



# Navigating Compliance with the Final Regulations to the Pregnant Workers Fairness Act

Presented: May 23, 2024, by

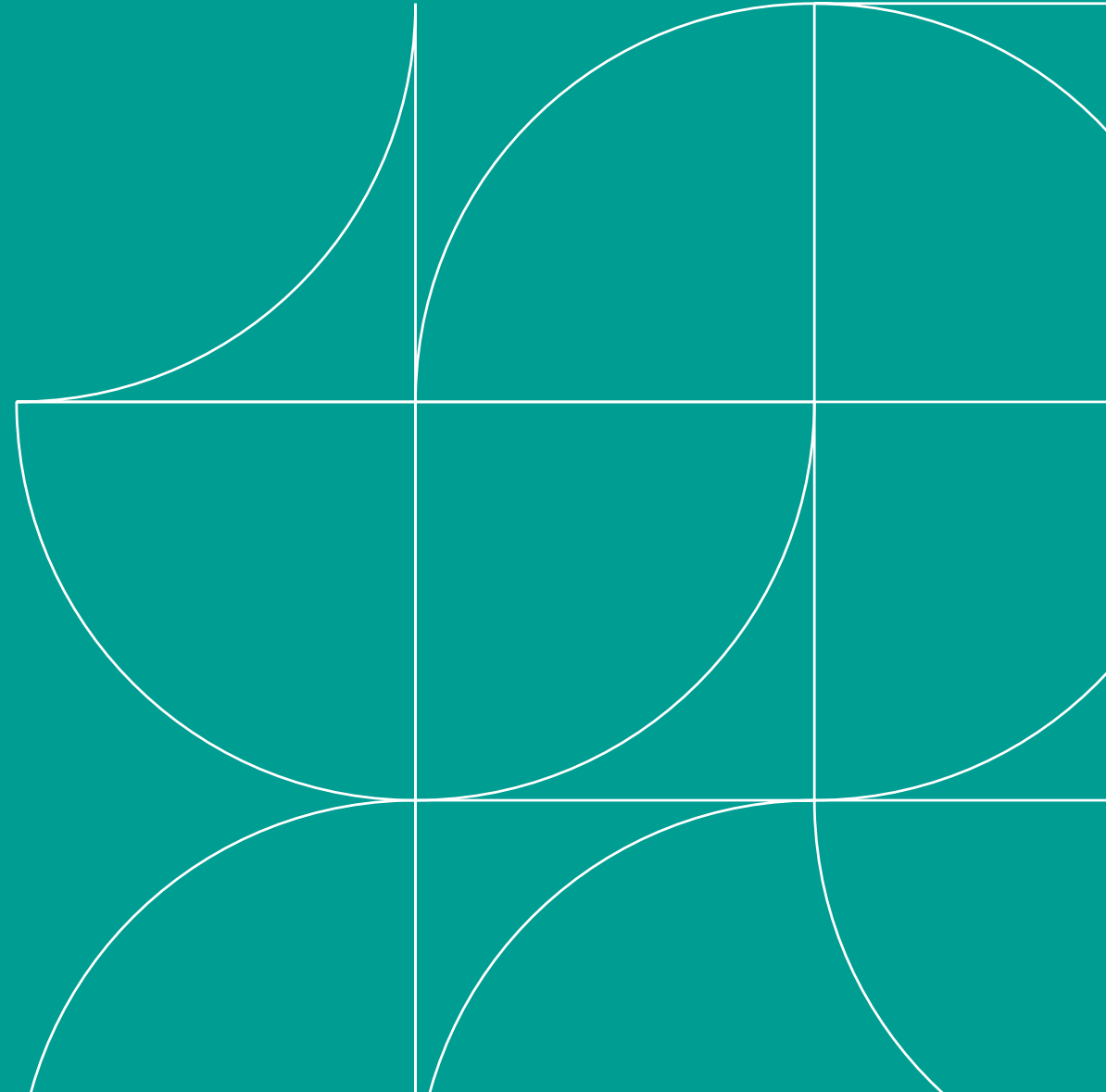
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# Speakers

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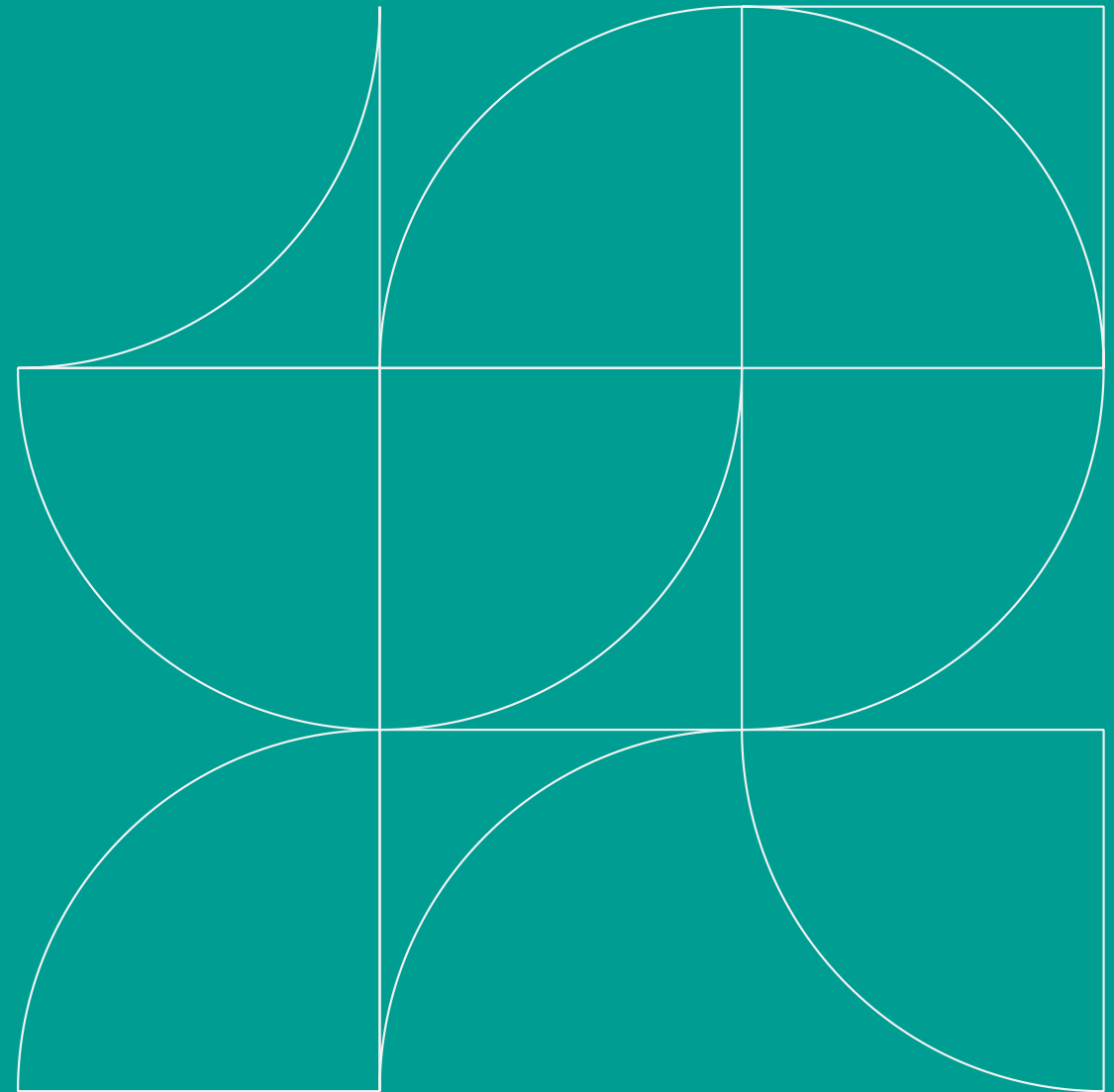


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# Agenda

- 1 | PWFA: The Basics
- 2 | What is a Limitation Due to “Pregnancy, Childbirth, or Related Medical Conditions?”
- 3 | Known Limitation
- 4 | Qualified Individual
- 5 | Reasonable Accommodation and the Interactive Process
- 6 | Possible Reasonable Accommodations
- 7 | Unnecessary Delay and Interim Accommodations
- 8 | Undue Hardship and Predictable Assessments
- 9 | Documentation
- 10 | PWFA and Other Laws
- 11 | Unlawful Employment Practices and Remedies
- 12 | Next Steps for Employers

