



LEGISLATIVE FACT SHEET

Pregnant Workers Fairness Act

H.R. 1065

FEDERAL LAW EFFECTIVE JUNE 27, 2023

The Pregnant Workers Fairness Act (PWFA) is a landmark civil rights law that will ensure pregnant and postpartum workers are not forced off the job, and get the accommodations they need, without facing discrimination or retaliation in the workplace.

Specifically, the PWFA guarantees workers the affirmative right to receive reasonable accommodations for known limitations stemming from pregnancy, childbirth, and related medical conditions unless the requested accommodations would pose an “undue hardship” to the employer (similar to the familiar process in place for workers with disabilities.)

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

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