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December 27, 2023

Understanding the Pregnant Workers Fairness Act: Employer Obligations & Accommodation Guidelines

The Pregnant Workers Fairness Act (PWFA) is a federal law requiring employers with 15 or more employees to provide reasonable accommodations for employees with known limitations resulting from pregnancy, childbirth, or related medical conditions. This alert summarizes the PWFA and outlines employers' obligations under the law, which became effective on June 27, 2023.¹

The PWFA aims to protect employees affected by pregnancy, childbirth, or related medical conditions from discrimination and ensures they receive accommodations for short-term, pregnancy-related conditions. These conditions, historically not classified as disabilities and thus not covered under the Americans with Disabilities Act (ADA), now qualify for accommodations, filling an important gap in protection for employees with limitations due to pregnancy or childbirth.

Similar to the ADA, the PWFA requires employers to engage in an interactive process with employees to determine appropriate accommodations. Additionally, employers are prohibited from:

- Refusing employment to applicants due to their need for reasonable accommodation.
- Mandating leave without exploring alternative accommodations to sustain employment.
- Retaliating against those reporting or opposing PWFA discrimination or participating in PWFA proceedings.
- Interfering with the rights granted to employees under the PWFA.

It's important to note that the PWFA does not override other federal, state, or local laws providing different or more generous protections to covered employees. Furthermore, employers aren't obligated to provide reasonable accommodations under the PWFA if the accommodation would create an undue burden.²

Accommodations are critical to creating an environment that equitably supports all employees. However, if not properly executed, the accommodations process can pose significant legal risks for employers. It is advisable to have your organization consult with counsel to ensure your accommodations policy complies with all relevant laws.

¹ For more information on the PWFA please visit <https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act>

² An undue burden requires a significant difficulty on the operations or finances of the employer.

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