

OUR RIGHTS AT WORK:

PREGNANCY & PARENTING IN FAST FOOD



Legal Aid at Work: Work & Family Program
California Fast Food Workers Union, SEIU

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ABOUT THE AUTHORS



Legal Aid at Work: Work & Family Program

Legal Aid at Work is a nonprofit legal services organization that has been assisting working families with low incomes for more than 100 years, providing litigation,

policy advocacy, direct services, and education to support and promote workers' rights across California. The Work and Family Program empowers workers who are parents, pregnant, family caregivers, or caring for their own health to access time off from work, paid leave, and other workplace accommodations to care for themselves and their families without risking their jobs and income. Our work is rooted in our strong belief that no worker should have to choose between their job and income and the health and well-being of their family.

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California Fast Food Workers Union, SEIU

The California Fast Food Workers Union unites fast food workers across brands and locations and is the first of its kind in the country. Part of the Service Employees

International Union, this historic union grew out of over a decade of fast food workers organizing across California, beginning with the Fight for \$15 and a Union. Our Union is fighting to achieve racial and economic justice and transform fast food jobs in the Golden State by fighting for fair pay, safe and healthy workplaces and a voice for all workers in the fast food industry.

<https://californiafastfoodworkersunion.org/>

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EXECUTIVE SUMMARY

When management at El Pollo Loco refused to put Sophia Lopez back on the schedule after she recovered from her C-section, she and her husband fell behind on rent and found themselves on the brink of homelessness with their new baby Thiago and two-year-old daughter Maddison.

“My coworkers went on strike to demand management at El Pollo Loco give me my job back. No one should have to go on strike to help a coworker get their job back after having a baby,” says Sophia.¹

Workers in California’s fast food industry experience frequent violations of workplace rights related to their reproductive health and wellbeing. Workers often report being denied time off for prenatal care, being forced to return to work before they have healed from childbirth, having their hours slashed, or being pushed out of their jobs due to pregnancy or childbirth. The consequences of these violations can be grave, plunging workers into – or deeper into – poverty at a vulnerable time in their lives, and jeopardizing their families’ health. While California has robust legal protections in place meant to protect the wellbeing and financial stability of pregnant workers and new parents, many fast food workers are unaware of their rights and the protections these laws provide to workers.



SOPHIA LOPEZ & COWORKERS LEARN THEIR RIGHTS AND TAKE ACTION

Learning about our rights opened the door for me and my coworkers at El Pollo Loco to address problems we face at work.

We demanded management protect us from health and safety hazards, including frequent sewer water flooding in the kitchen and restrooms, and violence. We also demanded to be able to use our available paid sick leave, so that we don’t have to work sick or injured.

When management refused to put me back on the schedule after my maternity leave, we learned I had a right to my job back – my coworkers went on strike to demand I be put back on the schedule, saving me, my husband and our 2 kids from falling into homelessness.

-Sophia Lopez, El Pollo Loco worker, Oakland

KEY SURVEY FINDINGS

Among California fast food workers surveyed who were pregnant or new mothers:

86%

Fear of Retaliation

86% worried about being fired or retaliated against for taking time off work for maternity leave or prenatal care, or if they needed to leave work for urgent medical care.

87%

Afraid to Ask for Accommodations for a Healthy Pregnancy

87% reported they were afraid to ask for the changes they needed at work for a healthy pregnancy, such as accommodations for heavy lifting.

67%

Poverty & Economic Instability

67% reported lacking the income they needed during pregnancy and the baby's first year, having to choose between paying rent and paying for basic needs such as food, medicine and gas.

82%

Didn't Know about Pregnancy & Maternity Leave Rights

82% did not know basic information about pregnancy-related leave and maternity leave.

73%

Obstacles to Pumping at Work

73% didn't think it was realistic to pump breast milk at work.

Fast Food Workers Surveyed Lack Awareness of Other Key Rights:

95% didn't know about time off for miscarriage

85% didn't know about paid leave for fathers to bond with their new babies

64% didn't know about time off for severe menstrual symptoms

KEY RECOMMENDATIONS

There is no substitute for quality Know Your Rights training to give fast food workers the knowledge and know-how needed to address the problems they face every day, including challenges related to pregnancy and parenting. Recommendations for establishing Know Your Rights trainings and strengthening other protections include the following:

1

Know Your Rights trainings must include key rights related to pregnancy and parenting.

2

Know Your Rights trainings must be presented by trusted, independent organizations with a track-record of providing effective training to low-income workers.

3

Elected officials should support efforts to pilot Know Your Rights training for fast food workers in the City of Los Angeles and Santa Clara County.

4

Mechanisms to protect workers from retaliation and discrimination by employers for exercising their rights should be strengthened at the State and local levels.

A new survey, the February 2025 California Fast Food Worker Survey, shows overwhelmingly that fast food workers lack awareness of their rights related to pregnancy and parenting, and face poverty and economic instability during pregnancy and the year after a baby is born. The survey also shows that pregnant fast food workers face health and safety hazards and fear retaliation at work related to pregnancy. These findings are consistent with other research concluding that low-paid workers generally have limited, incomplete, or inaccurate information about their rights to paid leave and related protections.²

Although employers have a legal duty to inform workers of their rights, they often fail to provide meaningful, comprehensive, and effective information to workers, especially in workers' native language, leaving many workers in the dark - particularly those in low-income households.³

Quality Know Your Rights training for fast food workers is a critical tool to address these knowledge gaps. Know Your Rights trainings should cover the full range of pregnancy and reproductive health-related workplace protections, including the right to:

- Freedom from discrimination or retaliation, like being forced on leave, or having hours cut due to pregnancy;
- Changes at work, like extra bathroom breaks or help with certain tasks during pregnancy;
- Job-protected, paid leave to have a baby, recover from childbirth and bond with a new child; and,
- Break time and a clean, private space - other than a bathroom - to pump breast milk upon return to work.

This report presents the findings of the February 2025 California Fast Food Worker Survey regarding pregnancy and parenting, a summary of pregnancy and new-parent leave and accommodation rights, recommendations to support fast food workers with Know Your Rights Trainings, and links to more information about the many rights and programs for fast food workers who are pregnant and new parents.



Since I got pregnant in 2024, I had one problem after another at Taco Bell.

In August I missed work to go to the health clinic. When I came back to work they told me they gave my work hours to someone else, and they were reducing me to just one shift a week, which was a big cut in income.

My pregnancy ended in miscarriage in October, and when I came back to work in November the manager told me they didn't have hours for me anymore because they hired 8 new people, and they didn't put me back on the schedule until January.

