



## **Strategic Negotiation: Babies, Bosses, and Pregnancy Plans**

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### **Introduction**

In 2009, the American Veterinary Medical Association reported that females outnumbered male counterparts for the first time. In 2010, the Association of American Veterinary Medical Colleges shared that 78 percent of veterinarian students were female (Tremayne, 2010). With this evolution of demographics, increasing numbers of veterinarians and their staff must negotiate how to deal with accommodations needed because of pregnancies, which include medical leave and more. And yet, research shows that females, when compared to males, lack the confidence needed to effectively negotiate (Katty and Shipman, 2014). This paper therefore shares empowering strategies that women can use to confidently approach their employers to discuss difficult issues and/or to ask for accommodations. Although the examples largely focus on pregnancy and childbirth, these techniques can be applied to a far wider range of issues, including salary negotiations, sexual harassment, and more.

### **Strategies: Preparation**

Before a woman approaches her employer with a topic that could prove challenging to discuss, she should first consult her employee handbook to determine practice policies that relate to her situation, which could include accommodations and medical leaves of absence. In the case of pregnancy, this should be done early on so that steps can be taken, as early as possible, to safeguard fetus health.

It can also be helpful to understand basic rights provided under the Family Medical Leave Act (FLMA), which applies to people who work for private companies with 50 or more employees. The FLMA provides up to 12 weeks of unpaid leave for a “serious health condition” that prevents an employee from performing essential functions of her job. The FLMA prohibits employers from attempting to prevent a qualified person from taking this leave and from terminating an employee who legally takes this leave. An understanding of FLMA is crucial if a woman plans to discuss pregnancy or newborn child care issues, adoption or foster care, and serious health issues of her own, or that of a spouse, child or parent.

The American Disabilities Act applies to people who work for private companies with 15 or more people, and prohibits discrimination against people with disabilities in employment, among other areas. Pregnancy, in and of itself, is not considered a disability but complications occurring during pregnancy or childbirth could qualify. Many states also have laws that provide protections, including some for companies with fewer employees.

Once a woman has gathered relevant information, which could include consultations with

an attorney, medical personnel and more, then it's time for her to outline what she wants to achieve when she meets with her employer, and what she needs to say to effectively state her case. Some people find it helpful to rehearse their presentations in front of a trusted friend or family member who is willing to give honest feedback. This will help to make sure that important details are included and extraneous details are pruned from the presentation.

### **Strategies: Accommodations**

An accommodation, in this context, is a request to modify the work environment or the circumstances under which a job is being performed. Generally speaking, these accommodations focus on physical demands of the job that the woman cannot currently perform, such as lifting, standing for extended periods of time, exposure to certain chemicals or temperatures and so forth. Accommodations may also involve a change in schedule, the ability to eat or drink more frequently through the day, taking breaks to elevate the feet, the wearing of a fetal monitor, a temporary transfer to another department or duty, and so forth. If a woman is pregnant, Tara Mah, JD shares the following potential risks to a fetus in a typical practice:

- *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*

### **Strategies: Presenting the Case**

The employee should then schedule a meeting with her employer, to be held in a private place, preferably when no time crunch exists for the employee or employer. It can be helpful to bring notes of key points to be made and it's important to present any documentation provided by medical personnel in relation to the situation. It's also important for the employee to adopt the right mindset before the meeting, “detaching from the emotional impact of charged discussions with careful preparation ahead of time . . . enter into the discussion with an open mind, and the ability to listen to the other party” (Drake, 2011).

The woman should explain her point of view clearly, sharing specifically what she is asking from her employer, while not providing more information than is necessary. In the case of a medical condition, this could serve as an opening statement: “Doctor Morton, I'm sharing this information because it's important for you to know. I have been diagnosed with overactive bladder and I am receiving treatment for the condition that should help alleviate symptoms but won't cure the condition. I will need more frequent restroom breaks and it's possible that I may sometimes need to briefly leave a meeting without much notice.”

For clearer communication, an employee should also give her employer specific requests in writing. If a situation is covered by state or federal laws, then the employer is required to participate in an interactive process to make accommodations. Note that the employer can

request reasonable documentation about a disability or limitation before making accommodations, so the employee should be prepared to comply.

An employee should listen carefully to the employer's response, trying to avoid being defensive or argumentative. She should reframe any objections to requests made, focusing on the main goal: to negotiate a solution that is satisfactory to both employee and employer and that takes into account any medical restrictions or other challenges involved in the particular situation.

### **Discussion / Summary**

This approach typically works well because of the elements of careful preparation and clear communication, two key components of successful negotiations. By preparing herself through a careful review of the employee handbook, plus applicable state and federal laws, along with gathering documentation and getting advice from medical and legal experts, a woman will have a clearer understanding of her rights. This helps her to craft reasonable requests, which can be formulated in conjunction with medical and legal professionals, and empowers her to make a more confident presentation.

Rehearsing the presentation in front of an appropriate test audience helps to identify its weaknesses and hone its strengths before the employee requests specific accommodations and/or makes other requests. Choosing the right time and place is key, as is the right mindset and the use of non-defensive communication.