

Indiana Enacts Pregnancy Accommodations Law, Effective in July 2021

By Dorothy Parson McDermott

April 22, 2021

Meet the Authors



Dorothy Parson McDermott

(She/Her • Dottie)

Principal

317-489-6940

Dorothy.McDermott@jacksonlewis.com

Related Services

Disability, Leave and Health
Management

A new Indiana [statute](#) sets out the process for pregnant workers to seek a reasonable accommodation from their employers. The new law applies to employers with at least 15 employees. It goes into effect on July 1, 2021.

Pregnant workers may already qualify for a reasonable accommodation under the Americans with Disabilities Act Amendments Act of 2008, which applies to employers with at least 15 employees.

The new law provides that an employee may request, in writing, an accommodation related to pregnancy, childbirth, or any related medical conditions. The employer must respond to the employee's request within a reasonable amount of time. Under the new law, however, the employer is not required to provide an accommodation. Existing federal or state law may require that an accommodation be provided.

Additionally, an employee who seeks an accommodation under the new law is protected from discipline, termination, or other forms of retaliation for seeking or using an accommodation. An attempt to accommodate or failure to accommodate an employee's request is not considered disciplinary or retaliatory.

Indiana's law is meant to be an expansion of existing state and federal protections and does not limit, diminish, or affect any state or federal laws concerning sex discrimination, pregnancy discrimination, family medical leave, disability, or childbirth discrimination.

Indiana joins a majority of states, the District of Columbia, and at least four cities that have laws on their books regarding pregnancy accommodation. Critics of Indiana's law, including Governor Eric Holcomb, argue it does not provide enough protection for pregnant workers. Three other pregnancy accommodation bills were introduced by the Indiana Legislature, with a wide variety of protections for pregnant workers. Given Governor Holcomb's stance on this issue and the number of bills introduced this legislative session on the subject, discussion over this issue may not be over and could be debated by the Indiana Legislature in 2022.

If you have questions about pregnancy accommodation, employers' obligations under the new law, or need assistance with a pregnant employee's accommodation request, please contact a Jackson Lewis attorney.

©2021 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on employment and labor law since 1958, Jackson Lewis P.C.'s 1,000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged and stable, and share our clients' goals to emphasize belonging and respect for the contributions of every employee. For more information, visit <https://www.jacksonlewis.com>.