Some examples of reasonable accommodations include:

- Light duty, or help with manual labor and lifting
- Temporary transfer to a less physically demanding or safer position
- Additional, longer, or more flexible breaks to drink water, eat, rest, or use the bathroom
- Changing food or drink policies to allow a worker to have a water bottle or food
- Changing equipment, devices, or work station, such as providing a stool to sit on or adding a lock to a clean meeting room to turn it into a temporary lactation space
- Making existing facilities easier to use, such as relocating a workstation closer to the restroom
- Changing a uniform or dress code, like allowing wearing maternity pants
- Changing a work schedule, like having shorter work hours or a later start time to accommodate morning sickness
- Breaks, private space (not in a bathroom), and other accommodations for lactation needs
- Flexible scheduling for prenatal or postnatal appointments
- Time off for bedrest, recovery from childbirth, mastitis, and more

Undue hardship is based on factors like the cost of an accommodation and the employer’s financial resources.

- For example, it would likely not be an undue hardship for a multimillion-dollar corporation with thousands of employees to temporarily transfer a warehouse worker to a light duty position.
- Likewise, it would probably not be an undue hardship for a dentist office to provide extra breaks to use the restroom and drink water.
Workers will now have a **right to accommodations** for a wide range of needs related to pregnancy, childbirth, or related medical conditions.

- That includes common needs related to pregnancy and recovery from childbirth.
- Related medical condition includes lactation, mastitis, and more.
- A pregnant or postpartum worker does not need to have a pregnancy-related disability in order to receive an accommodation. **This is a very important change to existing federal law.**

Under the Pregnant Workers Fairness Act, an employer must have a **good-faith conversation** with a worker seeking reasonable accommodations about the worker’s needs and reasonable accommodations that could meet those needs. This is called the **“interactive process.”**

- The interactive process can occur in person, by phone, over email, or in other ways. For example, Human Resources might have a meeting with a pregnant worker requesting accommodations to discuss what job duties the employee can safely do, or talk about available positions that the employee could temporarily transfer to.
- A worker does not need to use any “magic words,” or mention the “Pregnant Workers Fairness Act” or the phrase “reasonable accommodation,” in order to start this process.
- The employer must respond to the request and engage in the interactive process promptly.

**Retaliating against a worker for needing, requesting, or using a reasonable accommodation is unlawful.**

- An employer cannot force a worker to accept an accommodation that the worker does not want or need, or force a worker to take leave, whether paid or unpaid. For example, an employer cannot force a pregnant employee to accept a reduced work schedule or stop traveling for work, if the employee does not want or need those changes.

**Who does the Pregnant Workers Fairness Act Protect?**

- The law protects people who work for the government, and for private employers with at least 15 employees. In addition to full-time workers, the law also protects part-time, temporary, and seasonal workers as well as people applying for jobs.

SOURCE: A Better Balance

For more information, contact North Shore AFL-CIO Political Director Brian Pearson at 330-402-8411 or bpearson@clevelandaflcio.org.