At the health clinic they told me about pregnancy disability income, but my application was not accepted and I didn't know what to do, so I had no income while I was recovering from the miscarriage. I still owe \$1300 in back rent, and I had to give up my cell phone because I couldn't afford it.

-Maria Gonzalez, Taco Bell worker, Los Angeles⁴

ABOUT THE SURVEY

The February 2025 CA Fast Food Worker Survey was conducted by bilingual outreach workers between January 30, 2025 and February 24, 2025. It included a total of 405 fast-food workers at over 200 fast-food locations in 66 cities across California. Respondents represent 35 different brands, including McDonald's, Jack in the Box, Carl's Jr., Burger King, Subway, KFC and Taco Bell. In addition, 28 fast food workers who were pregnant and working in fast food during the past 5 years were asked a set of detailed questions specific to the experiences of pregnancy and parenting a new baby while working in fast food.

ABOUT CALIFORNIA FAST FOOD WORKERS

Over 630,000 workers are employed in California's fast food industry.⁵ Approximately two-thirds of these workers are women, eighty percent are people of color, sixty percent are Latino/a, and over a quarter are immigrants.⁶ California's fast food industry employs the second largest group of low-wage workers in the state.⁷

California fast food workers experience frequent violations of their workplace rights and often face dangerous, unsanitary, and hostile working conditions. In just the past five years, workers have filed hundreds of complaints with state and local agencies documenting problems of wage theft, health and safety hazards, and civil rights violations in California's fast food workplaces.⁸ Numerous studies confirm these hazards and violations are pervasive.⁹ Furthermore, fast food workers are often deterred from reporting violations due to fear of retaliation. Workers frequently report retaliatory firings, cuts to hours, disciplinary actions, and immigration-related threats as commonplace despite being prohibited by law.¹⁰

Fast food workers won a landmark victory in 2023 with the passage of AB 1228, which established the California Fast Food Council, a first-of-its-kind statewide body composed of fast food workers, government appointees, and industry leaders, which has the ability to set standards and improve conditions across the industry.¹¹ AB 1228 also established a new minimum wage of \$20 per hour in California's fast food industry, effective April 1, 2024.¹²

Wage theft, harassment and discrimination, and violations of health and safety laws remain widespread and fast food workers continue to struggle with chronic underemployment, unpredictable scheduling, and a lack of access to benefits, all of which present challenges to their economic security, health and wellbeing.¹³

ABOUT THE FAST FOOD INDUSTRY

California is home to more than 47,000 fast food locations – over 15 percent of the industry’s 300,000 establishments nationwide.¹⁴ The five largest publicly traded franchised fast food corporations that operate in California had combined profits of over \$12.45 billion in 2023 (the most recent year for which complete data is available).

Top Publicly Traded Franchised Fast Food Companies Operating in California	
Company	2023 Net Income
McDonald’s	\$8.5 Billion
Restaurant Brands International	\$1.7 Billion
Yum! Brands	\$1.6 Billion
Jack In The Box	\$131 Million
Domino’s Pizza	\$519 Million
Total	\$12.45 Billion

Annual reports on file with US Securities and Exchange Commission, 2023. ¹⁵

Under the fast food industry’s franchise model, global fast food brands concentrate power and profit at the corporate level which allows them to shield themselves from liability for workplace violations.¹⁶ Franchise operators face pressure to control costs where they can, often by keeping staffing levels low, cutting corners on worker training and safety protections, and in some cases workers suffer from wage theft and retaliation as a franchisee reaps financial gain.¹⁷

FAST FOOD WORKER SURVEY RESULTS

FEAR AT WORK DURING PREGNANCY AND BABY'S FIRST YEAR

Fast food workers surveyed who were pregnant or new mothers feared being fired and retaliated against by their employers during pregnancy and baby's first year.

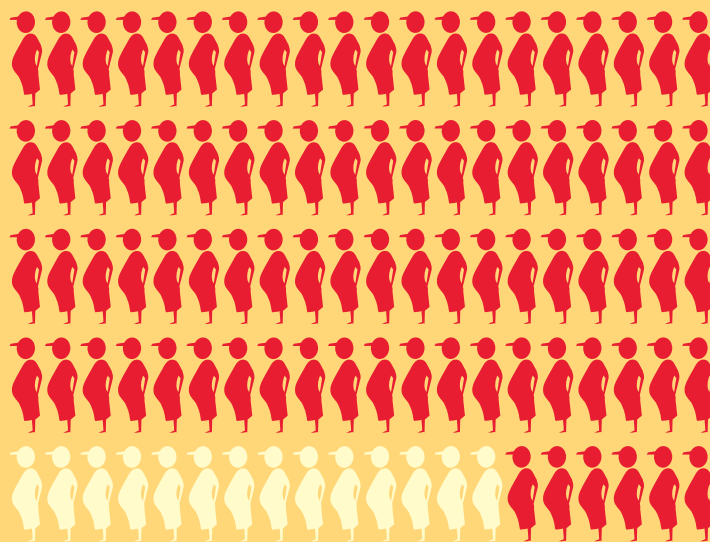
Fear retaliation for taking maternity leave Maternity leave is essential time off work to rest before labor and delivery, to recover from childbirth, and to care for and bond with a new baby.

Worry about retaliation for taking time off work for prenatal care Regular prenatal care can help reduce the risk of pregnancy complications and improve the chances of a healthy pregnancy and birth.¹⁸ Some report missing prenatal care because they have to work.

Fear retaliation if they leave work right away for urgent medical care Many report they would delay urgent medical care and keep working until they had permission to leave, or would finish their shift before seeking medical care.

86%

worried about being fired or retaliated against for taking time off work for maternity leave or prenatal care, or if they needed to leave work for urgent medical care



Source: February 2025 California Fast Food Worker Survey.



After my miscarriage, I had a problem with hemorrhaging. I worked at McDonald's with a fever, body aches and heavy bleeding for 3 days before I went to the ER.

I was scared I was going to faint, but I was more scared that I would lose my job if I missed work or left work early.

When I started hemorrhaging again at work, I told the McDonald's store manager that I bled through my pants, I had very bad pain, and I wanted to leave. They did not let me leave, they just gave me another pair of pants and told me to keep working.

I didn't know I had any rights to paid leave or job-protected leave, or that I had the right to leave work to go to the ER.

