



Paid Leave and Accommodation Rights for Birthing and Postpartum Workers in California

In California, most workers who give birth have the right to job-protected leave from work, with pay, while they recover from childbirth and bond with their baby. Most parents who do not give birth also have the right to job-protected paid leave to bond with their baby. These rights are available regardless of immigration status.

For more information, read below and scan the QR code at the bottom of this page to find answers to frequently asked questions. Health and social service providers and low-paid workers with questions can contact Legal Aid at Work's Work & Family Helpline at **800-880-8047** for free, confidential advice.

Government workers' rights may differ. Talk to your union or employer or see our factsheet for federal employees: [Workplace Protections for Pregnant and Parenting Federal Employees](#).

STEPS FOR BIRTHING WORKERS

1.

Talk to your health care provider to see what accommodations and/or leave you need from work.

2.

Tell your employer you need accommodations or leave, and if requested, give them a note from your healthcare provider.

3.

Apply to the Employment Development Department (EDD) for State Disability Insurance (SDI) and Paid Family Leave (PFL) during your leave.



LEAVE AND PAY WHILE RECOVERING FROM BIRTH

- You may be eligible for 70-90% of your pay while you recover from birth for 6 weeks (vaginal delivery) or 8 weeks (C-section) through State Disability Insurance (SDI). Apply at edd.ca.gov.
- During this time, your employer must hold your job for you under California's Pregnancy Disability Leave Law (PDL) if your employer has 5+ employees.

If you need **extended medical leave** due to a health condition including **post-partum depression or anxiety**, you may be eligible for up to 52 weeks at 70-90% pay while you recover. Your employer must hold your job for up to 4 months total while you cannot work due to a pregnancy- or childbirth-related condition. You may be entitled to more than 4 months of leave unless it causes an undue hardship on your employer.

LEAVE AND PAY WHILE BONDING WITH YOUR BABY

After you recover from childbirth (after SDI ends), you may be able to receive 8 more weeks of 70-90% pay while bonding with your baby, through Paid Family Leave (PFL). Parents who do not give birth can also receive 70-90% pay for 8 weeks through PFL. Apply at edd.ca.gov.

If eligible, both parents can receive 12 weeks of job-protected bonding leave under the California Family Rights Act (CFRA). This means many parents can take 8 weeks of bonding leave with 70-90% pay, and an additional 4 weeks of unpaid bonding leave, with their jobs held for them. Bonding leave must be taken within the baby's first year of life. To qualify for job protected bonding leave, your employer must have 5+ employees and you must have worked for your employer for 1yr+ and 1250 hours (about 25hrs+ per week) in prior year.



DISCLAIMER: Current as of February 2025. The information provided in this resource does not constitute advice. All content is for general informational purposes only. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.



FREQUENTLY ASKED QUESTIONS

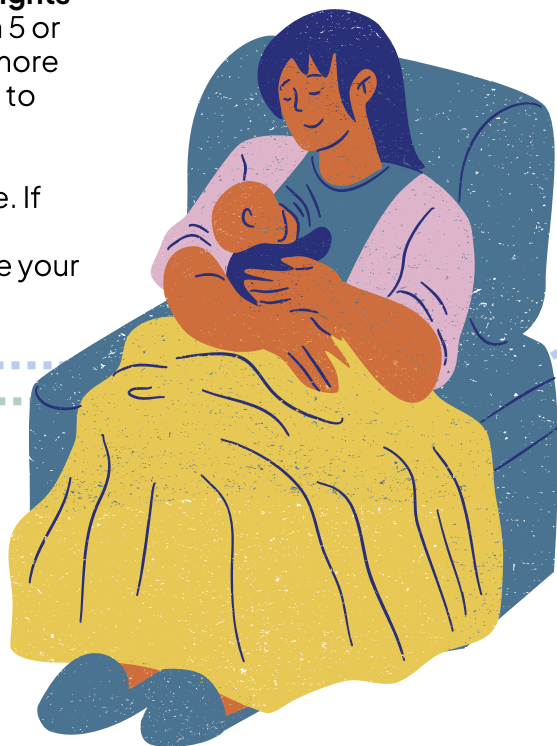
I'm pregnant. How much time can I take off from work without risking my job?

