



# Pregnant Workers Fairness Act

A summary of the enactment of a landmark civil rights bill

## History

In 1978, President Jimmy Carter signed into law the Pregnancy Discrimination Act, which amended the Civil Rights of 1964 to prohibit discrimination based on a person being pregnant.

## Problem

Pregnant workers are often forced out of their jobs and denied reasonable accommodations, jeopardizing their health and the health of their baby. On average, nearly 250,000 pregnant workers are denied reasonable accommodations per year.

Pregnant workers are further discriminated against according to their **race, ethnicity, and immigration and income status** putting their employee rights and health at a disadvantage.

- **Latina, Black, 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**.

Workplace accommodations are a significant tool to help prevent illness and health complications.

- Studies have shown that accommodations as simple as **extra bathroom breaks** or a **reprieve from standing** all day can help **prevent preterm birth and low birthweight infants**.
- Without these accommodations, pregnant workers and their babies may experience a range of negative health conditions, including **miscarriage and preterm birth**.

## Congress

After an intensive 10-year campaign, Congress took a major step in protecting pregnant workers by passing the bipartisan Pregnant Workers Fairness Act in December of 2022. The new law will go into effect on June 27, 2023.

## What does this law mean for pregnant workers?

The **Pregnant Workers Fairness Act** ensures that **pregnant and postpartum workers** have the reasonable accommodations they need to work safely while maintaining healthy pregnancies, unless the accommodations would be an undue hardship to an employer. Specifically, the bill clarifies the 1978 law, as well as amends the Americans With Disabilities Act, to create a uniform national standard.

## Pregnant Workers Fairness Act

- ✔ Prevents employers from forcing pregnant workers out of the workplace.
- ✔ Requires pregnant workers and employers to interact on reasonable accommodations.
- ✔ Provides an exemption for businesses if pregnant workers are faced with an accommodation that poses undue hardships.
- ✔ Protects pregnant workers from inappropriate behavior expressed when they request accommodations.
- ✔ Requires employers with 15 or more employees to make reasonable accommodations for any employee with limitations related to pregnancy.

## What is a workplace accommodation?

Examples of workplace accommodations:

- Assisting with **manual labor** needs, including lifting of objects.
- Supplying **additional breaks** to use the restroom, eat, drink, and rest.
- **Modifying workstations** to allow for a worker to sit down.
- Providing for **lactation needs** including access to a secure, private room.
- Allowing flexibility for **medical appointments** and time off **for bedrest or recovery from childbirth.**

The Pregnant Workers Fairness Act provides the long-overdue protection of not having to choose between a **healthy pregnancy and a paycheck**, which promotes family economic security.

