

# WORKPLACE ACCOMMODATIONS

## Pregnant Workers Fairness Act (PWFA)



Despite the well established Pregnancy Discrimination Act of 1978 (PDA) declaring that discrimination on the basis of pregnancy and childbirth is illegal sex discrimination, nearly 31,000 pregnancy discrimination charges have been filed between 2010 and 2015 with the U.S. Equal Employment Opportunity Commission (EEOC). Pregnant workers are often forced out of their jobs and denied reasonable accommodations, jeopardizing their health and the health of their baby. A study in 2013 found that 250,000 pregnant workers are denied reasonable accommodations per year.<sup>1</sup>

Pregnant workers are further discriminated against according to their race, ethnicity, immigrant and income status putting their employee rights and health at a disadvantage. Latinas, Black women, immigrant and low-income women are more likely to work in labor-intensive occupations. White women file pregnancy discrimination charges at higher rates of 46%, whereas Black women file at lower rates of 29% despite their poor working conditions. Black women are at higher risk for pregnancy related complications and have the highest infant mortality rate in the United States.<sup>2</sup>

The Pregnant Workers Fairness Act (PWFA) (H.R. 1065/S. 4431), a bipartisan bill, would ensure that pregnant workers have the reasonable accommodations they need to work safely while maintaining healthy pregnancies. This bill would specifically clarify existing law and create a uniform national standard. PWFA would:

- Prevent employers from forcing pregnant workers out of the workplace
- Require pregnant workers and employers to interact on reasonable accommodations
- Provide an exemption for businesses if pregnant workers are faced with an accommodation that poses undue hardships
- Protect pregnant workers from inappropriate behavior expressed when they request accommodations
- Employers with 15 or more employees must make reasonable accommodations for any employee with limitations related to pregnancy
- Promote family economic security

Although the 2015 U.S. Supreme Court decision *Young v. United Parcel Service* held that failing to accommodate pregnant workers with medical needs violates PDA, PWFA is still important in protecting pregnant workers. While 30 states including Washington D.C. and five cities have passed laws requiring employers to provide reasonable accommodations, a federal law would help protect pregnant workers nationwide.<sup>3</sup>

### References

- <sup>1, 2</sup> The Pregnant Workers Fairness Act - nationalpartnership.org. (n.d.). Retrieved from <http://www.nationalpartnership.org/our-work/resources/workplace/pregnancy-discrimination/fact-sheet-pwfa.pdf>
- <sup>3</sup> State Pregnant Workers Fairness Laws. (2021, November 29). Retrieved from <https://www.abetterbalance.org/resources/fairness-for-pregnant-workers-bill-factsheet/>

## HIGHLIGHTS

- Despite the PDA of 1978, there have been nearly 31,000 pregnancy discrimination charges filed between 2010 and 2015
- A 2013 study estimated 250,000 pregnant workers are denied reasonable accommodations per year
- Pregnant workers are further discriminated against according to their race, ethnicity, immigrant and income status
- PWFA would ensure reasonable accommodations and healthy pregnancies
- Even with *Young v. UPS* court decision, a federal law is needed to protect workers nationwide