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EEOC Steps Up Enforcement for Pregnant Workers: What Businesses Need to Know About the Pregnant Workers Fairness Act

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The Equal Employment Opportunity Commission (EEOC), the federal agency tasked with enforcing anti-discrimination laws, has been increasingly active in addressing compliance with regulations affecting pregnant workers. This has been particularly evident in fiscal year 2024, as the EEOC has already filed five cases under the Pregnant Workers Fairness Act (PWFA), despite the law being in effect for just over a year. State labor commissions, such as the Utah Antidiscrimination and Labor Division, have likewise seen an increase in charges by pregnant workers.

Passed in 2023, the federal PWFA was introduced to combat discrimination and promote workplace equality by requiring employers to provide reasonable accommodations to employees and applicants with known limitations related to pregnancy, childbirth, or related medical conditions. Retaliation against such workers is prohibited.

Some employers have been caught off guard since pregnancy-related leave, without extenuating medical complications, has largely been a function of company parental leave policies, particularly where a worker has not been employed long enough to qualify for other leave. Employers need to take note that they are now required to engage in the interactive process to determine whether an employee is entitled to an accommodation for a pregnancy-related condition – even those not associated with complications – such as normal childbirth and recovery time.

This week, a federal judge in Florida approved a nearly \$100,000 settlement where an employer was accused of violating both the PWFA and Americans with Disabilities Act (“ADA”). In that case, a former line cook at a beach resort and club (the “Resort”) gave birth to a stillborn baby, causing her significant emotional trauma. The employee notified the Resort of her need for leave, and provided a doctor’s notice stating that she would need six weeks to recover. However, the next day, rather than providing the leave, the Resort fired her. The EEOC took up her case and achieved a settlement on her behalf which included injunctive relief wherein the Resort agreed in the future not to “terminate or harass any employee on the basis of their pregnancy and/or disability,” to “provide reasonable accommodations to applicants’ and employees’ known

limitations related to pregnancy, childbirth, or related medical condition,” and to not “retaliate against any person for requesting a reasonable accommodation under the PWFA or ADA.”

As the EEOC ramps up its enforcement of the PWFA, businesses should take note of the legislation's new protections for pregnant workers. Employers should review their policies and practices to ensure compliance. Now, more than ever, proactive measures are key to avoiding costly litigation and fostering an inclusive, compliant workplace that supports all employees.

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