You may be able to take up to 4 months for your own health, and up to 12 weeks to bond with your baby, depending on your health and the hours you work. Learn more:

If you work for an employer with 5 or more employees you can take **up to 4 months** off with your job held for you under the **Pregnancy Disability Leave Law (PDL)**, but only for the time your healthcare provider says you cannot work because of your health. In an uncomplicated pregnancy, leave begins 4 weeks before your due date and continues for 6 weeks after a vaginal birth or 8 weeks after a cesarian section. You can take more time if your healthcare provider certifies that you need it for your health.

After PDL, you can take **an additional 12 weeks** of job-protected leave to bond with your baby under the **California Family Rights Act (CFRA)**. To qualify, you must work for an employer with 5 or more employees, and have worked for your employer for more than one year and at least 1250 hours in the year leading up to your leave.

Give your employer 30 days notice of your leave if possible. If requested, give your employer a medical note stating the expected length of your PDL. Your employer must continue your health insurance benefits during your leave.



Can I get paid during my leave?

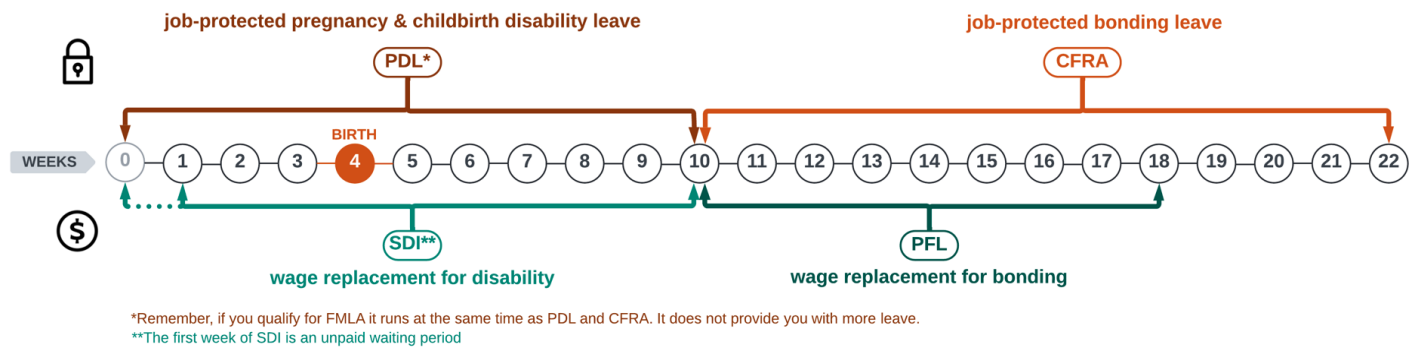
You may be able to receive 70–90% of your income during most of your leave. Learn more:

If you cannot work due to your pregnancy or recovery from childbirth, you may be eligible for **State Disability Insurance (SDI)**, which provides most workers with **90% of their income**, and higher wage workers with 70% of their income up to a cap.

SDI lasts as long as your doctor says you cannot work because of your health, up to 52 weeks total. After you recover from childbirth, you can receive **Paid Family Leave (PFL)** for up to 8 weeks while you bond with your new child. Both parents can receive PFL for bonding, which must be completed within one year of the child's birth or placement in your home. PFL provides most workers with **90% of their income**, and higher wage workers with 70% of their income up to a cap.

To qualify, you must have paid into the SDI fund within the last approximately 5 to 18 months. Contributions are usually labeled CASDI or similar on your paystub. Apply for SDI or PFL through the Employment Development Department (EDD) at edd.ca.gov, or using a paper form. You can apply up to 49 days after your health-related leave began, or later with a good reason (like not knowing about SDI). Benefits are available regardless of immigration status. For application tips for undocumented workers, see edd.ca.gov/en/disability/undocumented_workers/

Here's how it works:



What if I'm welcoming a new baby but not giving birth?