# PWFA: The Basics



# PWFA: The Basics

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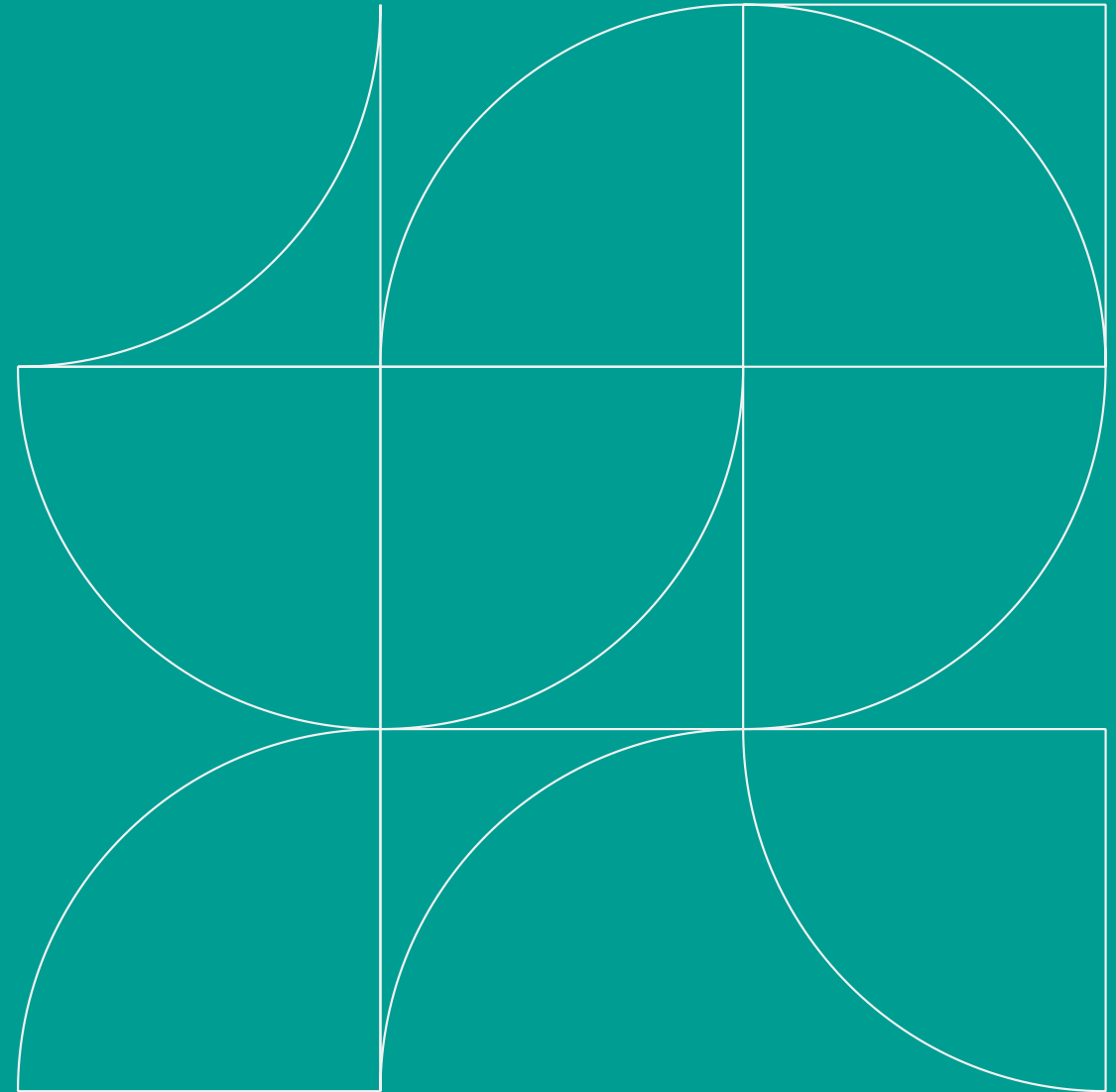
- The PWFA became effective on June 27, 2023.
- The EEOC proposed regulations in 2023 and issued its Final Rule along with an Interpretive Guidance on April 15, 2024, that will be effective on June 18, 2024.
- The PWFA is enforced by the EEOC and uses many terms and concepts from Title VII and the ADA.
- Employees must file an EEOC charge and exhaust their administrative remedies before filing suit in federal court; damages are the same as under Title VII.

# PWFA: The Basics

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- What's it all about?
  - The PWFA requires a **covered entity** to make **reasonable accommodations** to a **qualified employee's or applicant's known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, absent undue hardship.**

# What is a Limitation Due to “Pregnancy, Childbirth, or Related Medical Conditions?”





# “Pregnancy, Childbirth or Related Medical Conditions”

## 29 C.F.R. 1636(b)

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- Same language as used in Title VII (42 U.S.C. 2000e(k)) so given same meaning as under Title VII.
- No level of severity required (modest, minor or episodic) v. ADA (substantial limitation).
- Pregnancy and childbirth
  - current or past pregnancy
  - potential or intended pregnancy (infertility, fertility treatments and use of contraception)
  - labor and childbirth
- Examples of medical conditions relating to pregnancy
  - lactation
  - miscarriage
  - stillbirth
  - having or choosing not to have an abortion
  - preeclampsia, gestational diabetes and many other pregnancy complications

# “Pregnancy, Childbirth or Related Medical Conditions”

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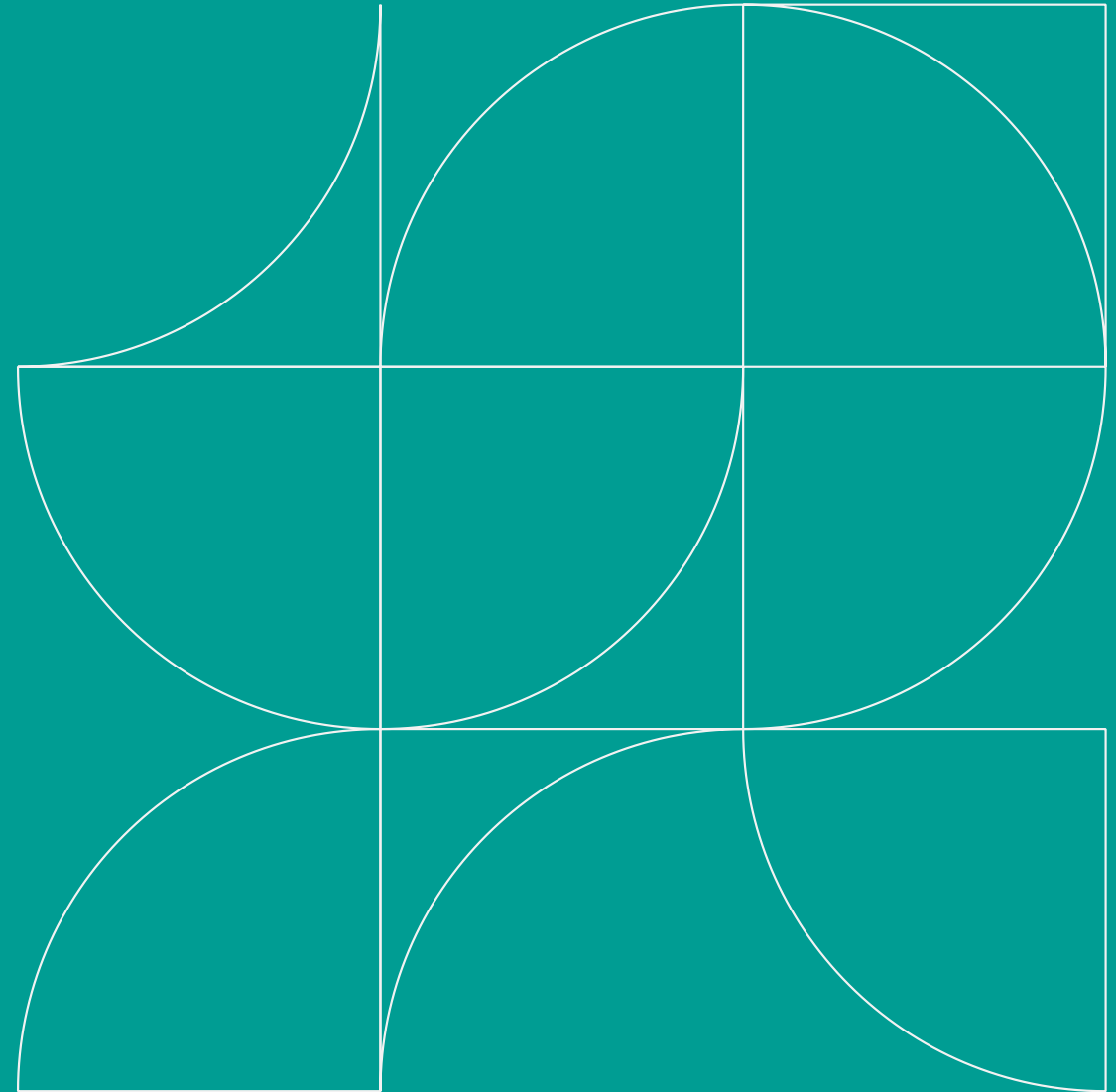
- Examples of medical conditions relating to post-pregnancy
  - depression
  - psychosis
  - conditions related to lactation such as:
    - low milk supply
    - engorgement
    - plugged ducts, mastitis
- Examples of other medical conditions relating to pregnancy
  - nausea or vomiting
  - frequent urination
  - incontinence
  - loss of balance
  - vaginal bleeding
  - menstruation
- Non-exhaustive list, but extremely broad

# “Pregnancy, Childbirth or Related Medical Conditions”

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- Medical condition need not be caused solely by originally or substantially by pregnancy or childbirth.
  - Example: bad back exacerbated by pregnancy.
  - Employee may already have an existing RA under the ADA but remember that the RA under the PWFA may be different or may need to be modified
- Medical condition must relate to pregnancy and childbirth to be covered under PWFA
  - Example: food poisoning and vomiting post-delivery not related to pregnancy or labor and childbirth

# Known Limitation



# Known Limitation

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- “Known Limitation” means
  - (1) A physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions; and
  - (2) That the employee or applicant or representative has communicated to the employer

# Known Limitation

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- Known Limitation does not require showing that any physical or mental condition meets the ADA definition of disability – can be “modest, minor and/or episodic.”
- Limitation must be of the specific employee in question (not a family member, partner, etc.).

