

Employer's Duty of Reasonable Accommodation under Pregnant Workers Fairness Act (PWFA) Becomes Effective

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The PWFA, a federal statute that provides protections to pregnant workers, became effective on June 27, 2023. In general, the PWFA requires covered employers to provide reasonable accommodations to a worker's known limitations and medical conditions related to pregnancy and/or childbirth. Possible reasonable accommodations that may be provided under the PWFA include: a closer parking space; flexible hours; appropriately sized uniforms; safety apparel; and additional break time to use the bathroom, eat, and rest, among others. The PWFA covers employers with 15 or more employees.

The U.S. Equal Employment Opportunity Commission (EEOC) has yet to issue regulations or guidelines on the interpretation and enforcement of this statute. However, it has announced that it will be reviewing formal complaints under the PWFA that are timely filed with the agency. Any such complaints must be based on events that occurred on or after the PFWA's effective date.

Please note that the PWFA does not replace other federal, state, or local laws that provide additional rights and protections to pregnant workers, such as the Providing Urgent Maternal Protections for Nursing Mothers Act; the Working Mothers Protection Act, P.R. Act No. 3 of March 13, 1942, and the Non-Occupational Disability Insurance Act, P.R. Act No. 139 of June 26, 1968, among other laws, regulations, and interpretive guidelines.

Employers should ensure that their reasonable accommodation policies and practices are in line with this legal framework.

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