

Pregnant Workers Fairness Act Now in Effect

The Pregnant Workers Fairness Act (PWFA) became effective June 27, 2023, and generally applies to all employers with 15 or more employees. The PWFA requires covered employers to provide reasonable accommodations to pregnant workers related to pregnancy, childbirth, or related medical conditions unless the accommodation causes the employer undue hardship.

The Act is administered by the Equal Employment Opportunity Commission (EEOC), which is mandated to provide applicable regulations for administering the PWFA. However, even without those regulations, the EEOC started accepting charges under the PWFA on June 27, 2023 for situations that occurred on that date or later.

There are already existing laws that make it illegal to fire or otherwise discriminate against workers on the basis of pregnancy, childbirth, or related medical conditions, including some laws that are more protective than the PWFA. According to the EEOC, more than 30 states and cities have laws that already provide accommodations for pregnant workers. The PWFA does not override state or local provisions that provide more protection.

Examples of accommodations that might fall under the PWFA include:

- Ability to sit while working
- Drink water
- Closer parking spot
- Flexible hours
- Appropriately sized uniforms and safety apparel
- Additional break time to use the bathroom, eat, and rest
- Take leave or time off for childbirth recovery
- Excused absence from strenuous activities
- Excused absence from activities that involve exposure to substances not safe for pregnancy

More details about the PWFA can be found on the EEOC website by clicking [here](#).

Employers should also be aware of compliance requirements for another recent law affecting mothers who breastfeed at work. The PUMP Act took effect at the beginning of the year and requires employers to provide reasonable break time and an appropriate private location for nursing mothers. More information about the PUMP Act can be found on the Department of Labor's website by clicking [here](#).