(I'm a dad, adoptive, foster, or any other new parent who was not pregnant with my child)

You may be able to take 12 weeks of leave depending on the hours you work. Learn more:

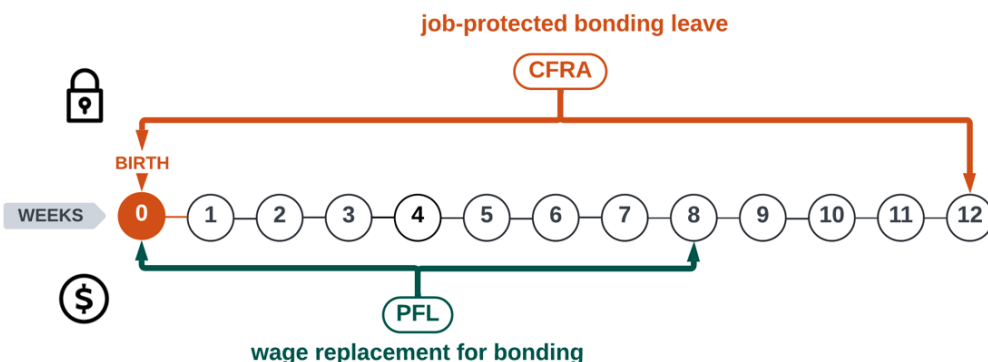
Job protected leave: Non-birthing parents can take **12 weeks** of job-protected time off under the **California Family Rights Act** to bond with a new child within one year of the baby's birth or placement in your home. To qualify, you must work for an employer with 5 or more employees, and have worked for your employer for more than one year and at least 1250 hours in the year leading up to your leave. Give your employer 30 days notice of your leave if possible. Your employer must continue your health insurance benefits during your leave.

Pay during leave: If you are bonding with a new baby or newly adopted or foster child within one year of the child being born or placed in your home, you can receive **Paid Family Leave** for up to 8 weeks. Paid Family Leave provides most workers with **90% of their income**, and higher wage workers with 70% of their income up to a cap.

To qualify, a worker must have paid into the SDI fund within the last approximately 5 to 18 months. Contributions are usually labeled CASDI or similar on your paystub. Apply for PFL at edd.ca.gov or using a paper form. You can apply up to 41 days after your bonding leave began or later with a good reason (like not knowing about PFL). Benefits are available regardless of immigration status. For application tips for undocumented workers, see edd.ca.gov/en/disability/undocumented_workers

Learn more here: [Workplace Rights for Fathers](#); [Workplace Rights for LGBTQ+ Parents](#)

Here's how it works:



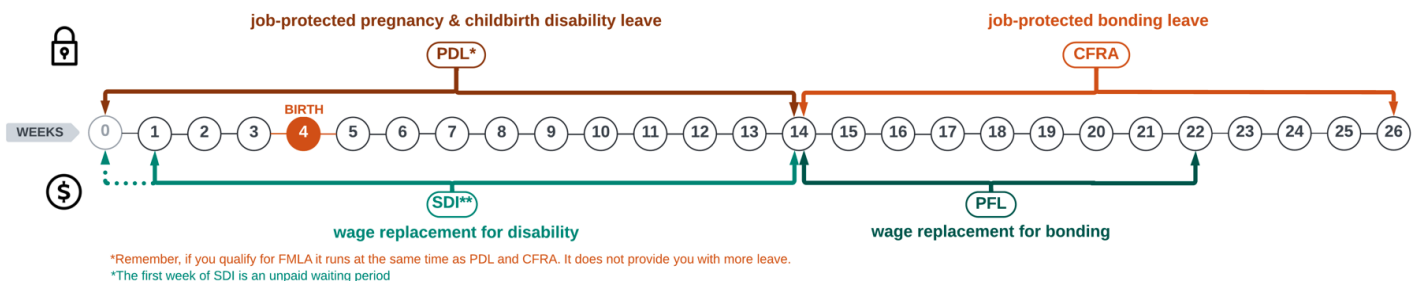
What if I have a difficult recovery?

You may be able to take up to 4 months of leave or longer for a childbirth-related disability. Learn more:

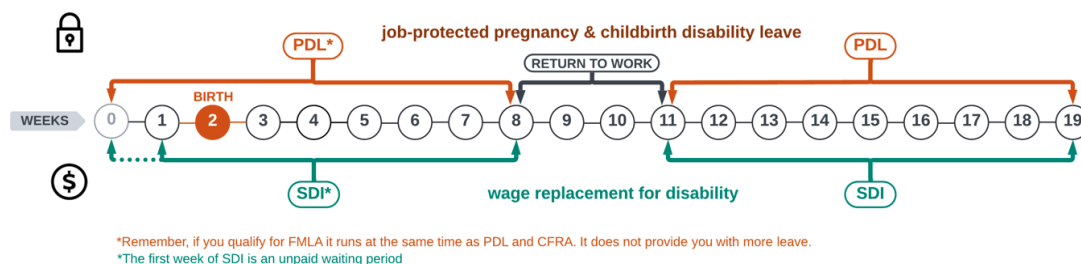
Pregnancy Disability Leave gives workers up to **4 months** of job-protected leave when you cannot work because of pregnancy, recovery from childbirth, or a related condition. While most workers only need 6 weeks to recover from a vaginal birth or 8 weeks to recover from a cesarian section, some workers need more. Your healthcare provider can extend your leave or continue your leave after you returned to work by writing a note stating that you cannot work from [date] to [date] because of a childbirth-related health condition. They do not need to include a specific diagnosis. If you need longer than 4 months for your health, you may be entitled to additional leave as a reasonable accommodation of your disability, as long as it doesn't cause an undue hardship on your employer. Your doctor can certify to the EDD that you remain unable to work so that you can continue to receive SDI.

Workers with childbirth-related conditions are also entitled to reasonable accommodations or changes at work to help them do their jobs. For example, a worker who experiences hip pain as a result of childbirth can receive frequent breaks and a schedule change to allow them to attend weekly physical therapy appointments.

Example: Long recovery. Jennifer starts her leave 4 weeks before her due date. She applies for State Disability Insurance. Her baby is born on the due date, but 6 weeks after her delivery, her doctor determines she needs 4 more weeks off to recover. Jennifer gives her employer a medical note certifying her need for more leave. Her doctor also certifies her need for more leave to the EDD, which extends her SDI benefits. If Jennifer works for an employer with 5+ employees, she has been at her employer at least one year, and she worked 1250+ hours in the year leading up to her leave, she can take 12 additional weeks of California Family Rights Act leave to bond with her baby. She can receive PFL income for 8 of those 12 weeks.



Example: Health complications after returning to work. Tina took 8 weeks of PDL and received SDI during that time – her baby was born two weeks early and she recovered for 6 weeks. After going back to work for 3 weeks, Tina is struggling with her normal day-to-day activities. Tina talks with her doctor who determines she has postpartum depression and needs 8 more weeks of leave to recover. Tina tells her employer that she needs leave for a childbirth-related condition and applies to SDI. Her doctor provides certifications to her employer and to the EDD.



What if I experience a miscarriage or stillbirth?

You and your partner may be able to take leave for reproductive loss. Learn more:

You and your partner may qualify for **5 days** of job-protected but unpaid **Reproductive Loss Leave**. Tell your employer you are taking Reproductive Loss Leave, but you do not need to provide details or a medical note. You may use your paid sick days to get paid. If you or your partner experience health effects from the loss that make you unable to work for a longer period of time, you may qualify for job-protected leave under Pregnancy Disability Leave or the California Family Rights Act, and income under State Disability Insurance. Learn more here: [Rights at Work after Miscarriage, End of Pregnancy, or Other Reproductive Loss](#).

What healthcare providers can certify my need for leave, accommodations, or State Disability Insurance?

For leave from work and accommodations: physicians, licensed marriage and family therapists, licensed acupuncturists, nurse practitioners, nurse midwives, licensed midwives, clinical psychologists, clinical social workers, chiropractors, or physician assistants.

For State Disability Insurance: physicians, chiropractors, podiatrists, optometrists, dentists, psychologists, nurse practitioners or physician assistants, accredited religious practitioners, and licensed midwives and nurse-midwives for pregnancy, childbirth, or postpartum conditions consistent with the scope of their professional licensing.

For sample health care provider certifications and information about healthcare providers' role in helping patients access these rights, see [Leave, Pay, and Accommodations for Pregnant and Birthing Workers in California: A Guide for Healthcare and Service Providers](#).



For sample leave and accommodation requests from employees, see [Sample Request for Pregnancy and Bonding Leave](#) and [Sample Request for Pregnancy Accommodations](#)



For additional resources on these rights including Legal Aid at Work's [Pregnancy + My Job Roadmap and Guide](#), visit legalaidthatwork.org/wf.

For free, confidential legal support for low-paid workers, call **Legal Aid at Work – Work and Family Helpline** at **800-880-8047** or send us an email at legalaidthatwork.org/clinics/work-and-family-clinic.

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