



# Supporting employees during pregnancy and childbirth

## **Annie Jantz**

Senior Product Manager  
Leave Services Products  
Lincoln Financial Group

**March 26, 2024**





# Agenda

- Overview and timeline
- Pregnant workers protections
- Prepartum
- Postpartum
- Return to work
- Industry trends





# Speaker



## **Annie Jantz**

Senior Product Manager

Dedicated absence management, company paid leave, and accommodation services resource





# Overview and timeline



# Pregnancy costs and complications

## Costs

**\$3,000 to \$4,000**

is the average cost of prenatal care and delivery at a birth center<sup>1</sup>

**\$3,000 per day**

is the average cost for infants hospitalized in a NICU<sup>1</sup>

**9-13%**

of babies born in the US each year need to stay in a NICU<sup>1</sup>

## Complications

**One in eight**

new mothers report symptoms of postpartum depression<sup>2</sup>

**8%**

of complications may harm the mother or baby if left untreated<sup>3</sup>

**10%**

of pregnancies result in premature birth<sup>4</sup>



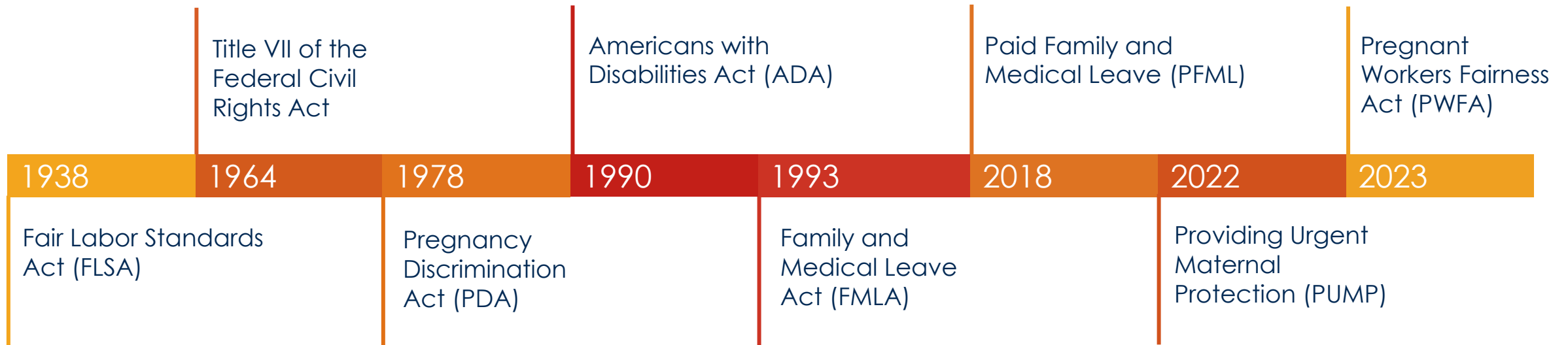
<sup>1</sup> "Family-focused maternity benefits, Lincoln hospital indemnity insurance" Lincoln Financial Group, November 15, 2023, <https://visit.lfg.com/GP-HIMBT-FLI001>.

<sup>2</sup> Postpartum Depression, "U.S. Department of Health & Human Services, Office on Women's Health, October 17, 2023, <https://www.womenshealth.gov/mental-health/mental-health-conditions/postpartum-depression>.

<sup>3</sup> "4 Common Pregnancy Complications," Johns Hopkins Medicine, <https://www.hopkinsmedicine.org/health/conditions-and-diseases/staying-healthy-during-pregnancy/4-common-pregnancy-complications#:~:text=Most%20pregnancies%20progress%20without%20incident,the%20mother%20or%20the%20baby>.

<sup>4</sup> "2023 March of Dimes Report Card, United States," March of Dimes, 2023, <https://www.marchofdimes.org/sites/default/files/2023-11/MarchofDimesReportCard-UnitedStates.pdf>.

# Pregnancy law timeline





# Pregnant workers protections



# Sara's pregnancy journey



Common uncomplicated pregnancy-related issues include:

- Nausea
- Fatigue
- Carpal tunnel
- Back pain
- Requiring more frequent breaks
- Changing positions (between sitting or standing)



# Mary's pregnancy journey



The most common complications related to pregnancy may include:

- Gestational diabetes
- Pre-eclampsia
- Hypertension
- Hyperemesis gravidarum
- Pre-term labor
- Postpartum depression



# Prepartum



# Pregnancy anti-discrimination laws

## **Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act**

Pregnancy discrimination under Title VII can be based on:

- Current pregnancy
- Past pregnancy
- Potential pregnancy
- Medical condition related to pregnancy or childbirth including breastfeeding or lactation
- Having or choosing not to have an abortion
- Birth control (contraception)

## **Discrimination charges reported by the EEOC 2022<sup>1</sup>**

- 2,273 received
- 13% settled
- 26% merit resolutions
- \$12 million in monetary benefits (doesn't include benefits obtained through litigation)

<sup>1</sup> "Pregnancy Discrimination Charges FY 2010 – FY 2022," U.S. Equal Employment Opportunity Commission, 2022, <https://www.eeoc.gov/data/pregnancy-discrimination-charges-fy-2010-fy-2022>.

# Americans with Disabilities Act (ADA)

The ADA prohibits discrimination against an applicant or employee based on a disability.

