



# What You Should Know About the Pregnant Workers Fairness Act

## 1. What is the Pregnant Workers Fairness Act?

The **Pregnant Workers Fairness Act (PWFA)** (<https://www.congress.gov/117/bills/hr2617/BILLS-117hr2617enr.pdf#page=1626>) is a new law that requires **covered employers** 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.”

The PWFA applies only to accommodations. **Existing laws** (<https://www.eeoc.gov/pregnancy-discrimination>) that the EEOC enforces make it illegal to fire or otherwise discriminate against workers on the basis of pregnancy, childbirth, or related medical conditions.

The PWFA does not replace federal, state, or local laws that are **more protective** of workers affected by pregnancy, childbirth, or related medical conditions. More than 30 **states** (<https://www.dol.gov/agencies/wb/pregnant-nursing-employment-protections>) and cities have laws that provide accommodations for pregnant workers.

## 2. When does the PWFA go into effect, and will the public have input on any regulations?

The PWFA goes into effect on June 27, 2023. The EEOC is required to issue regulations to carry out the law. The EEOC will issue a proposed version of the PWFA regulations so the public can give their input and offer comments before the regulations become final.

## 3. Is the EEOC accepting charges under the PWFA?

The EEOC will start accepting charges under the PWFA on June 27, 2023. For the PWFA to apply, the situation complained about in the charge must have happened on June 27, 2023, or later. A pregnant worker who needs an

accommodation before June 27th may, however, have a right to receive an accommodation under another federal or state law.

In some situations, workers affected by pregnancy, childbirth, or a related medical condition may be able to get an accommodation under **Title VII of the Civil Rights Act of 1964 or the Americans with Disabilities Act (ADA)**.

Therefore, until June 27, 2023, the EEOC will continue to accept and process Title VII and/or ADA charges involving a lack of accommodation regarding pregnancy, childbirth, or related medical conditions.

After June 27, 2023, the EEOC will analyze charges regarding accommodations for workers affected by pregnancy, childbirth, or related medical conditions under the PWFA (if the violation occurred after June 27, 2023) and, where applicable, under the ADA and/or Title VII.

#### **4. Who does the PWFA protect?**

The PWFA protects employees and applicants of “covered employers” who have known limitations related to pregnancy, childbirth, or related medical conditions.

”Covered employers” include private and public sector employers with at least 15 employees, Congress, Federal agencies, employment agencies, and labor organizations.

#### **5. What are some examples of reasonable accommodations for pregnant workers?**

“Reasonable accommodations” are changes to the work environment or the way things are usually done at work.

The **House Committee on Education and Labor Report on the PWFA** (<https://www.congress.gov/congressional-report/117th-congress/house-report/27/1?overview=closed>) provides several examples of possible reasonable 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. Employers are required to provide reasonable accommodations unless they would cause an “undue hardship” on the employer’s operations. An “undue hardship” is significant difficulty or expense for the employer.

#### **6. What else does the PWFA prohibit?**

Covered employers cannot:

- Require an employee to accept an accommodation without a discussion about the accommodation between the worker and the employer;
- Deny a job or other employment opportunities to a qualified employee or applicant based on the person's need for a reasonable accommodation;
- Require an employee to take leave if another reasonable accommodation can be provided that would let the employee keep working;
- Retaliate against an individual for reporting or opposing unlawful discrimination under the PWFA or participating in a PWFA proceeding (such as an investigation); or
- Interfere with any individual's rights under the PWFA.

## 7. What other federal laws may apply to pregnant workers?

Other laws that apply to workers affected by pregnancy, childbirth, or related medical conditions, include:

- Title VII (enforced by the EEOC), which:
  - Protects an employee from discrimination based on **pregnancy** (<https://www.eeoc.gov/pregnancy-discrimination>), childbirth, or related medical conditions; and
  - Requires covered employers to treat a worker affected by pregnancy, childbirth, or related medical conditions the same as other workers similar in their ability or inability to work;
- The ADA (enforced by the EEOC), which:
  - Protects an employee from discrimination based on **disability** (<https://www.eeoc.gov/eeoc-disability-related-resources>); and
  - Requires covered employers to provide reasonable accommodations to a person with a disability if the reasonable accommodation would not cause an undue hardship for the employer.
  - While pregnancy is not a disability under the ADA, some pregnancy-related conditions **may be disabilities** (<https://www.eeoc.gov/laws/guidance/questions-and-answers-about-eeocs-enforcement-guidance-pregnancy-discrimination-and#q17>) under the law.