# Known Limitation – How Communicated?

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- Who: Employee or Representative
  - Employee representative means family member, friend, union representative, HCP or “other representative”
  - Representative does not need permission
- How: No Specific requirement
  - Need not be in writing, in specific format, use specific words or be on a specific form
  - Employer can confirm in writing or request employee fill out form
- To whom:
  - To person with supervisory authority or one who regularly directs work
  - Human resources personnel
  - Third party agents
  - Other appropriate officials
  - Following policy

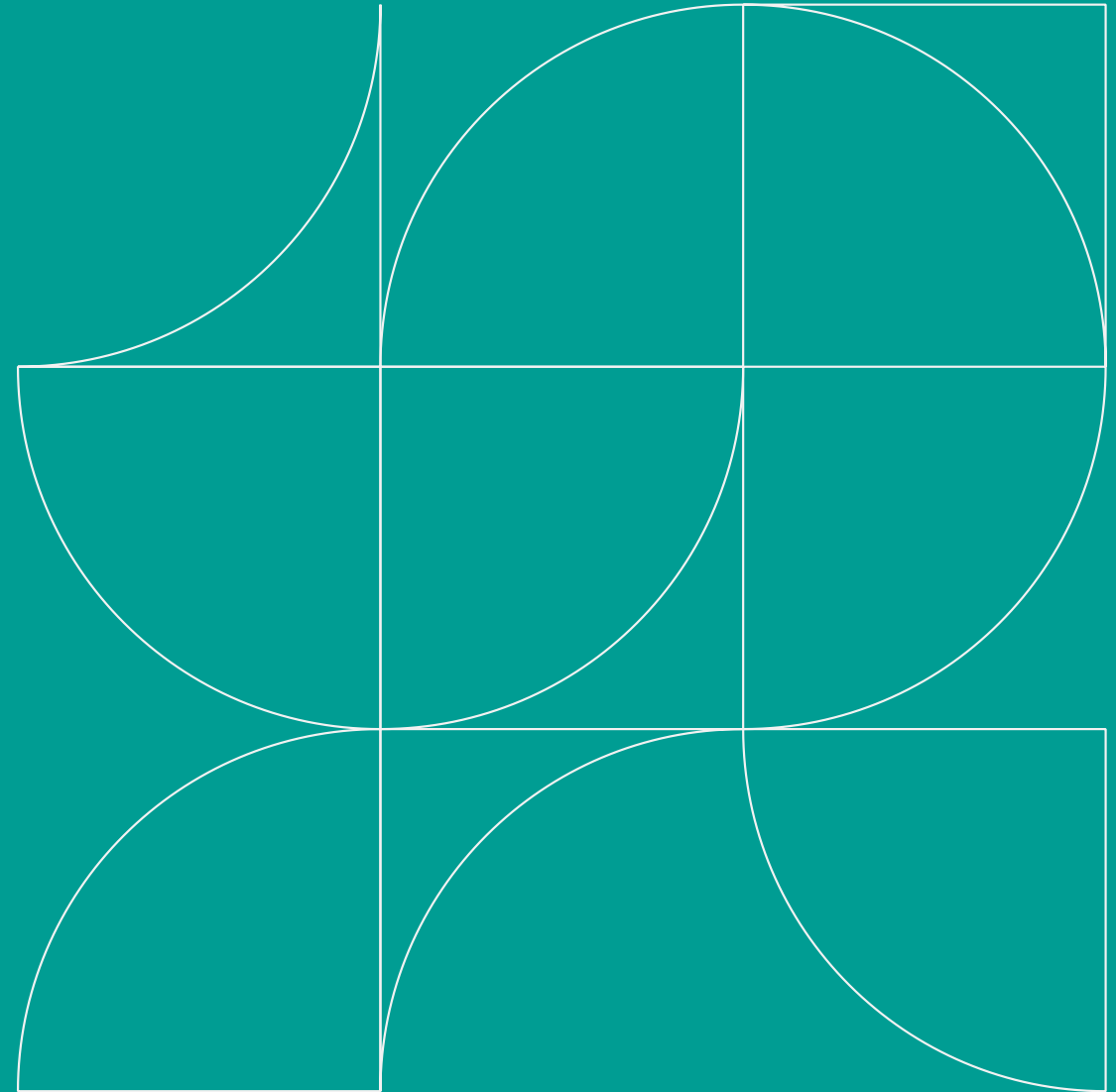
# Known Limitation

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- Example #31/Appropriate Uniform and Safety Gear:
  - Ava is a police officer and is pregnant. They ask their union representative for help getting a larger size uniform and larger size bullet proof vest in order to cover their growing pregnancy. The union representative asks management for an appropriately-sized uniform and vest for Ava.



# Qualified Individual



# Qualified Individual

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- PWFA Section 102(6) uses part of the ADA definition, *but then*
  - States employee can be qualified even with a temporary inability to perform an “essential function” if:
    - (1) The inability to perform an essential function is for a “*temporary period*;”
    - (2) The essential function could be performed “*in the near future*;” and
    - (3) The inability to perform essential function can be “*reasonably accommodated*” by the employer
      - a. Must be able to reasonable accommodate it
      - b. Retain ability to demonstrate RA causes undue hardship

# Qualified Individual: Temporary/In The Near Future

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- “Temporary” – lasting for a limited time, not permanent
- “In the near future”:
  - For current pregnancy – 40 weeks (i.e., the length of the pregnancy)
  - Everything else – determined on a case-by-case basis (can depend on the known limitation and the employee’s position)
- Stacking
- Multiple essential functions can be affected
- Determination of qualified is made at the time of the employment decision/resetting the clock

# Qualified Individual – Reasonable Accommodation

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- Temporary suspension of essential function
- Assigning essential function to others temporarily
- Temporary assignment to different job
- Light duty

# Qualified Individual – Undue Hardship

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- Factors to consider:
  - Length of inability to perform function
  - Whether there is work for employee to do
  - Nature/frequency of function
  - Whether others can perform the work
  - Whether function can be postponed/remain unperformed

# Qualified Individual

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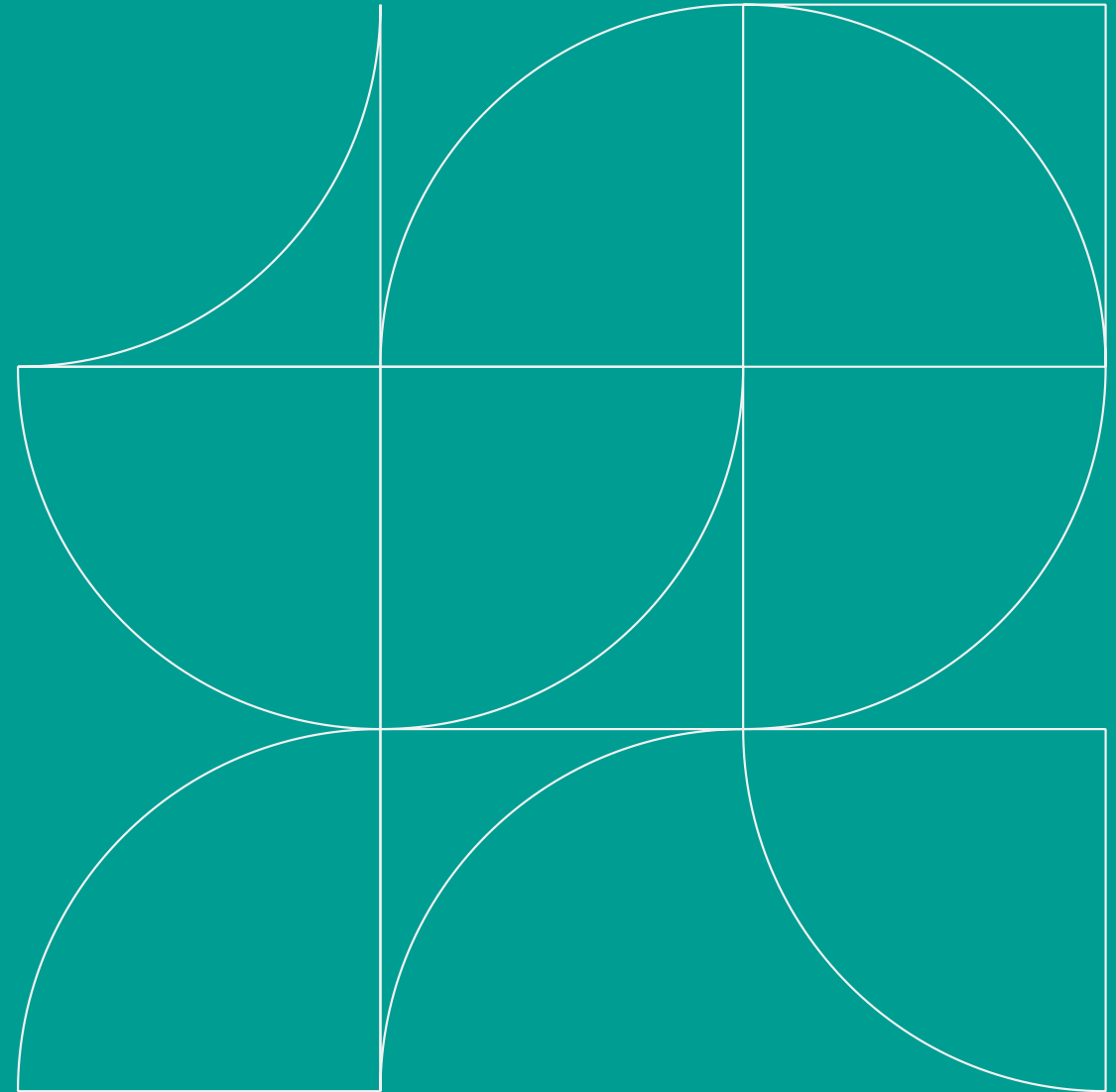
- Example #27/Temporary Suspension of an Essential Function:
  - Nisha, a nurse assistant working in a large elder care facility, is advised in the fourth month of her pregnancy to stop lifting more than 25 pounds for the remainder of the pregnancy. One of the essential functions of the job is to assist patients in dressing, bathing, and moving from and to their beds, tasks that typically require lifting more than 25 pounds.
  - Nisha sends an email to human resources asking that she not be required to lift more than 25 pounds for the remainder of her pregnancy and requesting a place in the established light duty program under which employees who are hurt on the job take on different duties while coworkers take on their temporarily suspended duties.
  - Nisha is qualified and accommodation must be granted absent undue hardship.