-Deysi Gomez, McDonald's worker, San Jose¹⁹

When I told management that I was pregnant, no one explained to me about paid maternity leave, I learned about it from a friend. I worried after my baby was born I wouldn't get my job back with the schedule I needed.

When I came back to work, I didn't get breaks to pump as much as I needed to. That negatively affected my milk supply. There also wasn't a lock on the door; several times people walked in while I was pumping, which was upsetting.

-Starbrina Cross, former Jack in the Box worker, Roseville



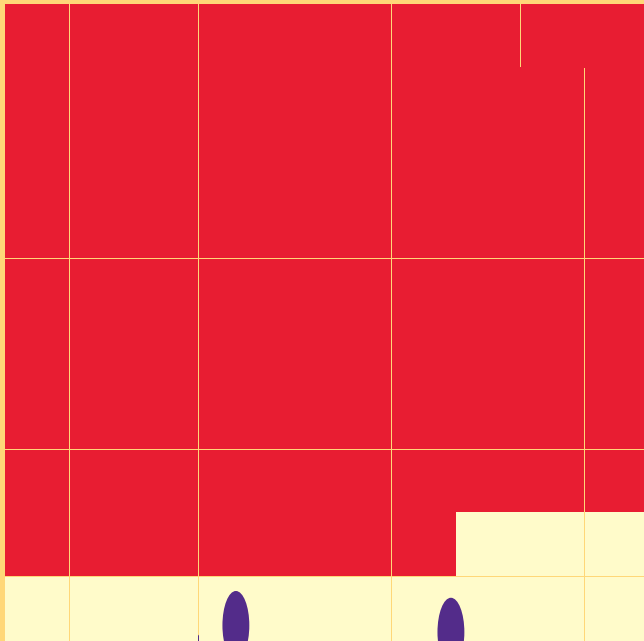
At the beginning of my pregnancy, I had bad morning sickness and vomited a lot. One day I was trying to leave for my 4:00 am shift, but I arrived at work a little late because I couldn't stop vomiting. They gave me a Verbal Warning for being late and cut my schedule in retaliation.

-Marlene Rodriguez, McDonald's worker, Los Angeles²⁰

FAST FOOD WORKER SURVEY RESULTS

AFRAID TO ASK FOR ACCOMMODATIONS FOR A HEALTHY PREGNANCY

Pregnancy accommodations allow pregnant workers to continue to work safely, and are important for a healthy pregnancy, especially in fast food, an industry with widespread violations of health and safety laws and meal and rest break laws.²¹



87%

who were pregnant or new mothers reported they were afraid to ask for the changes they needed at work related to their pregnancy, such as accommodations for heavy lifting and restroom breaks

Source: February 2025 California Fast Food Worker Survey.



I had 3 miscarriages before, so I needed to be very careful.

I told the manager at The Habit Grill where I worked that my pregnancy was risky and I didn't want to carry heavy boxes or go up the ladder. He responded: **"It doesn't matter what you tell me, you have to do it."**

I couldn't afford to lose my job, so twice a week I put away the delivery all by myself, with no help – including carrying 50 lb boxes of meat and going up the ladder to store the heavy boxes of cheese.

I didn't know I had rights to pregnancy accommodations, so I did the heavy lifting and ladder work management told me to do, and I worried I could lose my baby.

-Jacqueline Martinez, former fast food worker²²

My pregnancy was difficult, I had diabetes and high blood pressure, and my feet would get swollen from standing during my 8-hour shifts. I asked the managers at McDonald's for a chair, so I could sit while I took orders in the drive-thru, and they said no. They wanted me to stand for my whole shift, so I did.

When I came back to work after having my baby, the managers at McDonald's didn't give me a place to pump, or a chair, so **I pumped standing up in a dirty storage room and in the bathroom**. After I got a fever from not pumping often enough, I had to stop breastfeeding.

-Carlota Guzman, McDonald's worker, Los Angeles²³

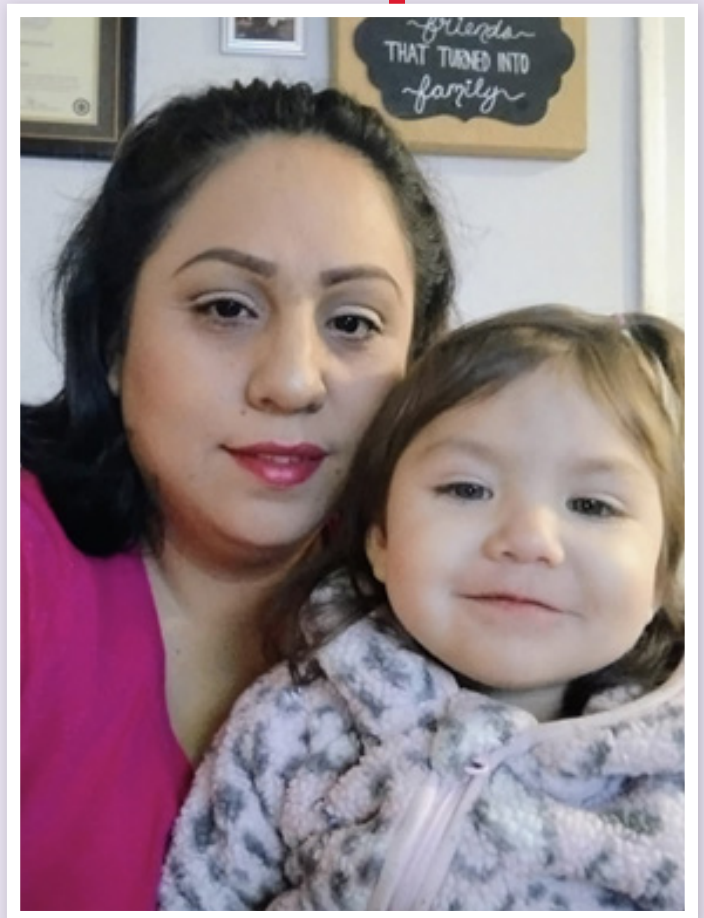


Management at the McDonald's where I used to work was racist and didn't let me and my coworkers speak Spanish, even amongst ourselves in the kitchen; and they pressured us not to use the bathroom when the store was busy, even though other workers were allowed to use the restroom when they needed to.

I put up with a lot at this McDonald's for 15 years, **but the summer I was pregnant all the problems at that store affected me more intensely**, and I had to quit.

The excessive heat when the AC broke affected my blood pressure; and the **pressure from management not to use the bathroom** meant I couldn't drink enough water, even though I was pregnant and sweating excessively from the excessive heat. Then the vent fan broke and the kitchen filled with smoke for 2 days, making my eyes sting and giving me a cough. I knew the excessive heat and smoke weren't good for me or the baby.