- The **Family and Medical Leave Act of 1993** (<https://www.dol.gov/agencies/whd/fmla>) (enforced by the U.S. Department of Labor), which provides covered employees with unpaid, job-protected leave for certain family and medical reasons; and
- The **PUMP Act** (<https://www.dol.gov/agencies/whd/nursing-mothers>) (Providing Urgent Maternal Protections for Nursing Mothers Act) (enforced by the U.S. Department of Labor), which broadens workplace protections for employees to express breast milk at work.

## Resources for Workers

**TIPS FOR ASKING FOR A REASONABLE ACCOMMODATION**

IF YOUR PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITION MAKES IT HARDER FOR YOU TO PERFORM YOUR JOB, YOU CAN ASK FOR A CHANGE CALLED A REASONABLE ACCOMMODATION.

- 1 TALK** to your employer. Your manager, human resources, or person designated in the company policy is a good place to start.

*Covered employers must provide a reasonable accommodation unless it will cause them an undue hardship.*
- 2 EXPLAIN** that because of a physical or mental condition related to your pregnancy, childbirth, or related medical condition, you need a change.
- 3 SHARE** with your employer what barriers you are facing. Give ideas, if you have them, for what could help you do your job.

*For example, you may need to do your job differently, a piece of equipment, additional breaks, leave, or a different schedule.*
- 4 IF YOUR EMPLOYER SAYS "NO"** **PROVIDE** information. Tell your employer about the EEOC's webpage: [What You Should Know About the Pregnant Workers Fairness Act](#).

**REACH OUT** to the EEOC. The EEOC can help you decide on next steps.



**CONTACT US:**  
1-800-669-4000  
[WWW.EEOC.GOV](http://WWW.EEOC.GOV)



**Download Infographic:**  
**Tips for Asking for Reasonable Accommodation**

<https://www.eeoc.gov/sites/default/files/2023-06/PWFA%20Reasonable%20Steps%20Infographic.pdf>



**Videos: Pregnancy Playlist from EEOC and the Department of Labor ([https://www.youtube.com/watch?v=5C1wyqLJUF0&list=PL65EFmHB\\_s4BYvk6Qff0cqCSZFCcINfnr](https://www.youtube.com/watch?v=5C1wyqLJUF0&list=PL65EFmHB_s4BYvk6Qff0cqCSZFCcINfnr))**

## For Employers and Healthcare Providers

**PREGNANT WORKERS FAIRNESS ACT (PWFA)**

**WHAT IS PWFA?**  
The Pregnant Workers Fairness Act (PWFA) is a federal law that, starting June 27, 2023, requires covered employers to provide "reasonable accommodations" to a qualified worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an "undue hardship." An undue hardship is defined as causing significant difficulty or expense.

**"Reasonable accommodations" are changes to the work environment or the way things are usually done at work.**

**WHAT ARE SOME POSSIBLE ACCOMMODATIONS FOR PREGNANT WORKERS?**

- Being able to sit or drink water
- Receiving closer parking
- Having flexible hours
- Receiving appropriately sized uniforms and safety apparel
- Receiving additional break time to use the bathroom, eat, and rest
- Taking leave or time off to recover from childbirth
- Being excused from strenuous activities and/or exposure to chemicals not safe for pregnancy

**WHAT OTHER FEDERAL EMPLOYMENT LAWS MAY APPLY TO PREGNANT WORKERS?**  
Other laws that apply to workers affected by pregnancy, childbirth, or related medical conditions, include:

- Title VII, which prohibits employment discrimination based on sex, pregnancy, or other protected categories (enforced by the U.S. Equal Employment Opportunity Commission (EEOC))
- The ADA, which prohibits employment discrimination based on disability (enforced by the EEOC)
- The Family and Medical Leave Act, which provides unpaid leave for certain workers for pregnancy and to bond with a new child (enforced by the U.S. Department of Labor)
- The FMLA, which provides nursing mothers a time and private place to pump at work (enforced by the U.S. Department of Labor)

Learn more at [www.EEOC.gov/PregnancyDiscrimination](https://www.EEOC.gov/PregnancyDiscrimination)