# Qualified Individual

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- Example #29/Temporary Suspension of Essential Function(s):
  - Fatima's position as a farmworker usually involves working outdoors in the field although there also is indoor work such as sorting produce.
  - After she returns from giving birth, Fatima develops postpartum thyroiditis, which has made her extremely sensitive to heat, and has contributed to muscle weakness and fatigue.
  - She seeks the accommodation of a 7-month temporary suspension of the essential function of working outdoors in hot weather.
  - Fatima is qualified and accommodation must be granted absent undue hardship.

# Reasonable Accommodation and the Interactive Process





# Reasonable Accommodation and the Interactive Process

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- Reasonable accommodation generally has the same definition as under the ADA with the exception of temporarily not being able to perform one or more EJF.
  - Provide training on this significant difference between the ADA and the PWFA
- Under the PWFA, employers must make a RA for “known limitations” of an employee or applicant absent undue hardship.
- Similar to the ADA, an employer has the discretion to choose between effective accommodations.

# Reasonable Accommodation and the Interactive Process

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- The interactive process should be similar to what organizations use for ADA accommodation requests, but the expectation is that it will often be a simple conversation between the employee and employer.
- Dialogue, dialogue, dialogue
  - Again, consider training on how to handle a RA request and include PWFA accommodation differences.
- Failure to engage in the interactive process is not a stand-alone violation similar to the ADA...but be wary of the consequences of an undue delay.

# Reasonable Accommodation and the Interactive Process

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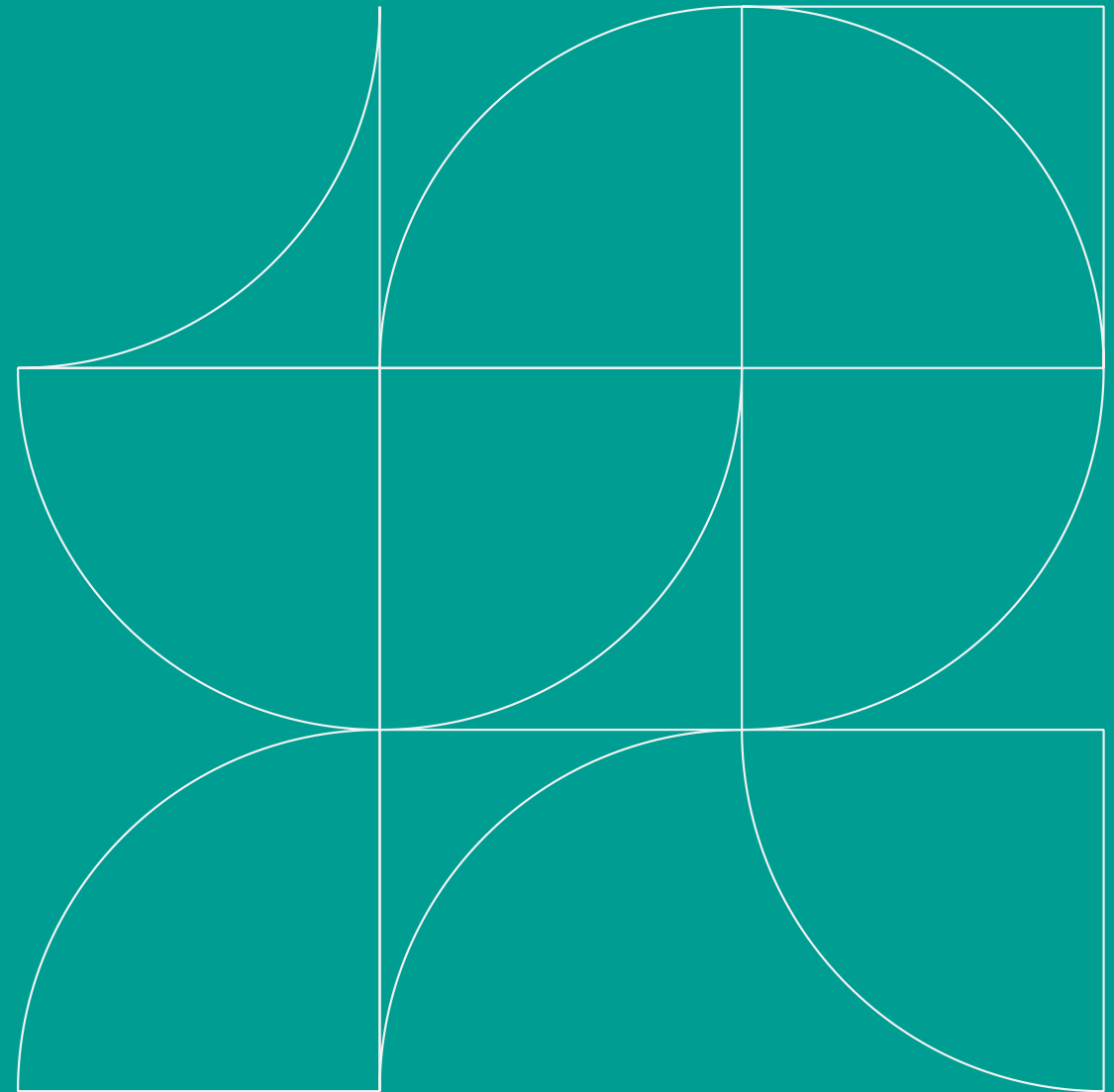
- Leave may be a RA if the employee requests leave as an accommodation or if there is no other RA that does not cause an undue hardship (goal is to keep the employee working and not put them on leave).
  - Leave is an accommodation of last resort
  - An employee placed on leave is entitled to return to their same position upon return to work unless the employer can show holding the position open creates an undue hardship
  - Cannot penalize an employee who takes leave/breaks and may need to pro rate production

# Reasonable Accommodation and the Interactive Process

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- *Example #22/Not Penalizing Employees:*
  - Afefa, a customer service agent who is pregnant, requests two additional 10-minute rest breaks and additional bathroom breaks, as needed, during the workday. The employer determines that these breaks would not pose an undue hardship and grants the request. Because of the additional breaks, Afefa responds to three fewer calls during a shift. Afefa's supervisor gives her a lower performance rating because of her decrease in productivity.

