



## **Pregnancy in the Veterinary Workplace: Safety Concerns**

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How should pregnancy in the veterinary workplace be handled? First and foremost, the practice's employee manual should include a written policy requiring all employees to inform the practice owner and/or office/safety manager *as soon as they become aware* that they are pregnant. While many employees are understandably reluctant to “go public” with their news before the end of the first trimester, the earlier this information is divulged to the employer, the earlier steps can be taken, if necessary, to safeguard the health of the fetus.

### **Practice Response**

Employers should meet the news of their employee's pregnancy with sincere warm wishes and congratulations. The employee should also be reassured that the practice will work with her and do what it reasonably can to help her reduce the workplace hazards to the fetus.

The next step is to schedule a meeting between the pregnant employee and the office/safety manager. During this meeting, the employee should be reminded of the potential risks to the developing fetus that exist in the workplace. Such risks may include:

- radiation exposure
- exposure to hazardous chemicals/drugs (e.g., pesticides, hormones, chemotherapeutic agents, etc.)
- exposure to anesthetic gases, especially during “hard-to-scavenge” procedures such as masking, and waste anesthetic gases
- exposure to infectious or zoonotic diseases, especially when handling fractious animals (e.g., rabies, tetanus, Lyme disease, salmonellosis, leptospirosis, chlamydiosis, etc.)
- over-exertion associated with lifting/restraining patients

As the employer, you should advise pregnant employees to seek medical advice from their obstetricians regarding the potential workplace risks.

Remember to keep a written record of all meetings with employees.

### **Accommodations**

While employers have a duty to make reasonable accommodations for pregnant employees, when such accommodations are recommended in writing by the employee's doctor, employers must remember that the decision about avoiding workplace hazards during pregnancy is up to the employee. It is unlawful for employers to prohibit an employee from working in her usual capacity simply because she is pregnant.

## **Risk Management**

The employer can take comfort in the fact that many of the risks that exist in veterinary practices can be minimized by following proper safety precautions (which should already exist in the form of written practice policies). Indeed, the news of an employee's pregnancy is a good opportunity for employers to review the practice's safety policies and ensure that all employees are following them.

In addition, the employer can have the employee sign a document acknowledging that:

- workplace risks have been reviewed with the employee
- the employee has had an opportunity to discuss potential workplace risks with her doctor
- the employee has decided to keep working

Once the employee is fully informed of the potential risks and has had an opportunity to seek the advice of her doctor, the employee may:

- elect to continue to work in the same position with no accommodations (except, perhaps, for the use of a fetal radiation monitor)
- continue to work in the same position with accommodations as recommended in writing by her doctor (e.g., no radiation exposure, no lifting over 20 pounds, etc.)
- seek to work in a different position (e.g., in an administrative position) based on the written recommendation of her doctor
- elect to take a leave of absence based on the written recommendation of her doctor

Employers should be prepared, however, for the possibility that things will change as the employee's pregnancy progresses. For example, the employee who elects to continue on with her work unchanged will undoubtedly find later in her pregnancy that it is difficult, if not impossible, to continue to lift/restrain patients. As a result, the employer should encourage the employee to come forward with all concerns or requests at any time. The employer should also reassure the employee that the practice will remain open to the possibility of making reasonable accommodations to the employee's duties, as recommended in writing by the employee's doctor, throughout the pregnancy.

## **Employee Duties**

The employee also owes a duty to her employer. If the employee seeks to continue on in her usual position – with or without reasonable and agreed upon accommodations – it is essential that the employee is able to and, in fact does, perform substantially all of the duties necessary to carry out her work. That is, the employer’s duty to reasonably accommodate pregnant employees does not mean that such employee is entitled to a “free pass” for the duration of her pregnancy. A pregnant employee must still provide services to her employer commensurate with her pay. Stated another way, an employer is not required to accommodate a pregnant employee to the point of undue hardship.

### **Temporary Job Transfers**

If the employee requests a transfer to a more administrative position, her request should be accommodated if:

- there is a position available
- the employee is qualified for such position
- the value of the accommodated position to the employer is similar to the value of the pregnant employee’s original position

Note that an employer is under no obligation to create a new position for its pregnant employees.

When considering a pregnant employee’s request for a change of position, the employer should also be mindful of the practice’s employee manual in relation to disability to ensure that it is acting in a consistent manner and treating all of its disabled employees in similar fashion.

### **Leave of Absence**

The employee may elect to take a leave of absence, perhaps because the employer is unable to reasonably accommodate her request for a temporary change in position. If so, the leave is, subject to any provisions to the contrary in the employee’s employment agreement and/or the practice’s written employee manual, unpaid. (The employee may be eligible for disability benefits from a government agency pursuant to applicable legislation.) If the employer meets certain criteria of federal and/or state laws and the employee is eligible under such laws, the employer may have a duty to hold the employee’s position open for a specified period of time.

### **Considerations with Other Employees**

As an employer, you might be wondering about the potential fallout from your other employees. How, for example, will they react if you accommodate your pregnant employee by temporarily eliminating some of her duties – especially if they are being asked to pick up the slack? The key to dealing with this (and really any other employee) issue is communication. For example:

- reassure your employees that the situation is temporary and that you would make the same attempts to accommodate their reasonable requests in the event of their pregnancies or temporary disabilities
- follow up with your employees regularly regarding their work load and be open to their suggestions about how to more equitably distribute the work. You may even consider hiring a part-time, temporary employee to pick up the slack
- periodically acknowledge your employees' efforts and teamwork. A simple thank you can go a long way. It wouldn't hurt to also splurge for the occasional box of muffins or chocolates for the office as a gesture of goodwill

For additional information on potential risks for pregnant employees that may exist in the workplace, you may refer to:

- *AVMA policy: Veterinary Facility Occupational Risks for Pregnant Workers* ([http://www.avma.org/issues/policy/pregnant\\_workers.asp](http://www.avma.org/issues/policy/pregnant_workers.asp))
- *AVMA PLIT publication: What Precautions Should We Take For Pregnant Workers* ([http://avmaplit.com/uploadedFiles/AVMAPLIT/Publications/Safety\\_and\\_Loss\\_Control/Precautions%20For%20Pregnant%20Workers.pdf](http://avmaplit.com/uploadedFiles/AVMAPLIT/Publications/Safety_and_Loss_Control/Precautions%20For%20Pregnant%20Workers.pdf))
- *Occupational Safety and Health Administration (OSHA) website* (<http://www.osha.gov/>)
- *Compendium of Veterinary Standard Precautions for Zoonotic Disease Prevention in Veterinary Personnel; National Association of State Public Health Veterinarians, Veterinary Infection Control Committee* (<http://www.nasphv.org/Documents/VeterinaryPrecautions.pdf>)
- *National Council on Radiation Protection and Measurements* (<http://www.ncrponline.org/>)
- various veterinary journals, including *JAVMA*
- business/practice management areas of online services such as *VIN* or *VSPN*

For additional information regarding relevant laws, regulations, policies and guidelines, you may refer to:

- *Pregnancy Discrimination Act (PDA)* administered by the Equal Employment Opportunity Commission (EEOC) (<http://www.eeoc.gov/>)
- *Family and Medical Leave Act* (see Department of Labor website below)
- *Americans with Disabilities Act* (<http://www.ada.gov/>)
- Department of Labor website ([www.dol.gov](http://www.dol.gov))
- applicable state disability and employment legislation, including maternity/family leave legislation
- the practice's employee manual as it relates to disability benefits/leave

Of course, if you have any doubt at all about how to proceed, you should contact legal counsel before taking any action!