the essential functions of her position.

Her manager, Pete, recently noticed that Daisy is having difficulty reaching items that are stored in a cabinet that is set further back in the prep area. Rather than ask for assistance, Daisy has started using a step stool to help her access the hard-to-reach items.

One day, Pete becomes concerned after seeing Daisy precariously balancing herself on the stool while reaching for a pizza pan. He is afraid that Daisy will lose her balance on the step stool and fall – potentially harming both Daisy and her unborn child. When Daisy gets down from the stool, Pete asks Daisy, "Don't you think your belly is getting too big to continue working? You should start thinking about taking a leave of absence."

Daisy doesn't respond and Pete assumes that she will take his recommendation to heart. To prepare for what he believes will be Daisy's impending leave request, Pete calls an HR Professional to ask for guidance about providing an employee with pregnancy leave.

During the conversation, Pete mentions the statement he made to Daisy. The HR Professional tells Pete that, despite his concern for Daisy's wellbeing, if she (or her health care provider) is not requesting a leave of absence, he cannot require her to go out on pregnancy leave before she is ready.

After speaking with the HR Professional, Pete calls Daisy into his office and apologizes for making his earlier statement. He reassures Daisy that he is happy with her performance and is willing to make reasonable accommodations for her to continue working during her pregnancy.

In this situation, the manager inadvertently made a comment that is technically unlawful. When a mistake like this occurs, it is important to take immediate steps to rectify the situation with the employee. Ensure that the employee understands that the company will not discriminate against, or treat the employee differently, because she is pregnant.