# Possible Reasonable Accommodations

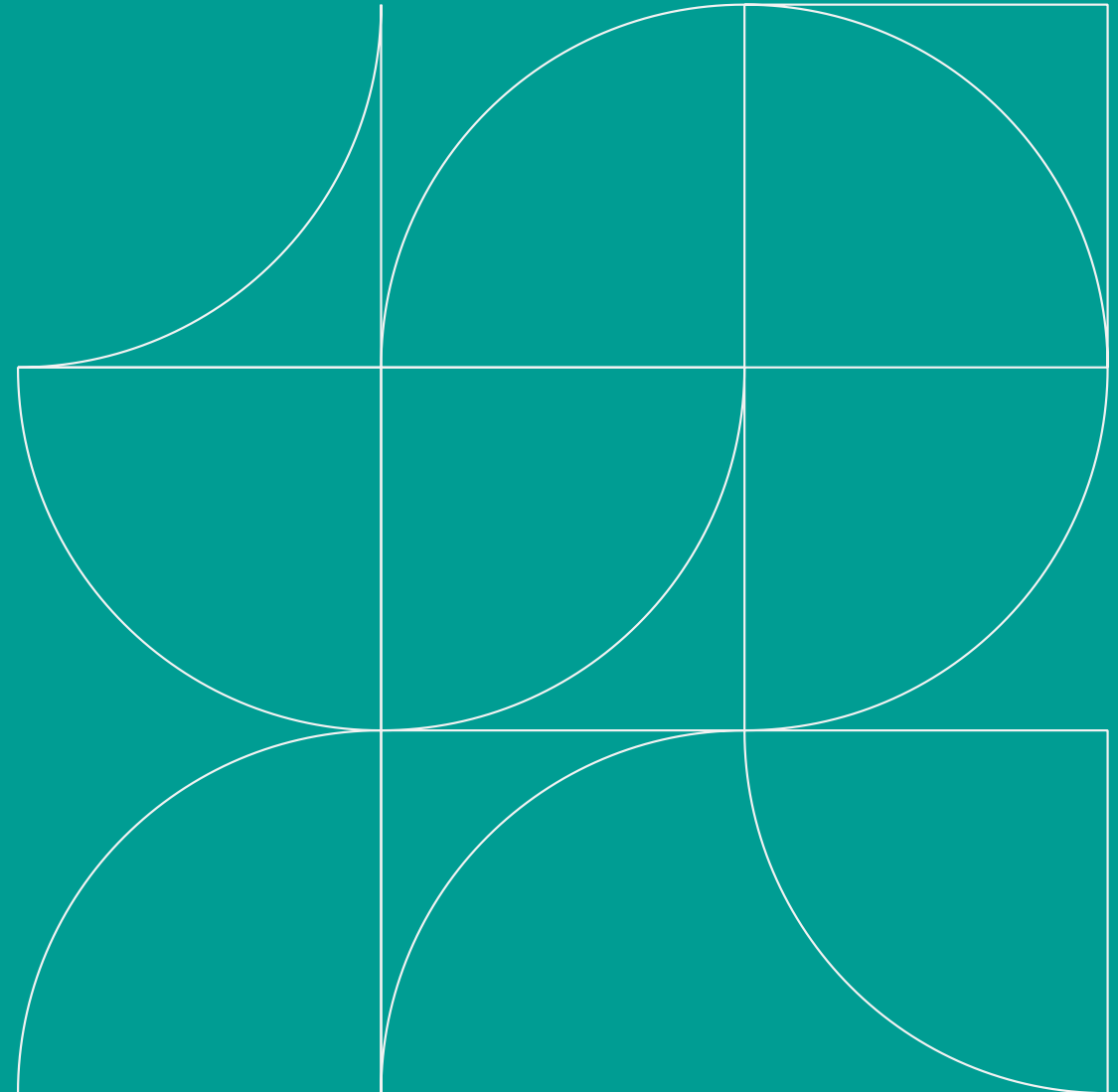


# 1636.3(i) Reasonable Accommodation—Non-Exhaustive List of Examples

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- Frequent breaks
- Sitting/Standing
- Schedule changes, part-time work, and paid and unpaid leave.
- Remote work
- Parking space
- Light Duty
- Making existing facilities accessible/modifying the work environment
- Job restructuring
- **Temporarily removing an essential job function**
- Acquiring or modifying equipment, uniforms, or devices
- Adjusting or modifying examinations or policies

# Unnecessary Delay and Interim Accommodations



# Unnecessary Delay

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- “An unnecessary delay in providing a reasonable accommodation to the known limitations related to pregnancy, childbirth, or related medical conditions” of a qualified employee may result in a violation of the PWFA if the delay constitutes a failure to provide a reasonable accommodation.” 29 C.F.R. 1636.4



# Unnecessary Delay

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- Factors in determining if delay in providing reasonable accommodation is “unnecessary”:
  - Reason for delay
  - Length of delay
  - Length of time accommodation is needed
    - If short duration, delay is failure to provide
  - Who contributed to delay AND . . . .

# Whether An “Interim Accommodation” Was Provided

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- Creates an incentive for employers to provide interim accommodations
  - While waiting for documentation
  - Pending decision
  - Waiting for a piece of equipment
- Health risks of continuing to perform work
- Interim should be one that enables the employee to keep working (i.e., leave will not excuse delay)
- Not required; best practice

# Interim Accommodation

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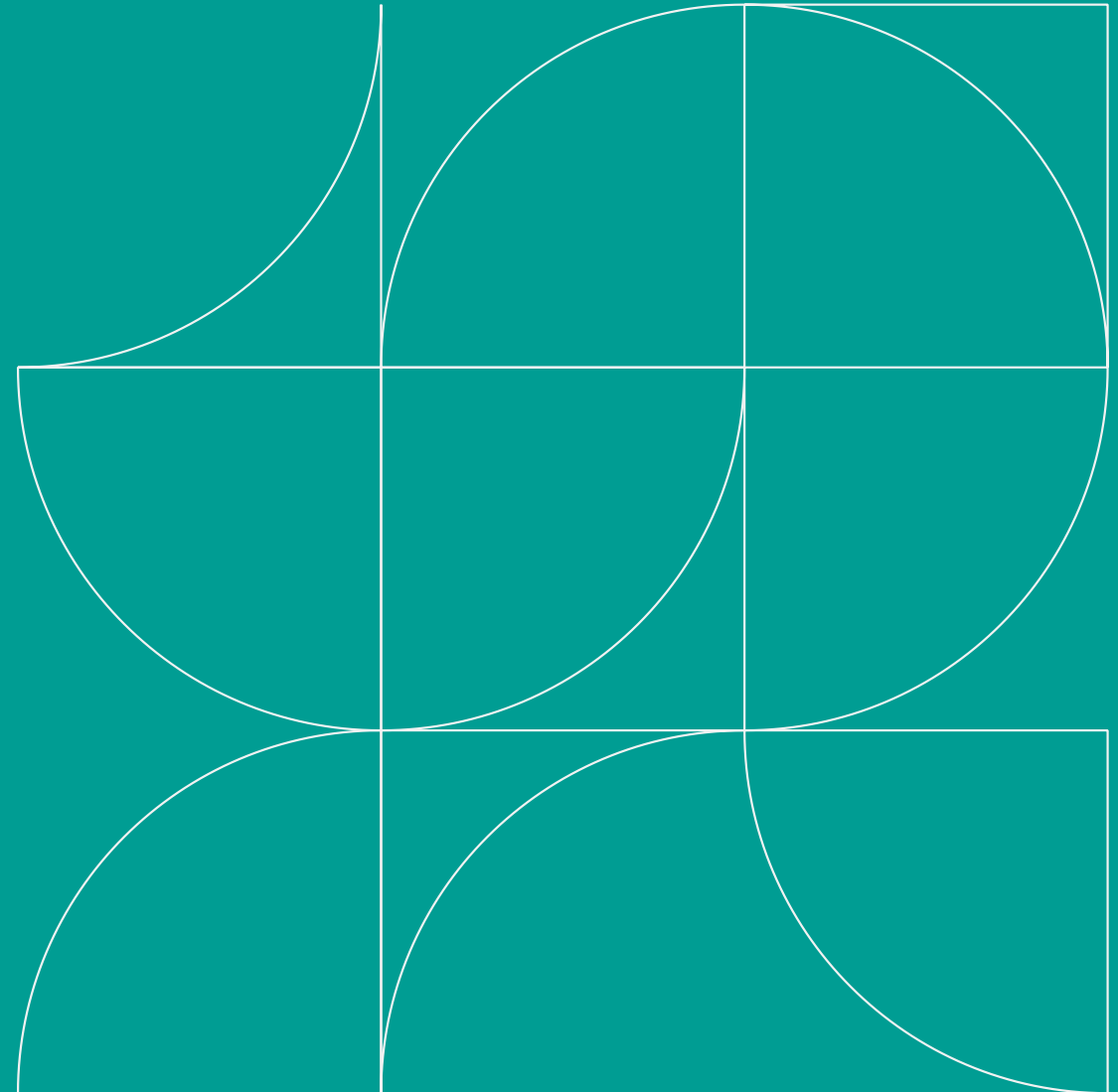
- Example #24/Interim Reasonable Accommodation:
  - Nour is pregnant, and she drives a delivery van. Her employer uses vans that do not have air conditioning. It is summer and the temperature is over 100 degrees.
  - Nour tells her supervisor she is pregnant and needs a change at work because of the risk to her health and the health of her pregnancy because of the excessive heat.
  - Her supervisor orders equipment that will help Nour, such as a personal cooling vest or neck fan.
  - While waiting for the equipment to be delivered, the employer does not have other possible work that Nour can do. In this situation, the employer could tell Nour that she may take leave while waiting for the equipment to arrive.

# Interim Accommodation

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- Example #25/Interim Reasonable Accommodation:
  - The scenario is the same as described in Example #24, but there is office work that Nour could perform while waiting for the equipment.
  - Further, there is evidence that the supervisor and others at the covered entity discussed the idea of giving Nour office work but decided against it because then “every woman is going to come in here and demand it.”
  - In this situation, failing to provide Nour the opportunity to work in the office could be a violation of 42 U.S.C. 2000gg-2(f).

# Undue Hardship and Predictable Assessments



# Undue Hardship

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- “Reasonable accommodation,” “undue hardship,” and “interactive process” have the same meaning given these terms in the ADA and shall be construed in the same way.
- Undue hardship is “significant difficulty or expense” to the employer
- Factors in determining if undue hardship exists:
  - Cost of accommodation, financial resources of facility and employer/number of people and locations, operations, impact on other employees’ ability to do job and employer to conduct business
- Potential for future accommodation requests is not an appropriate consideration.

# Predictable Assessment

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- In “virtually all cases,” these must be given as reasonable accommodation:
  - Allowing an employee to carry or keep water near and drink as needed
  - Additional restroom breaks as needed
  - Allowing an employee to sit/stand as needed
  - Allowing an employee to take additional breaks to eat and drink as needed
- Not reasonable to request documentation when these are requested (simple, inexpensive, widely known to be needed).
- Not per se reasonable accommodation; individualized assessment.

# Predictable Assessment

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- Other PAs proposed in comments:
  - Modifications to uniforms or dress codes;
  - Minor physical modifications to a workstation (e.g., a fan or a chair);
  - Permitting the use of a workstation closer to a bathroom or lactation space, or farther away from environmental hazards (e.g., heat, fumes, or toxins);
  - Use of a closer parking space in an employer-provided parking facility.



# Predictable Assessment

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- Others proposed in comments:
  - Permitting eating or drinking at a workstation or nearby location where food or drink is not usually permitted;
  - Rest or hydration breaks as needed;
  - Providing personal protective equipment (e.g., gloves, goggles, earplugs, hardhats, or masks);
  - 16 medical appointments; and
  - 8 weeks of leave.
- Common, simple and present little difficulty, but not in legislative history.