My coworkers and I thought about calling the phone number from the poster on the wall for help, but the manager told us no one would help us. We thought if we called the number, no one would believe us and we would get fired, so we didn't call.



-Guadalupe Aguilar, former McDonald's worker, Roseville²⁴

FAST FOOD WORKER SURVEY RESULTS

DIFFICULTY PAYING FOR RENT AND NECESSITIES

Many factors contribute to economic insecurity among fast food workers during pregnancy and the baby's first year, including lack of awareness of available programs for paid leave and job-protected leave; and retaliatory schedule cuts and firings for requesting pregnancy accommodations, time off for prenatal care and maternity leave.

Source: February 2025 California Fast Food Worker Survey.



67%

lacked the income they needed during pregnancy and the baby's first year, having to choose between paying rent and paying for basic needs such as food, medicine and gas.

I had a risky pregnancy so I had to stop working at about 4 months pregnant. **I didn't know how to leave work at El Pollo Loco during my pregnancy and get my job back.**

It nearly made us homeless. When our baby was 3 weeks old we lost the room we were renting because water leaked in, and then it flooded, and also they didn't want to rent to us anymore because of the baby. We couldn't find a place to live that we could afford, so my sister-in-law let the 4 of us - me and my husband, his 15-year-old daughter and the baby - stay in her living room for 2 months until we found a studio apartment. Our electricity bill is very high so we are looking for another place to live again.

I wanted to come back to work, but I was out of work for over a year after I had my baby. Management at El Pollo Loco made me wait until 2 other coworkers left for maternity leave before they would put me back on the schedule. I need a full-time schedule like I had before, but I only have part-time hours right now.

-Ana Lopez, El Pollo Loco worker, Oakland²⁵



I worked extra shifts to save up for the baby – from 11 am to 9:30 pm on Saturdays and Sundays – but the owner kept my overtime pay to enrich himself.

I would have been out in the street without rental assistance from a non-profit.

After I had the baby, the owner didn't give me my work hours back. This hurt me personally. I was alone with my daughter and my new baby, and without a good employer, and **I didn't know about my rights or what to do.**

-Maribel Oropeza Rodriguez, former Subway worker, San Jose²⁶

FAST FOOD WORKER SURVEY RESULTS

NOT AWARE OF BASIC INFO ON PREGNANCY & MATERNITY LEAVE

Most fast food workers surveyed who are pregnant and new mothers do not know how to get the time off work they need during their pregnancy, for maternity leave and in the event of pregnancy complications.

In California, Pregnancy Disability Leave and State Disability Insurance can combine to provide up to 4 months of job-protected, paid leave (typically 10-12 weeks for an uncomplicated birth and recovery). Workers can access additional job-protected paid leave if complications with their pregnancy or recovery limit their ability to work. The California Family Rights Act provides additional job protected leave for eligible workers to bond with their newborns, and the Paid Family Leave program provides 8 weeks of wage replacement during this time.

Source: February 2025 California Fast Food Worker Survey.

82%

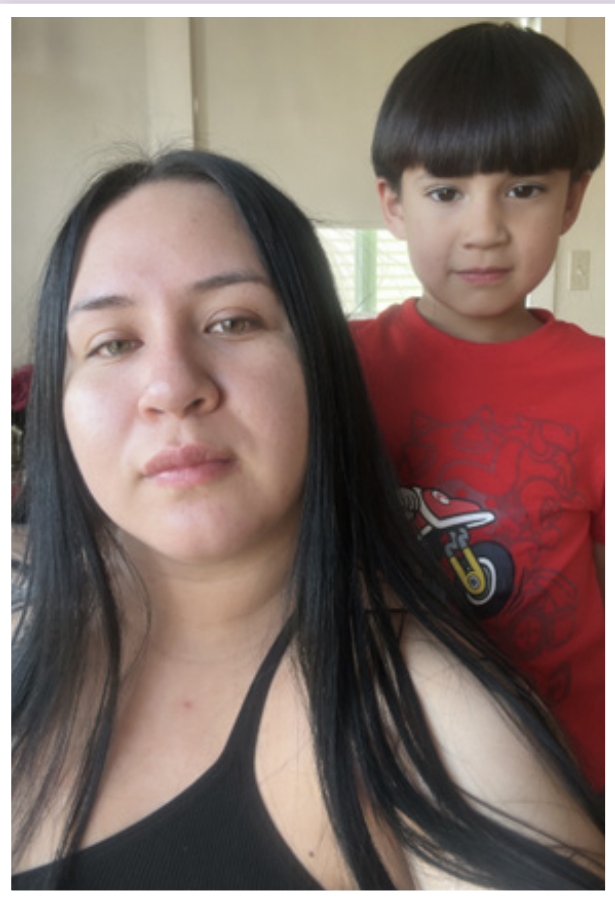
who were pregnant or new mothers did not know basic information about pregnancy-related leave and maternity leave



I was planning on working until the day I gave birth because I needed money to live and I didn't know about paid maternity leave. A week before my due date the doctor told me I had to stop working right away, she said otherwise I wouldn't have enough strength for the labor.

When I went back to work, I asked my older daughter to bring my baby to work on my breaks so I could breastfeed her, but it was just too hard, so I started giving her formula. I didn't know about my rights to pump at work.

-Gilberta Acevedo, Taco Bell and McDonald's worker, San Jose²⁷



I told the Wendy's manager that I am pregnant, and she told me I would get 4 months off when the baby comes, but **she didn't tell me about paid leave**, I learned about that from the Union. It is important to know about the money, so that I don't have a stressful pregnancy.

One time I gave notice on Friday that I was going to miss work on Sunday, and even though I gave more than the required 4-hour notice, the manager threatened to take me off the schedule for a week. Now I'm afraid I could lose my job if I have to miss work for an emergency, or if the baby gets sick.

-Magdalena Rivera, Wendy's worker, Oakland²⁸

FAST FOOD WORKER SURVEY RESULTS

NOT AWARE OF MISCARRIAGE LEAVE RIGHTS

If a pregnant fast food worker suffers a miscarriage, she and her partner may be eligible for five days of job-protected leave through the Reproductive Loss Leave law. In the event of complications or a difficult recovery, the pregnant worker may also qualify for paid leave under the Pregnancy Disability Leave law and State Disability Insurance program. The partner may be eligible for job-protected time off to care for her and wage replacement from the Paid Family Leave program.