- Pregnancy: not a disability under the ADA
- Impairments related to pregnancy: may qualify as a disability under the ADA
- Employers may have to provide reasonable accommodations for pregnancy-related disabilities.



Sara's pregnant and isn't experiencing complications. However, she's facing some of the normal pregnancy issues that may require more breaks.



Mary's pregnant and is experiencing some minor complications. She also has an existing back problem that required multiple surgeries in the past.



Source: "Pregnancy Discrimination and Pregnancy-Related Disability Discrimination," U.S. Equal Employment Opportunity Commission, <https://www.eeoc.gov/pregnancy-discrimination>.

# Pregnant Workers Fairness Act (PWFA)

The PWFA requires reasonable accommodations for a worker's known limitations due to pregnancy, childbirth, or related medical conditions.

- Disability versus known limitations
- Presumptively reasonable accommodations
- Leave as an accommodation



Sara's pregnancy is going as expected, but she's asking for additional bathroom breaks and to periodically eat at her desk.



Mary continues to have complications in her pregnancy, and while the accommodations did help for a while, they're no longer working.



Source: "What you Should Know About the Pregnant Workers Fairness Act," U.S. Equal Employment Opportunity Commission, <https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act#q4>.

# Combining multiple benefits

Recommended practices



Consider:

- **Timing**
- **Coordination of rights**
- **More than complications**
- **Communication**
- **Education**



# Postpartum



# Family and Medical Leave Act (FMLA)

Employees can take 12 weeks of leave in a 12-month period for:

- The birth, adoption, or foster care placement of a child, and to care for the child within one year of birth or placement
- To care for the employee's spouse, child, or parent who has a serious health condition
- A serious health condition that leaves an employee unable to perform the essential functions of their job
- Any qualifying exigency due to an employee's spouse, son, daughter, or parent being a covered military member on covered active duty



Sara experienced some swelling in the last week and was off work until the delivery. She then returned to work after her recovery and elected to take bonding time later that year.



Mary continued to have complications and started to take intermittent leave. She could only work half days until she delivered.



Source: "Family and Medical Leave Act," U.S. Department of Labor, Wage and Hour Division, <https://www.dol.gov/agencies/whd/fmla>.



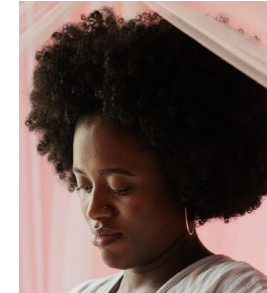
# Short-term disability (STD)

STD replaces wages for employees who can't work due to illness or injury.

- Standard STD benefits are payable for six to eight weeks following delivery.
- Pregnant employees may qualify for STD benefits if a complication prevents them from working.
- Benefits may be extended beyond the standard benefit if there are complications.

Note: STD and FMLA typically run concurrently.

Common policy duration is 13 weeks.



Sara was able to work until about a week before her delivery date. She experienced some swelling in the last week and was off work until the delivery.



Mary continued to have complications and eventually was placed on bed rest.

# Paid Family and Medical Leave (PFML)

PFML is a state-mandated wage replacement for employees working in that state.

- Covers a serious health condition that necessitates paid time off from work.
- Typical duration is 12 weeks
- Provides a wage replacement benefit
- May include job protection during leave
- May include additional time related to pregnancy or recovery
- FMLA, STD, and PFML may run concurrently. STD and PFML benefits may be coordinated.



Sara was able to work until about a week before her delivery date. She experienced some swelling in the last week and was off work until the delivery.



Mary continued to have complications and eventually was placed on bed rest.



Source: Williams, Ward, "Paid Family and Medical Leave (PFML) by State," Investopedia, August 4, 2023, <https://www.investopedia.com/paid-family-and-medical-leave-by-state-5089907>.

# Combining multiple benefits

Recommended practices

Consider:

- **Eligibility**
- **Communication**
- **Staying informed**
- **Intermittent leave**
- **Company paid or unpaid leave**



# Return to work



# Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act

- The PUMP Act requires employers to provide reasonable break time and a private space for an employee to express breast milk for nursing.
- The PUMP Act amends the FLSA.
- Employees are entitled to a place to pump at work, other than a bathroom, that's shielded from view and free from intrusion from coworkers and the public.



Sara returns to work and requests access to a private space to express breast milk. She also requests additional breaks during the day as her body's continuing to recover from the delivery.



Mary has the same request as Sara, but she's also dealing with postpartum depression and requests a half day off each week to seek treatment.



# Combining multiple benefits

Recommended practices



Consider:

## Pregnancy legal protections

- PDA
- PWFA
- PFML
- ADA
- FMLA
- PUMP

## Pregnancy benefits

- STD
- Hospital indemnity insurance
- Bereavement leave

**All pregnancies, even uncomplicated ones, will eventually use some of these benefits.**



# Trends



# Trends

## Topics of conversation

- Additional adoption benefits
- Infertility support
- Menopause benefits and support programs
- Menstruation
- Bereavement
- Reproductive leave
- Prenatal care benefits







# Thank you

**LincolnFinancial.com**

Lincoln Financial Group is the marketing name for Lincoln National Corporation and its affiliates.

Affiliates are separately responsible for their own financial and contractual obligations.

02/24 Z01  
Order Code: GP-DMECC-PPT001