# Predictable Assessment

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- Example #48/Predictable Assessments:
  - Amara, a quality inspector, experiences painful swelling in her legs, ankles, and feet during the final 3 months of her pregnancy. Her job requires standing for long periods of time, although it can be performed sitting as well.
  - Amara asks the person who assigns her daily work for a stool. Amara's swelling in her legs and ankles is a physical or mental condition related to, affected by, or arising out of pregnancy. Amara's request is for a modification that will virtually always be a reasonable accommodation that does not impose an undue hardship.
  - The employer has never provided a stool to any other worker who complained of difficulty standing, but there is nothing that suggests that this modification is not reasonable or that it would impose an undue hardship on the operation of the employer's business. The employer has not established that providing Amara a stool imposes an undue hardship.

# Predictable Assessment

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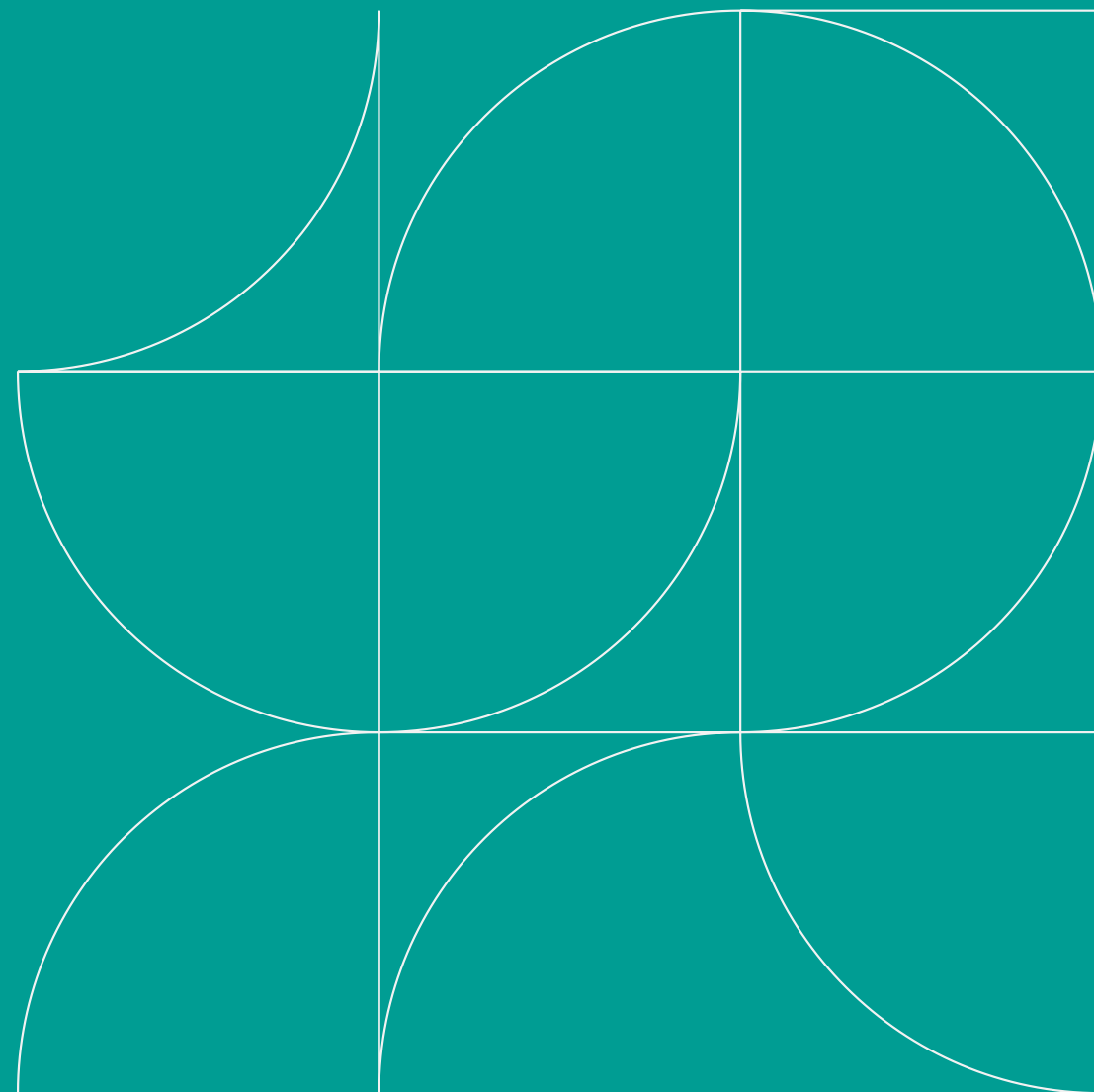
- Example #49/Predictable Assessments:
  - Jazmin, a pregnant teacher who typically is only able to use the bathroom when her class is at lunch, requests additional bathroom breaks during her sixth month of pregnancy. Jazmin's need for additional bathroom breaks is a physical or mental condition related to, affected by, or arising out of pregnancy.
  - There are several teachers in nearby classrooms, aides in some classes, and an administrative assistant in the front office, any of whom, with a few minutes' notice, would be able to provide supervision either by standing in the hallway between classes or sitting in Jazmin's classroom to allow Jazmin a break to use bathroom. The employer has not established that providing Jazmin with additional bathroom breaks imposes an undue hardship.

# Predictable Assessment

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- Example #50/Predictable Assessments:
  - Addison, a clerk responsible for receiving and filing construction plans for development proposals, needs to maintain a regular intake of water throughout the day to maintain a healthy pregnancy.
  - They ask their manager if an exception can be made to the office policy prohibiting liquids at workstations. Addison's need to maintain a regular intake of water is a physical or mental condition related to, affected by, or arising out of pregnancy.
  - Here, although the manager decides against allowing Addison to bring water into their workstation, he proposes that a table be placed just outside the workstation and gives permission for Addison to access water placed on the table as needed. The employer has satisfied its obligation to provide a reasonable accommodation.

# Documentation



# Seeking Supporting Documentation – General Concepts

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- Supporting documentation is not required from an employee seeking a RA.
- If the employer seeks documentation, it is permitted to do so only when reasonable under the circumstances **to determine whether the employee has a physical or mental condition related to, affected by or arising out of pregnancy, childbirth, or related medical conditions (a limitation) and needs an adjustment or change at work due to the limitation.**
- The circumstances must be reasonable and the documentation itself must also be reasonable.
- Provide the employee a reasonable time to submit the documentation.

# Seeking Supporting Documentation – General Concepts

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- Seeking documentation **that goes beyond what is permitted** may demonstrate retaliation or coercion, regardless of whether the accommodation is granted or whether the employee provides the documentation or information.
- Be mindful of the ADA's limitations on the employer's ability to make disability-related inquiries or require medical exams in response to a request for a RA.
- Pregnant employees who ask for a RA, especially early in the pregnancy, may have difficulty getting an appointment with an HCP.
  - **BEST PRACTICE:** Grant an interim RA if the employee says they have tried to obtain an appointment to get documentation and will provide at a later date.

# What is Reasonable Under the Circumstances?

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- The EEOC's expectation is that most often documentation won't be needed, and the employer and employee can have a simple exchange of information.
- Example of reasonable under the circumstances: Employee who is pregnant asks for the temporary suspension of climbing ladders (and EJF) due to dizziness and danger of falling.
  - Confirm the physical or mental condition (dizziness and increased risk of falling) **is related to the pregnancy**; describe the change at work that is needed.



# What Is Reasonable Documentation?

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- May seek documentation to describe the change at work and expected duration of the change/adjustment and other details.
- No specific test or method to confirm pregnancy.
- No specific form
  - Is the information the employer is seeking reasonable?
  - Review any forms currently in use – should not reference SHC or MLA.

# Self-Confirmation of Pregnancy/Lactation and Limitation Needed

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- Self-confirmation is a simple statement (oral or written) to describe the limitation (i.e., pregnancy) and adjustment or change that is needed at work (limitation).
  - I'm pregnant and need more frequent bathroom breaks
  - I'm pregnant and need to sit when I get tired
  - I'm pregnant and my uniform doesn't fit any longer; I need a larger size
  - I need to pump at work and will need regular breaks to do so

# When Documentation Isn't Reasonable Under the Circumstances?

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- The EEOC provides five examples:
  1. The physical or mental condition (pregnancy) is obvious and the change that is needed is obvious
    - Self-confirmation
    - Limit needed information
  2. Employer already has sufficient information
  3. Predictable Assessments –can require self-confirmation but not documentation from HCP
    - carrying or keeping water nearby
    - taking restroom breaks, as needed (no documentation from HCP; talk to the employee regarding frequency and duration)
    - sitting or standing more, as needed
    - taking breaks to eat and drink, as needed (no documentation from HCP; talk to the employee regarding frequency and duration)

# When Documentation Isn't Reasonable Under the Circumstances?

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## 4. Lactation and pumping at work or during work

- Self-confirmation
- Includes nursing during work hours if child is in close proximity (on-site day care, for example)
- EEOC will recognize certain exceptions to the general premise that documentation isn't reasonable. For example, a request to work from home if pumping is difficult

## 5. Employer's Own Policies

- If the employer's policies or practices don't require documentation for a non-pregnant employee seeing a similar accommodation