Source: February 2025 California Fast Food Worker Survey.

95%

are not aware of basic information about job-protected time off in case of miscarriage for pregnant workers and their partners





I was miscarrying and needed time off work. I texted the hospital record about it to the owner, and that the doctor had said I needed to stay home to recover, and the owner texted back **“you’re making excuses”**.

The owner cut my hours and later changed my schedule to shifts that he knew I couldn’t work.

More than the grief of pregnancy loss or the physical pain, I was scared of being fired for missing work when I was miscarrying. I didn’t know how I could feed my children without my job at this Subway.

-Ingrid Ramos, Subway worker, Los Angeles²⁹

After my miscarriage, I was too sad to work and stayed home for several months. Then McDonald’s didn’t give me my job back.

I brought a doctor’s note to the manager saying I was cleared to come back to work, and they told me there wasn’t work for me anymore.

I had no idea there were rights for paid leave for pregnancy-related conditions like I was suffering, and that McDonald’s should have given me my job back.

-Tania Zamora, former McDonald’s worker, San Jose³⁰



FAST FOOD WORKER SURVEY RESULTS

NOT AWARE OF NEW FATHERS' RIGHTS TO PAID BABY BONDING LEAVE

Most fast food workers are not aware of basic information about paid leave available for fathers and other non-birthing parents to bond with their new baby. This survey result is consistent with previous research showing low usage of CA Paid Family Leave by lower-income fathers.³¹

In 2025, CA Paid Family Leave benefits increased to cover 90% of wages for low-wage workers – an increase that makes it more viable for fast food workers, including new fathers and other non-birthing parents, to take up to 8 weeks of paid baby bonding leave during the baby's first year.

Source: February 2025 California Fast Food Worker Survey.

85%

are not aware of basic information about paid leave available for fathers to bond with their new babies





When my wife gave birth to our daughter, I only took 2 weeks off work because I didn't know about CA Paid Family Leave. I would have loved to spend more time with them.

It would be beautiful for people to know about CA Paid Family Leave. Bringing a new baby into the world is a big change for any family. Your wife needs to feel you are a real partner, she needs to feel the support she deserves. You need to change diapers and prepare food, and be with the baby so the mom can also care for herself and recover. It is very important to be close to the family at this time.

Also, I am upset that where I work there isn't a private place for the new mothers to breastfeed or

pump. They need somewhere private, where no one can see them. It is a lack of respect for them as workers and as mothers not to have this.

-Alberto Calte, Jack in the Box worker, Lynwood³²

FAST FOOD WORKER SURVEY RESULTS

CAN'T PUMP AT WORK

Many new mothers working in fast food want to breastfeed their babies, and need to be able to express breast milk (pump) at work to maintain their milk supply and prevent pain and infections caused by delays in the breastfeeding schedule.³³ Both state and federal laws require employers to provide new mothers who are breastfeeding with breaks and a clean, private place to pump breast milk at work and a safe place to store breastmilk. Many fast food workers face obstacles to pumping at work and do not know they are entitled to these provisions.

Source: February 2025 California Fast Food Worker Survey

73%

who were pregnant or new mothers think it is not realistic to pump breast milk at work for a new baby, a right protected under state and federal law



At first management ignored my request for a place to pump at work, and then they told me to pump in a filthy storage room with a surveillance camera.

Not being able to pump at work caused me extreme pain and fevers.

-Deysi Morales, Popeyes worker, Citrus Heights³⁴



FAST FOOD WORKER SURVEY RESULTS

NOT AWARE OF TIME OFF FOR SEVERE MENSTRUAL SYMPTOMS

Like other workers with serious health conditions, workers with severe symptoms related to their menstrual cycle that interfere with work are protected by laws prohibiting employment and disability discrimination and may be entitled to job-protected leave in some circumstances. Most fast food workers didn't know that workers with severe menstrual symptoms may be able to take the time off work they need, without fear of retaliation.

Source: February 2025 California
Fast Food Worker Survey

64%

are not aware that
workers with severe
period symptoms that
interfere with work
may be able to take
time off work



I started having severe period symptoms. I felt dizzy and nauseated and I broke out in a cold sweat. Tylenol wasn't working. My mom said to me, "Why are you going into work? You are having trouble standing up." I told my mom I had to go to work. I should have been able to rest.

-Emily Howald, Panera Bread worker, South Gate³⁵



PREGNANCY AND NEW-PARENT LEAVE & ACCOMMODATION RIGHTS

Many workers are familiar with the concept of maternal or parental leave, but in California, the time a worker can take off to give birth and/or bond with a new baby is actually comprised of several laws and programs. Most California workers who are pregnant and give birth have rights to accommodations while working (changes at work), time off with their job held for them, and pay while they take time off for childbirth, recovery and bonding. Fathers and parents who do not give birth also have rights to job-protected paid leave to spend time with and care for their newborn and partner. These rights and programs are available regardless of immigration status.



Pregnancy Disability Leave Law³⁶

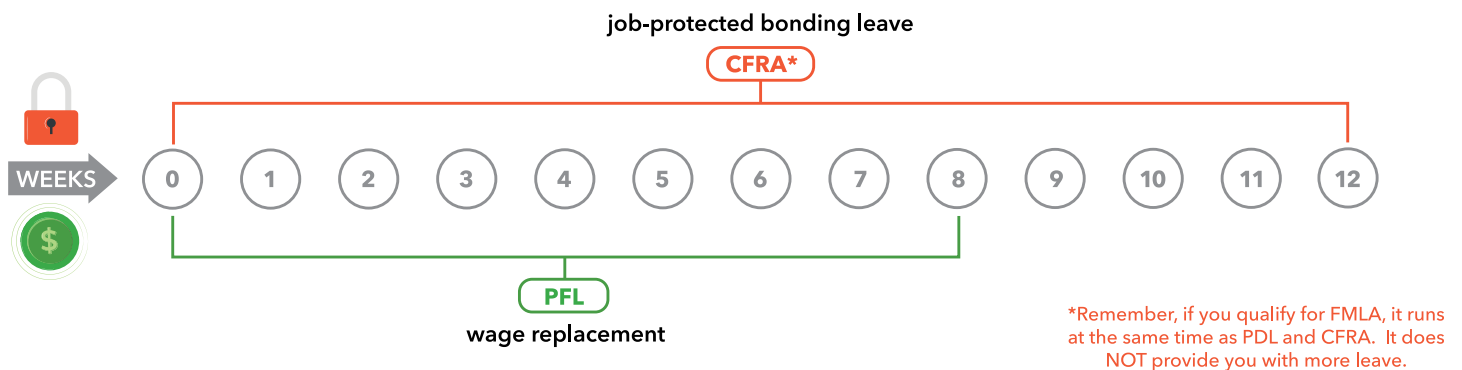
The Pregnancy Disability Leave law (PDL) requires California employers with five or more employees to grant job-protected time off and reasonable accommodations to pregnant workers and those experiencing pregnancy and childbirth-related conditions. This means that pregnant workers must be permitted to take time off to attend prenatal appointments and must be allowed to make reasonable changes to their jobs to allow them to keep working throughout the duration of their pregnancies. Employers must also provide job-protected time off to allow workers to give birth and recover from childbirth or related conditions, and must allow the worker to return to their same job at the conclusion of the leave. PDL provides a maximum of four months of leave, though for an uncomplicated pregnancy and birth, employees typically take leave four weeks prior to their due date through six weeks postpartum (eight weeks postpartum for a C-section) for a total of 10-12 weeks. There are no tenure or hours requirements for this law; pregnant workers are eligible for these protections upon hire.

