

## What You Should Know About the New Pregnant Workers Fairness Act

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There's another new federal law providing additional protections to pregnant employees. The Pregnant Workers Fairness Act (PWFA) requires employers with 15 or more employees to provide "reasonable accommodations" to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an "undue hardship." It becomes effective **on June 27, 2023**. Beginning on that date, the U.S. Equal Employment Opportunity Commission (EEOC) will accept charges based upon violations of this law.

To date, the EEOC has issued no proposed regulations, although it will do so. It offers some [guidance here](#). Your state may already have a similar law, but even if it does, the EEOC guidance may be helpful. The PWFA adopts the familiar ADA interactive process in order to determine if the limitations may be accommodated without undue hardship. The EEOC defines "undue hardship" as "significant difficulty or expense for the employer." The House Committee on Education and Labor Report on the PWFA provided some examples of accommodations, including the ability to sit or drink water; receive closer parking; have flexible hours; receive appropriately sized uniforms and safety apparel; receive additional break time to use the bathroom, eat, and rest; take leave or time off to recover from childbirth; and be excused from strenuous activities and/or activities that involve exposure to compounds not safe for pregnancy.

It's sometimes difficult to determine whether a request for accommodations is reasonable or an undue hardship. Don't assume that the request is a hardship. Remember that a leave of absence may be a reasonable accommodation; consult your employment attorney, who can provide the latest court guidance on the issue.