# HCPs and Documentation

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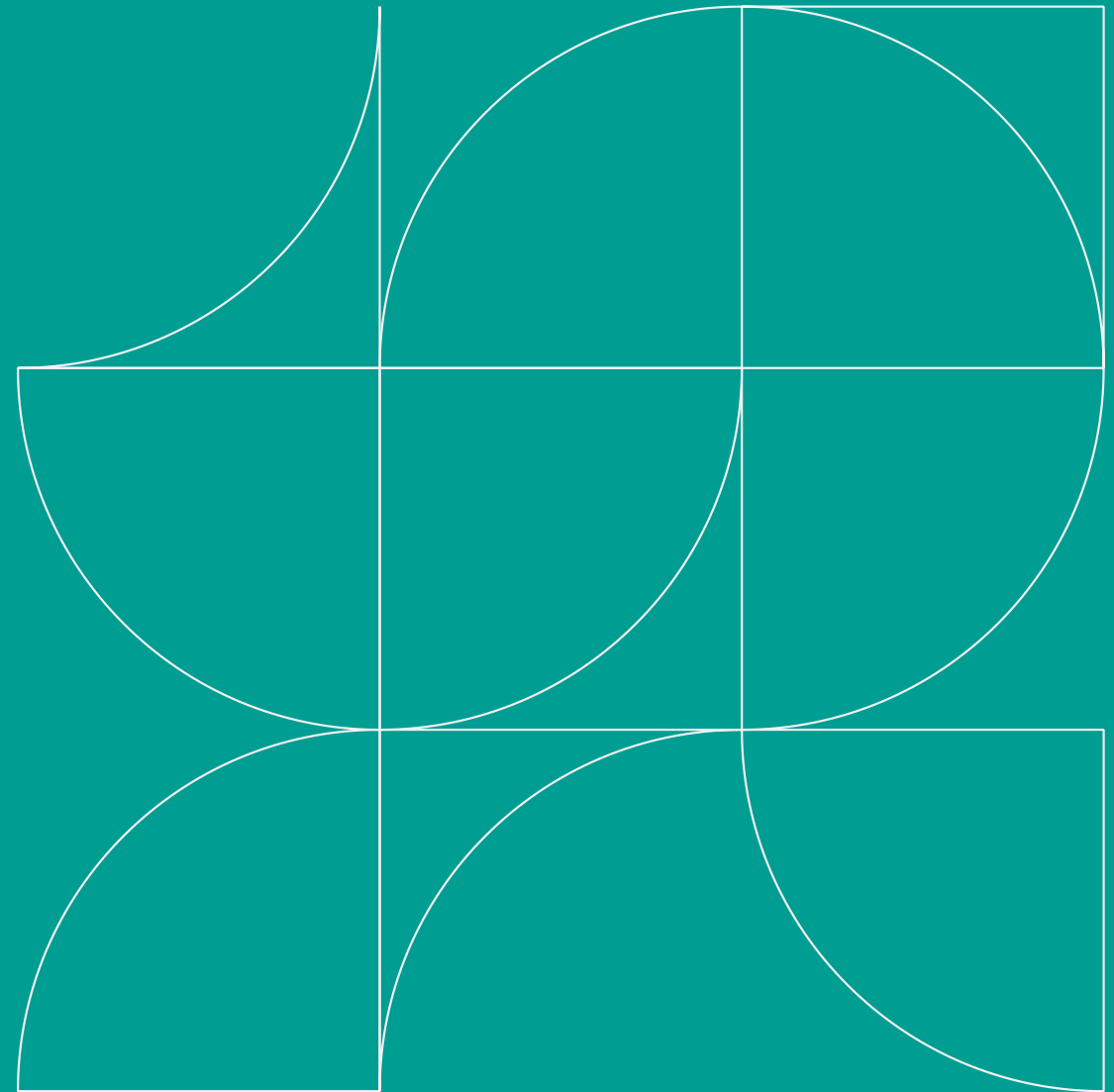
- May generally require it from an HCP
  - Who qualifies as an HCP is based on EEOC's ADA policy guidance and includes.
  - Doctors, midwives, nurses, nurse practitioners, physical therapists, **lactation consultants**, **doulas**, occupational therapists, vocational rehabilitation specialists, therapists, industrial hygienists, licensed mental health professionals, psychologists, or psychiatrists. The health care provider may be a telehealth provider.
  - HCP need not be the provider treating the employee at the time as long as the HCP can confirm the condition and change needed.
  - No medical exam by an HCP of the employer's own choosing.
- Need not include a medical diagnosis; simple statement of the condition is sufficient.

# Confidentiality of Medical Documentation

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- PWFA did not include provision on confidentiality of medical documentation and information.
- Follows ADA provisions on confidentiality; *Prohibition on Disability-Related Inquiries and Medical Examinations and Protection of Medical Information*.
  - Documentation and information regarding the medical condition and history of any employee should be treated as confidential medical information.
  - Being pregnant, recently being pregnant or having a medical or mental condition related to pregnancy or childbirth is medical information.
  - Requests for accommodations and approval/denial of same should be kept confidential.
  - Kept in separate medical files.
  - Supervisors/manager may be informed regarding restrictions and accommodations.

# PWFA and Other Laws



# Primer on the PUMP Act

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- The PUMP Act requires employers to provide employees with reasonable break time to express breast milk for a nursing child for one year after the child's birth each time the employee has a need to express the milk.
- Under the PUMP Act, employers are also required to provide a place, other than the bathroom, that is shielded from view and free from intrusion of coworkers and the public, in which an employee may express breast milk.
- Breaks do not need to be paid.
- PUMP Act is enforced by the DOL, not the EEOC.



# PWFA and the PUMP Act

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- PWFA includes lactation given lactation is **a physical or mental condition related to, affected by or arising out of pregnancy, childbirth, or related medical conditions.**
- All the protections of the PUMP Act or similar state laws addressing lactation/pumping at work are unaffected by the PWFA and the greater protections will apply.

# PWFA and the PUMP Act

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- Possible accommodations under the PWFA for lactation/pumping (29 C.F.R. 1636.3(i)(4)) include:
  - Ensuring that the area for lactation is in reasonable proximity to the employee's usual work area; that it is regularly cleaned; that it has electricity, appropriate seating, and a surface sufficient to place a breast pump; and that it is in reasonable proximity to a sink, running water, and a refrigerator for storing milk.
  - Accommodations related to nursing during work hours (where the regular location of the employee's workplace makes nursing during work hours a possibility because the child is in close proximity such as on-site daycare).

# PWFA and the PUMP Act

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- *Example #26/Telework:*
  - Gabriela, a billing specialist in a doctor's office, experiences nausea and vomiting beginning in her first trimester of pregnancy. Because the nausea makes commuting extremely difficult, Gabriela makes a verbal request to her manager stating she has nausea and vomiting due to her pregnancy and requests that she be permitted to work from home for the next 2 months so that she can avoid the difficulty of commuting. The billing work can be done from her home or in the office.
  - If it is not an undue hardship to work remotely...EEOC takes position that commuting is an EJP such that this accommodation should be approved.

# PWFA and the PUMP Act

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- *Example #42/Pumping Breast Milk:*
  - Salma gave birth 13 months ago and wants to be able to pump breast milk at work. Salma works for an employment agency that sends her to different jobs for a day or week at a time. Salma asks the person at the agency who makes her assignments to ensure she will be able to take breaks and have a space to pump breast milk at work at her various assignments.
  - It is not an undue hardship to allow Salma to pump at work beyond the 12 months required by the PUMP Act so this accommodation should be approved.

# PWFA and the ADA

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- **ADA:** May be entitled to reasonable accommodation if you have a disability, which is physical or mental impairment that substantially limits a major life activity/major bodily function.
  - Possible to have a pregnancy-related disability (e.g., gestational diabetes).
- **PWFA:** May be entitled to reasonable accommodation if you have a “physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions.”
  - Individual does not have to show that the physical or mental condition (e.g., morning sickness, swelling in the feet, sore back) is a substantially limiting impairment because that is an ADA requirement for coverage, not a requirement for PWFA coverage.
- PWFA borrows terms from ADA – interactive discussion, undue hardship, reasonable accommodation.
- Under PWFA, an employee can be qualified even if temporarily unable to perform essential functions of the job.