California State Disability Insurance³⁷

During Pregnancy Disability Leave (or any other time a worker is disabled from working due to a non-workplace injury, illness, or disability), if the worker has paid into the California State Disability Insurance Fund (SDI), they may apply for wage replacement from the Employment Development Department (EDD). As of January 2025, SDI provides 90% of wages for most workers.

California Family Rights Act³⁸

The California Family Rights Act (CFRA) requires employers with five or more employees to allow workers job-protected time off to bond with a new child entering their homes (including a newborn, foster, or adopted child). If a worker has worked at least one year with the employer and has logged at least 1,250 hours at the job in the year prior to taking leave, they are entitled to 12 weeks of leave to bond with a new baby. For eligible workers who have recently given birth, this bonding time begins after they have recovered from childbirth (in an uncomplicated pregnancy, this will be approximately 6 weeks after the birth of the baby).



For eligible fathers and other non-birthing parents, bonding leave can begin once the baby is born. The CFRA also requires employers to provide 12 weeks of leave to eligible workers to care for a seriously ill family member or to attend to a worker's own serious health condition, with a total of 12 weeks per year for any of these reasons. Workers have the right to return to their job after CFRA leave.

Paid Family Leave³⁹

During baby-bonding leave, if the worker has paid into the California State Disability Insurance Fund, they may apply for Paid Family Leave through the EDD for eight weeks of wage-replacement at 90% income for most workers.

Rights to Pump (Lactation Accommodations)⁴⁰

The California Labor Code and the federal Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act) require employers to provide reasonable break time to their employees for expressing breastmilk, each time the employee has a need to express milk. This means breastfeeding/pumping workers are entitled to reasonable break time to express milk above and beyond other required breaks, such as meal and rest breaks. Most employers must also provide a clean, safe, private place for employees to pump breastmilk that is not a bathroom and has running water and refrigeration nearby. These laws prohibit discrimination and/or retaliation against employees who exercise, or attempt to exercise, their lactation rights.

Reproductive Loss Leave⁴¹

California's reproductive loss leave law requires employers with five or more employees to provide workers (who have worked for the employer for at least 30 days) five days of Reproductive Loss Leave for a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction. Employees do not need to provide a medical note. After a loss, leave can be taken within three months. A worker who experiences multiple losses can use reproductive loss leave for a total of 20 days within 12 months. A worker can be eligible for this leave even if they are not married to, or in a formal domestic partnership with, the person who was pregnant. The leave may be unpaid unless the worker has available accrued paid time off and wishes to use it while taking the reproductive loss leave.

Americans with Disabilities Act & Fair Employment and Housing Act⁴²

There are several other laws that could provide leave and accommodations to workers experiencing reproductive health issues or other disabilities such as the Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act

EXAMPLE- WHEN THINGS GO RIGHT

Maria is a fast food worker in Los Angeles, CA. She is expecting her second baby and notifies her manager pretty early on. Upon hearing about her pregnancy, Maria's manager gives her a notice with a summary of her rights under the PDL and CFRA, as well as the company policy for breastfeeding. Because several of the workers at the restaurant speak Spanish, this information is available in Spanish and English. At 22 weeks, Maria visits her healthcare provider and describes that it has become difficult for her to do some aspects of her job, including unloading the deliveries off the truck and storing the bulk items, which requires her to climb a ladder. Before she was pregnant, Maria used to do both these tasks by herself, lifting boxes sometimes up to 50 pounds. Her doctor advises that she should not lift more than 25 pounds for the remainder of the pregnancy and gives her a note for her employer. Maria's manager complies, and for the duration of her pregnancy, her colleague takes over the unloading and storage tasks, while Maria spends more time taking orders at the window.

At 36 weeks, Maria begins her pregnancy-related disability leave, which continues until she recovers from childbirth at six weeks postpartum. During this time, she applies for 90% wage replacement through State Disability Insurance

(FEHA). For example, workers experiencing severe period symptoms that are unrelated to pregnancy and/or other health conditions that limit major life activities may be entitled to accommodations or leave depending on their specific situation.

The laws surrounding job-protected time off and pay for pregnancy, childbirth, recovery and baby bonding are complex. The job-protective aspects of parental leave are administered by the employer and sometimes require a medical note to the employer; the worker applies for pay through the Employment Development Department (EDD), and may need to provide a separate medical certification to the EDD, along with proof of birth or placement of the child in their home. Rather than one standard timeline for all pregnant or newly parenting workers, the time a worker takes ultimately comes down to several different eligibility criteria as well as what is required for their own individual healthy pregnancy and recovery. Other factors can affect a worker's eligibility too, for example if they took any leave time in the year prior to the arrival of a new baby.

Given this complexity, robust workers' rights training is crucial to provide a baseline of knowledge about what laws apply, and how to navigate the relevant rights and benefits. These trainings will empower California fast food workers to access the pregnancy-related rights, benefits and programs they need; to follow their doctors' orders to maintain safe pregnancies and heal from childbirth; and to bond with their babies in the first months of life – without risking the jobs they need to support themselves and their families.

from the Employment Development Department.

Because Maria has worked around 30 hours per week at the restaurant for the past year and a half, she is entitled to California Family Rights Act bonding time. After her recovery, she can take an additional 12 weeks of leave to bond with her newborn. During the first eight weeks of her bonding time she applies for Paid Family Leave, which provides 90% wage replacement while she's on leave to bond with her baby. She considers taking up to an additional four weeks of job-protected leave using available paid sick leave and other sources of financial support, such as help from family or savings.

