

Rights at Work after Loss or End of Pregnancy FOR CALIFORNIA EMPLOYEES

Experiencing a miscarriage, stillbirth, or end of pregnancy can be difficult. Families may have the right to leave, pay, and accommodations to help with recovery. Laws that provide rights related to pregnancy and childbirth also cover the loss or end of a pregnancy. All the legal protections and benefits discussed below are available **regardless of immigration status.**

YOU MAY HAVE THE RIGHT TO:

LEAVE AND PAY WHILE YOU RECOVER FROM A MISCARRIAGE, STILLBIRTH, OR END OF PREGNANCY.

- If you work for an employer with five or more employees, the **Pregnancy Disability Leave Act** provides up to four months of job-protected, unpaid leave for health conditions related to pregnancy, including recovery from the physical and/or mental effects of the loss of a pregnancy. Mental health disabilities caused or worsened by the loss of a pregnancy, including depression, anxiety, and post-traumatic stress disorder are also covered under the Pregnancy Disability Leave Act.
 - This leave is available regardless of how long you have worked for your employer, or how many hours you work. Your employer must continue your health benefits during your leave.
 - Your employer may ask for a [note](#) from your healthcare provider certifying your need for leave.
- If you need more than four months of leave because you are still disabled, you may be able to take leave as a reasonable accommodation under the **Americans with Disabilities Act** or the **Fair Employment and Housing Act**.
- You may also be eligible to receive replacement income while you are disabled and recovering from a loss of pregnancy through **State Disability Insurance (SDI)** from the [Employment Development Department](#). SDI provides 60% or 70% of your weekly wages, depending on income, for a maximum of 52 weeks, after a 1-week waiting period.
- You may also use your **California Paid Sick Leave**, which provides a minimum of 3 days, to take time off to recover. This can also be used for any medical appointments you may need to attend. Some cities and counties require employers to provide more than 3 paid sick days.

WORKPLACE ACCOMMODATIONS AFTER A MISCARRIAGE, STILLBIRTH, OR END OF PREGNANCY.

- If you work for an employer with at least 5 employees, you are entitled to changes to the way you do your job if you need them because of pregnancy-related health conditions, including the loss of a pregnancy, or because of a disability. This may include a change in duties, a modified schedule, or frequent breaks.
 - Changes, or **accommodations**, must be recommended by your healthcare provider, so ask your healthcare provider about reasonable accommodations you may need to address the physical and/or mental effects of your miscarriage or stillbirth.
 - Your employer can require a [note](#) from your healthcare provider certifying that the accommodation is medically advisable due to a condition related to pregnancy, childbirth or a related condition.

**YOUR
EMPLOYER IS NOT
ALLOWED TO TREAT
YOU WORSE BECAUSE
OF YOUR PREGNANCY,
MISCARRIAGE, STILLBIRTH,
OR BECAUSE YOU HAVE
REQUESTED LEAVE OR
ACCOMMODATIONS.**

- The **Pregnancy Disability Leave Act** applies to employers with five or more employees and prohibits an employer from treating employees worse because of pregnancy or a pregnancy related condition.
- Employers are also prohibited from retaliating against employees for requesting or using Pregnancy Disability Leave or reasonable accommodations. **Prohibited retaliation and discrimination** can include reducing work hours, changing a schedule, or terminating the employee.

FOR PARTNERS OR FAMILY MEMBERS:

**PARTNERS
MAY ALSO HAVE
THE RIGHT TO PAID
LEAVE TO RECOVER
FROM THEIR OWN HEALTH
CONDITION ARISING
FROM A MISCARRIAGE,
STILLBIRTH, OR END OF
PREGNANCY.**

- Non-pregnant partners may also need paid time off for their own health conditions that arise from a loss, including depression, anxiety, or post-traumatic stress disorder.
- Partners may be able to access **job-protected time off** under the **California Family Rights Act**, which provides a maximum of 12 weeks off for own serious health condition.
- To qualify for leave under the **California Family Rights Act** a worker must have been at their job for a minimum of one year, have worked at least 1250 hours in the past year, and work for an employer with 5 or more employees. Employees should request this leave from their employers.
- Partners with disabilities may also be entitled to **leave as a reasonable accommodation** under the Fair Employment and Housing Act, if they work for an employer with at least 5 employees, regardless of tenure or hours.
- Partners who are working less or unable to work due to a disability, may be eligible for partial wage replacement through **State Disability Insurance** program from the EDD.

**PARTNERS
OR FAMILY
MEMBERS MAY ALSO
HAVE THE RIGHT
TO TIME OFF TO
CARE FOR A
LOVED ONE.**

- Non-pregnant partners or family members may need time off to care for a loved one who has experienced a pregnancy loss, if the person that they are caring for has a serious health condition, which can include mental health conditions.
- Partners or family members may be able to access job-protected time under the **California Family Rights Act**, which provides up to 12 weeks of leave to care for a seriously ill spouse, domestic partner, parent, parent-in-law, child, sibling, grandparent or grandchild.
- To qualify a worker must have been at their job for a minimum of one year, have worked at least 1250 hours in the past year, and work for an employer with 5 or more employees. Employees should request this leave from their employers.
- Partners or family members who are caring for a seriously ill loved one may be eligible to receive 8 weeks of partial wage replacement through the **Paid Family Leave** program from the EDD.