# PWFA and the Pregnancy Discrimination Act

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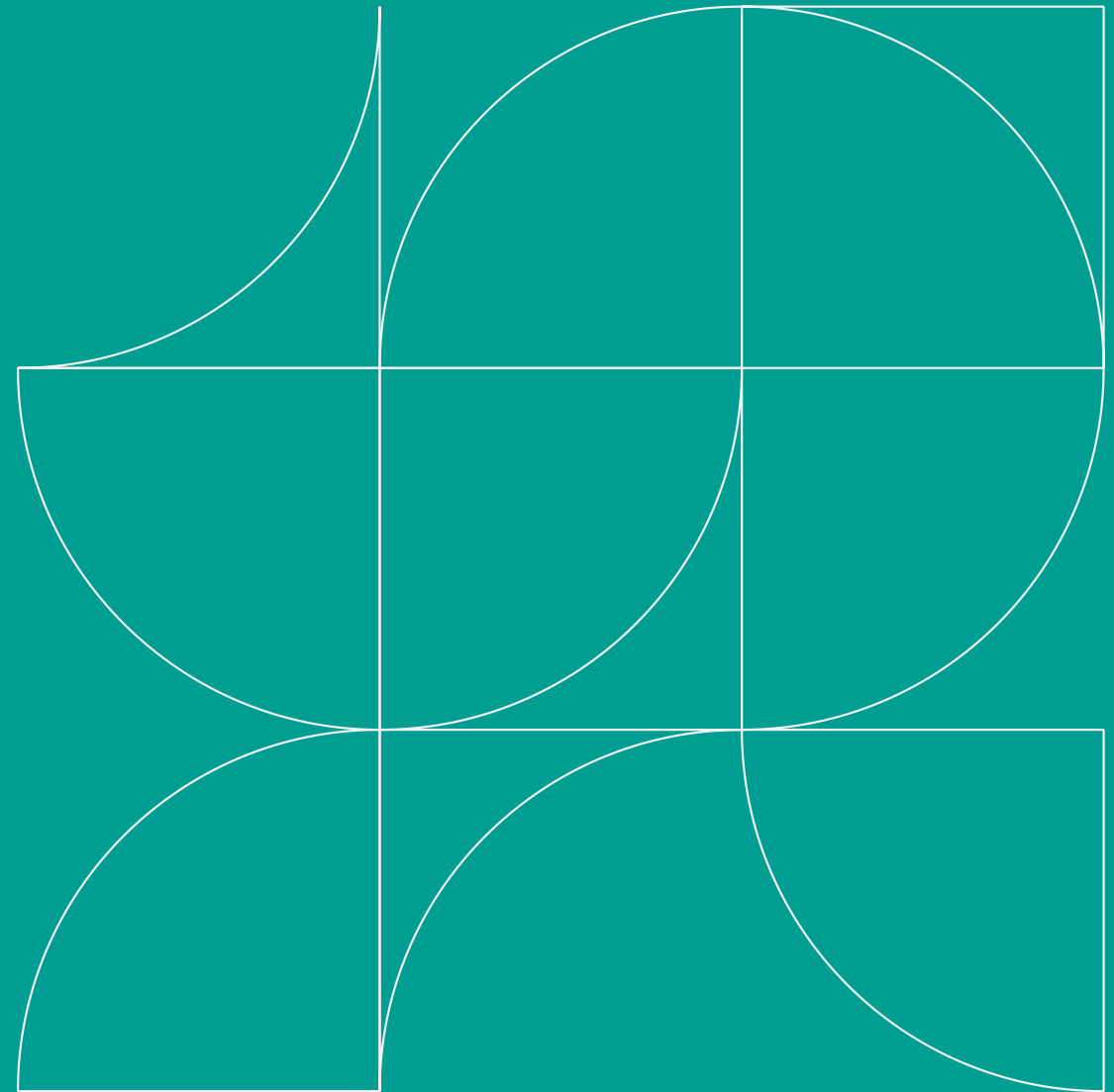
- The PDA is Part of Title VII; the PWFA is a separate statute that borrows some concepts from Title VII.
- The PDA prohibits discrimination on the basis of pregnancy, childbirth, and related medical conditions related to pregnancy or childbirth; the PWFA is a reasonable accommodation statute.
- Under the PDA, employers cannot refuse to provide accommodations based solely on pregnancy, childbirth, or related medical conditions.
  - In other words, if the same accommodations are provided to other non-pregnant employees who are similar in their ability/inability to work.
- The terms pregnancy, childbirth, or related medical conditions have the same definition under PWFA as they do under PDA. Where the broad protections come in are with the addition of “related to, affected by, or arising out of.”

# PWFA and the FMLA

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- The term “serious health condition” under the FMLA is NOT used in the PWFA.
- Leave under the PWFA will count as leave under the FMLA assuming the employee has a serious health condition and is otherwise eligible for FMLA leave.

# Unlawful Employment Practices and Remedies





# Unlawful Employment Practices Related to Reasonable Accommodation

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- Failure to provide a reasonable accommodation unless employer shows it would cause an undue hardship [section 103(1)].
- Requiring qualified employee to accept accommodation other than one arrived at through the interactive process [section 103(2)].
- Denial of employment opportunities to qualified employee if it's based on need to provide reasonable accommodation [section 103(3)].
- Requiring qualified employee to take leave (paid or unpaid) if another reasonable accommodation can meet the individual's needs [section 103(4)].
- Take adverse action against qualified employee in terms/conditions/privileges of employment because they requested or received a reasonable accommodation [section 103(5)].

# Unlawful Employment Practices

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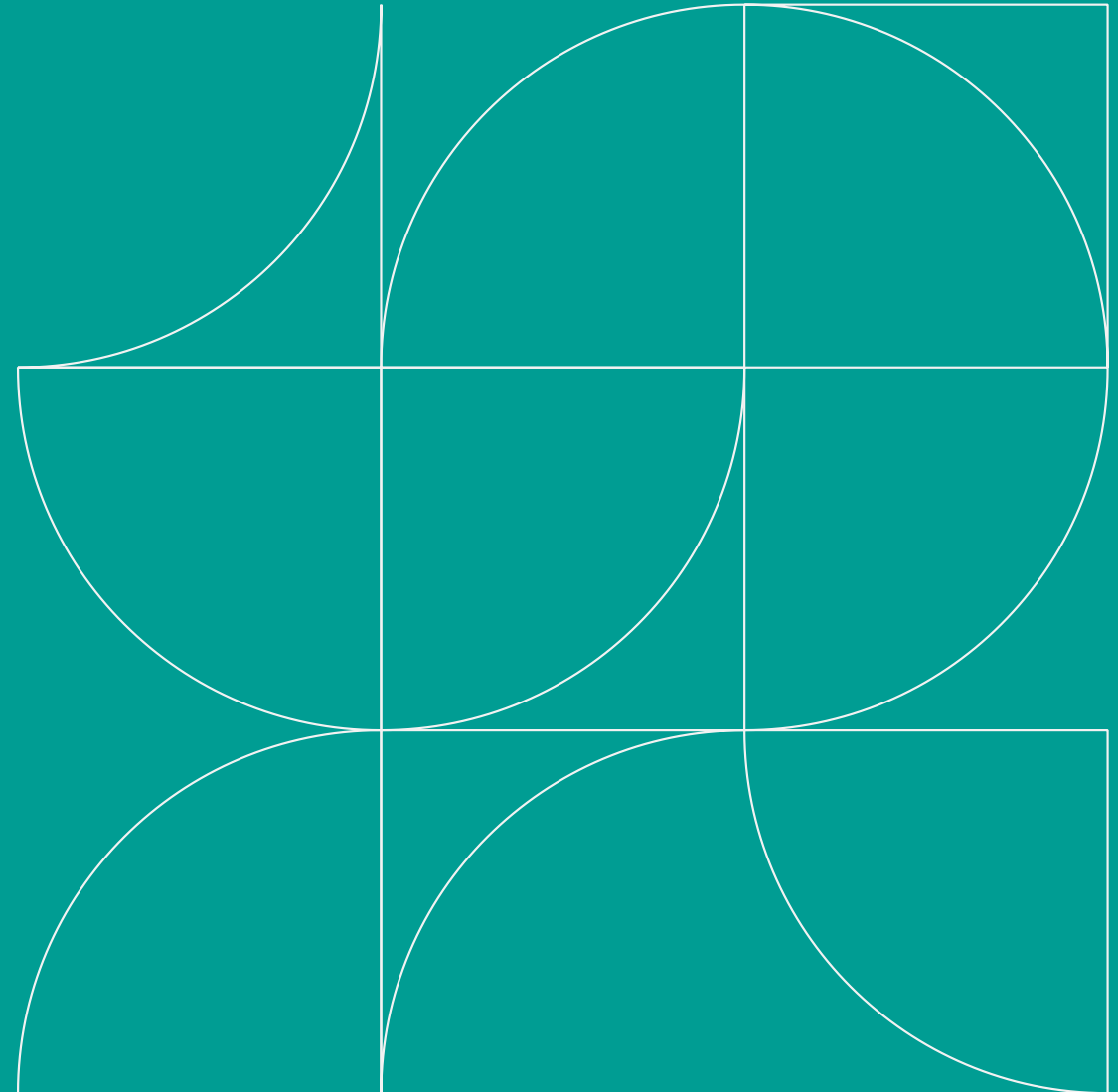
- No retaliation (Title VII)
- No coercion, intimidation, threats, interference with an individual exercising or enjoying rights under the PWFA (ADA)
  - Coercing individual to forego accommodation
  - Intimidating applicant not to request accommodation
  - Threatening negative reference to former employee seeking to enforce rights
  - Issuing a policy that limits rights
  - Requests for documentation that are not reasonable
  - Disclosure of medical information

# Damages

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- Same remedies as available under Title VII
  - Exception: Damages may not be awarded if covered entity demonstrates good faith efforts, in consultation with the individual who needed reasonable accommodation, to identify and make a reasonable accommodation that would provide individual with an equally effective opportunity and would not cause an undue hardship [section 104(g)].

# Next Steps for Employers



# Next Steps

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- Implement PWFA policy
- Train managers and HR
- Revise/create forms



SCAN ME

## CLE: NEW PROCESS

Please scan the QR code and complete the digital attendance verification form to receive CLE credit for this program.

### You will need:

1. **Title:** Navigating Compliance with the Final Regulations to the Pregnant Workers Fairness Act
2. **Date Viewed:** May 23, 2024
3. **Attendance Verification Code:** SS\_\_\_\_\_

State-specific CLE credit information can be found in the form.

# EEOC's PWFA Resources

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- **PWFA Final Rule:** <https://www.federalregister.gov/documents/2023/08/11/2023-17041/regulations-to-implement-the-pregnant-workers-fairness-act>
- **PWFA What You Should Know:** <https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act>
- **Summary of Key Provisions of the Final Rule:** <https://www.eeoc.gov/summary-key-provisions-eeocs-final-rule-implement-pregnant-workers-fairness-act-pwfa>
- **PWFA Tips for Small Businesses:** <https://www.eeoc.gov/employers/small-business/pregnancy-childbirth-or-related-medical-conditions-accommodations>
- **Enforcement Guidance on Pregnancy Discrimination:** <https://www.eeoc.gov/laws/guidance/enforcement-guidance-pregnancy-discrimination-and-related-issues>

**thank  
you**

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