

The Pregnant Workers Fairness Act Moves One Step Closer to Becoming Law

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On May 14, 2021, the U.S. House of Representatives passed [H.R. 1065](#), the [Pregnant Workers Fairness Act](#) (PWFA), bipartisan legislation that would require employers to provide reasonable accommodations for pregnant workers. The bill's provisions are intended to clarify protections for pregnant workers under federal antidiscrimination laws and fill the gaps between Title VII of the Civil Rights Act of 1964, the Pregnancy Discrimination Act, the Americans with Disabilities Act (ADA), and the Family and Medical Leave Act. Recently, the U.S. Senate Committee on Health, Education, Labor and Pensions (HELP) advanced the PWFA, voting 19–2 to [approve the measure](#) and send it to the full Senate for consideration. With this action, the bill moved one step closer to becoming law. Here are answers to three frequently asked questions about the PWFA.

Question 1. What is the purpose of the PWFA's accommodation requirement?

Answer 1. The accommodation requirement borrows from the ADA and would apply to pregnant workers. It would require that employers provide reasonable accommodation for conditions related to pregnancy, such as assistance with heavy lifting and more frequent bathroom breaks.

Q2. What is the potential impact of the legislation as it relates to job applicants?

A2. As with other federal discrimination laws, the extension of the protections to job applicants is intended to ensure that pregnant workers are not blocked from entering the workforce in the first place.

Q3. What are the gaps in Title VII and the ADA that the bill would address?

A3. While these statutes do provide protections for certain pregnant workers in certain situations, they do not require employers to offer reasonable accommodation for pregnant workers generally. The ADA has the reasonable accommodation concept, but pregnancy is not a disability under the ADA. Under the PWFA, for instance, employers would be required to accommodate pregnant employees generally, not simply pregnant employees with pregnancy-related complications.

The legislation, if passed, will ensure equal treatment for pregnant workers, as well as improve health outcomes for pregnant workers and their children. It will also fill gaps in federal law that the Supreme

Court of the United States has not fully addressed.

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