After her bonding time, Maria returns to work. Her manager puts her back on the schedule with her regular shifts and hours. On her first day back, she asks for time and space to pump breastmilk to enable her to keep feeding her newborn. Maria's manager allows her to take reasonable pumping breaks in an office in the back, which has a chair for her to sit, electricity to power her pump, and a door she can close for privacy.

RECOMMENDATIONS

The February 2025 California Fast Food Worker Survey shows that the vast majority of fast food workers do not know basic information about the rights and programs in place to support workers and new parents through pregnancy and the first year of their baby's life. These findings are consistent with existing research on awareness of workplace rights and programs among low-income workers and fast food workers in California.

Without knowledge of the broad array of workplace rights regarding pregnancy and parenting, fast food workers who are pregnant and new mothers face health and safety hazards at work, and fear retaliation related to pregnancy and maternity leave. They also face poverty and economic instability during pregnancy and the baby's first year, and often lack knowledge of how to access paid pregnancy and bonding leave.

To address these knowledge gaps, fast food workers must be provided with Know Your Rights trainings that include pregnancy and reproductive health-related workplace protections, such as:

- Freedom from discrimination and/or retaliation, like being forced on leave, or having hours cut due to pregnancy;
- Changes at work, like extra bathroom breaks or help with certain tasks during pregnancy;
- Job-protected, paid leave to have a baby, recover from childbirth or miscarriage, and bond with a new child; and,
- Break time and a clean, private space, other than a bathroom, to pump breast milk.

Quality Know Your Rights training gives fast food workers the knowledge and know-how needed to exercise their rights at work, access essential benefits and programs, and address health and safety hazards and other problems they face every day on the job. Recommendations include:

- Effective Know Your Rights trainings for fast food workers should cover the full range of worker rights, including rights related to pregnancy and parenting;
- Know Your Rights trainings should be presented by trusted, independent organizations with experience providing effective training to low-income workers;
- Elected officials and others should support Know Your Rights training pilot programs for fast food workers in the City of Los Angeles and Santa Clara County; and,
- Mechanisms to protect workers from retaliation and discrimination by employers for exercising their rights should be strengthened at the State and local levels.

When I was pregnant, I filled out the paperwork for paid maternity leave, but the checks never came and I didn't know what to do, so after 2 months with no income I went back to work.

I spent the savings I had, my brother helped me pay the rent and my sister helped with food, but I fell behind on bills. **Fast food workers like me need training** on how to access paid maternity leave and other programs available to us.

*-Maria Ontiveros,
McDonald's worker,
Stockton⁴³*



RESOURCES

Legal Aid at Work: Resources for Pregnancy and Parenting

- Pregnancy/Parenting + My Job Fact Sheet
legalaidatwork.org/factsheet/pregnancy-parenting-my-job-in-california/
- Pregnancy + My Job Roadmap and Guide
<https://legalaidatwork.org/guides/pregnancy-my-job-a-guide-to-what-when-how/>
- Workplace Rights for Fathers
legalaidatwork.org/factsheet/workplace-rights-for-fathers/
- Workplace Rights for LGBTQ+ Parents
legalaidatwork.org/factsheet/workplace-rights-for-lgbtq-parents/
- Lactation in the Workplace
legalaidatwork.org/factsheet/lactation-in-the-workplace-in-california/
- Undocumented worker guide for applying to SDI/PFL
legalaidatwork.org/guides/undocumented-workers-guide-to-applying-for-california-disability-insurance-paid-family-leave/

Legal Aid at Work, Work & Family Helpline:
800-880-8047 (toll-free) or (415) 593-0033

I'm pregnant

DURING AND AFTER PREGNANCY

All of these rights and protections, except for Unemployment Insurance, are available regardless of immigration status.



JOB-PROTECTED LEAVE

*If you also qualify for the federal Family & Medical Leave Act (FMLA), it will run at the same time as your leave under these state laws. It does not provide you with more leave.



PAY

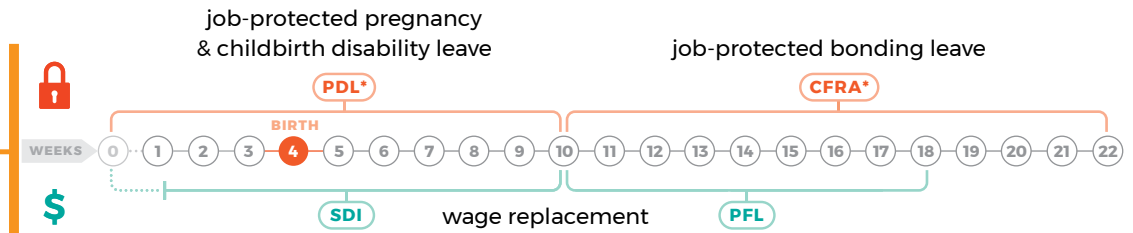


ACCOMMODATIONS

HOW THIS MIGHT WORK

Lisa has an uncomplicated pregnancy, so she needs 4 weeks off before her due date and 6 weeks off after delivery to recover. After that, she needs 12 weeks off to bond with her newborn.

THESE LAWS MAY HELP:	Because they provide for:	Here's what to do:
PDL* PREGNANCY DISABILITY LEAVE* <ul style="list-style-type: none"> 5+ employees 	<ul style="list-style-type: none"> Up to 4 months job-protected, unpaid leave while disabled by pregnancy, childbirth or related condition Continuation of health benefits 	Request from your employer
CFRA* CALIFORNIA FAMILY RIGHTS ACT* <ul style="list-style-type: none"> 1+ year of service 1250+ hrs of work in previous year 5+ employees nationwide 	<ul style="list-style-type: none"> 12 weeks of job-protected bonding leave within 1 year of birth starting after pregnancy disability is over Continuation of health benefits 	Request from your employer
SDI STATE DISABILITY INSURANCE <ul style="list-style-type: none"> Unable to work, or working less, due to disability Paid into SDI during base period 	<ul style="list-style-type: none"> Up to 70% or 90% of weekly wages, depending on income, for a max. of 52 weeks, after 1-week waiting period* 	Apply at www.EDD.ca.gov
PFL PAID FAMILY LEAVE <ul style="list-style-type: none"> On leave to bond with a newborn, newly adopted or foster child Paid into SDI during base period 	<ul style="list-style-type: none"> Up to 70% or 90% of weekly wages, depending on income, for a max. of 8 weeks (can be taken intermittently)* 	Apply at www.EDD.ca.gov
PSD CA PAID SICK DAYS <ul style="list-style-type: none"> Worked at least 90 days Ill or medical appointments 	<ul style="list-style-type: none"> Accrue 1 hour for every 30 hours worked Employer may cap use at 5 days per year 	Request from your employer
FEHA / LAL FAIR EMPLOYMENT & HOUSING ACT <ul style="list-style-type: none"> 5+ employees 	<ul style="list-style-type: none"> Changes to the way you do your job, transfer, or more leave as a reasonable accommodation for pregnancy 	Request from your employer
LACTATION ACCOMMODATIONS LAW	<ul style="list-style-type: none"> Break time and a safe, clean private space (not a bathroom) for pumping with a place to sit, a surface to place the breast pump, and access to electricity, a sink, and refrigeration. 	Go to dir.ca.gov
	<ul style="list-style-type: none"> Protection from retaliation 	Go to dir.ca.gov
	<ul style="list-style-type: none"> Protection from discrimination, harassment, and retaliation 	Go to calcivilrights.ca.gov or dir.ca.gov