**Download PWFA Poster for Healthcare Providers (<https://www.eeoc.gov/sites/default/files/2023->**



## Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

<p><b>Who is Protected?</b></p> <ul style="list-style-type: none"> <li>• Unemployed current and former, including managers and temporary employees</li> <li>• Job applicants</li> <li>• Union members and applicants for membership in a union</li> </ul>	<p><b>What Organizations are Covered?</b></p> <ul style="list-style-type: none"> <li>• Most private employers</li> <li>• State and local governments (as employers)</li> <li>• unions</li> <li>• Staffing agencies</li> <li>• Educational institutions (as employers)</li> </ul>
<p><b>What Types of Employment Discrimination are Illegal?</b></p> <p>Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the basis of:</p> <ul style="list-style-type: none"> <li>• Race</li> <li>• Color</li> <li>• Religion</li> <li>• National origin</li> <li>• Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)</li> <li>• Age (40 and older)</li> <li>• Disability</li> <li>• Genetic information (including employee requests for, or purchase, use, or</li> </ul>	<p><b>What Employment Practices can be Challenged as Discriminatory?</b></p> <p>All aspects of employment, including:</p> <ul style="list-style-type: none"> <li>• Discharge, firing, or lay-off</li> <li>• Recruitment (including whether or not to interview)</li> <li>• Hiring or promotion</li> <li>• Assignment</li> <li>• Pay (equal pay or compensation)</li> <li>• Failure to provide reasonable accommodation for a disability, pregnancy, childbirth, or related medical condition, or a sincerely held religious belief, observance or practice</li> <li>• Harassment</li> <li>• Job training</li> <li>• Classification</li> <li>• National</li> <li>• Retention or discharge</li> <li>• Information of employees</li> <li>• Requesting or disclosing medical information of employees</li> <li>• Conduct that might severely disrupt or interfere with someone asserting their rights, or someone assisting or encouraging someone else to exercise their rights, regarding disability discrimination (including an accommodation) or pregnancy accommodation</li> </ul>

**What can You Do if You Believe Discrimination has Occurred?**

Contact the EEOC promptly if you suspect discrimination. So act fast, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:

<p><b>Submit</b> an inquiry through the EEOC's public portal: <a href="http://www.eeoc.gov/eeoc/how_to_file_a_charge.cfm">www.eeoc.gov/eeoc/how_to_file_a_charge.cfm</a></p> <p><b>Call</b> 1-800-658-4828 (toll-free) 1-800-658-4828 (TDD) 1-844-234-5122 (AAS, voice phone)</p>	<p><b>Visit</b> an EEOC field office (information at <a href="http://www.eeoc.gov/field-office">www.eeoc.gov/field-office</a>)</p> <p><b>E-Mail</b> <a href="mailto:info@eeoc.gov">info@eeoc.gov</a></p> <p>Additional information about the EEOC, including information about filing a charge of discrimination, is available at <a href="http://www.eeoc.gov">www.eeoc.gov</a>.</p> 
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**Download "Know Your Rights:  
Workplace Discrimination is Illegal" poster (<https://www.eeoc.gov/poster>)**

# THE PREGNANT WORKERS FAIRNESS ACT (PWFA)

Prepare for this new law before it goes into effect on June 27, 2023.

## WHAT IS IT?

The PWFA requires covered employers 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."



**72%**

of working women will become pregnant while employed at some time in their lives.

SOURCE: U.S. Census Bureau, "Pregnancy, Childbirth, and Postpartum Experiences," 2019-2020.

## 8 IN 10



first-time pregnant women work until their final month of pregnancy.

SOURCE: U.S. Congress, Pregnant Workers Fairness Act, 2021. [www.congress.gov/115/records/115/2021/05/11/pwfa](https://www.congress.gov/115/records/115/2021/05/11/pwfa)



of moms have thought about leaving a job due to a lack of reasonable accommodation or fear of discrimination from an employer during pregnancy, according to one survey.

SOURCE: Equal Labor Policy Center, "Pregnant Workers: A Survey of Experiences," February 15, 2022.

## TIP FOR EMPLOYERS:

**Train** supervisors about the PWFA so they are ready when they get reasonable accommodation requests.

Examples of reasonable accommodations that may be available to workers:

- Offering additional, longer, or more flexible breaks to eat, drink, rest, or use the restroom. 
- Changing a work schedule, such as having shorter hours, part-time work, or a later start time. 
- Changing food or drink policies to allow a worker to have a water bottle or food. 
- Providing leave for medical appointments or to recover from childbirth.



Learn more at [EEOC.gov](https://www.eeoc.gov)



**Download Infographic:**

**The Pregnant Workers Fairness Act (PWFA)**

**([https://www.eeoc.gov/sites/default/files/2023-05/PWFA%20Infographic-](https://www.eeoc.gov/sites/default/files/2023-05/PWFA%20Infographic-1_508%20FINAL.pdf)**

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