*Remember, if you qualify for FMLA, it runs at the same time as PDL and CFRA. It does not provide you with more leave.



Legal Aid at Work cannot ensure this information is current or be responsible for any use to which it is put. Legal rights vary based on individual circumstances. This is up to date as of January 2025. Created with support from Ascend at the Aspen Institute, the David and Lucile Packard Foundation, Blue Shield of California Foundation, the Walter and Elise Haas Fund, and The California Wellness Foundation.

QUESTIONS ?
 Call 800-880-8047
legallaidatwork.org/wf



All of these rights and protections, except for Unemployment Insurance, are available regardless of immigration status.



JOB-PROTECTED LEAVE

*If you also qualify for the federal Family & Medical Leave Act (FMLA), it will run at the same time as your leave under these state laws. It does not provide you with more leave.



PAY

HOW THIS MIGHT WORK

Juan needs 12 weeks off to bond with his infant daughter.

THESE LAWS MAY HELP:

Because they provide for:

Here's what to do:

CFRA*

CALIFORNIA FAMILY RIGHTS ACT*

- 1+ year of service
- 1250+ hrs of work in previous year
- 5+ employees nationwide

- Job-protected, unpaid leave for a max. of 12 weeks to bond with a newborn, newly adopted, or foster child within the first year of birth or placement in the home, or to care for a seriously ill family member
- Continuation of health benefits

Request from your employer

FSPA

FAMILY SCHOOL PARTNERSHIP ACT

- 25+ employees
- May be used by a parent, guardian, stepparent, foster parent, grandparent, or a person who stands in loco parentis to a child.

- Job-protected, unpaid leave for a max. of 40 hours each year to: search for or enroll in child care or school; participate in child care or school activities; and/or address child care or school emergency
- Except for emergencies, employer may cap use at 8 hours per month

Request from your employer

PFL

PAID FAMILY LEAVE

- On leave to bond with a newborn, adopted or foster child within first year, or to care for a seriously ill family member
- Paid into SDI during base period

- Up to 70% or 90% of weekly wages, depending on income, for a max. of 8 weeks (can be taken intermittently)*

Apply at www.EDD.ca.gov

PSD

PAID SICK DAYS

- Worked at least 90 days
- Ill, caring for ill child or medical appointments
- Local laws may provide additional paid sick time

- Accrue 1 hour for every 30 hours worked
- Employer may cap use at 5 days per year

Request from your employer

- Protection from retaliation

Go to dir.ca.gov

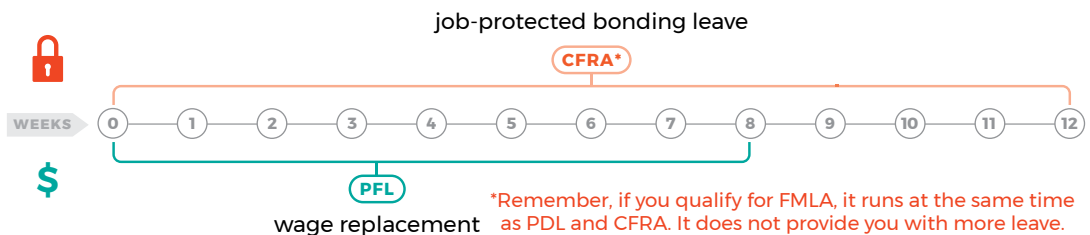
UI

UNEMPLOYMENT INSURANCE

- Able to work but unemployed or working less through no fault of your own (laid off/fired, leave not granted, etc.)

- Up to \$450 per week, after 1-week waiting period

Apply at www.EDD.ca.gov



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QUESTIONS ?
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legallaidatwork.org/wf



ENDNOTES

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- ⁵ California Fast Food Workers Union, Analysis of US Bureau of Labor Statistics - Occupational Employment and Wage Statistics, May 2023, https://www.bls.gov/oes/2023/may/oes_ca.htm#00-0000, accessed February 2025. Note: Included in this analysis are worker counts for the following occupations in California: all “Fast Food & Counter Workers” and “Fast food cooks”; and “Cashiers” and “Drivers/sales workers” under NAICS code 722500 - Restaurants and Other Eating Places+ only (excluding the estimated percentage of workers in each of these occupations who work in full-service restaurants, as opposed to limited service restaurants and other eating places). For these calculations, “First-Line Supervisors of Food Preparation and Serving Workers” and “Food Service Managers” were categorized as management occupations and excluded from the total.
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- ⁸ Since April 2020, Fight for \$15 and the California Fast Food Workers Union have aided California fast food workers in filing over 500 complaints with Cal/OSHA, the Office of the State Labor Commissioner, local public health departments, and other regulatory agencies documenting workplace violations related to wage theft, retaliation, COVID-19, workplace injury, excessive heat, toxic exposure, violence, and many other serious issues at their workplaces.
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¹⁴ Quarterly Census of Employment and Wages - Bureau of Labor Statistics, Quarterly establishment counts for NAICS 722513 Limited-service restaurants and NAICS 722515 Snack and nonalcoholic beverage bars, California and US establishment counts, 2024 Q2 (most recent available as of February 2025), Accessed February 2025 via https://data.bls.gov/cew/apps/table_maker/v4/table_maker.htm

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<https://legalaidatwork.org/>



<https://californiafastfoodworkersunion.org/>