

PWFA Final Rule is Now Published — It Takes Effect June 18, 2024

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On April 15, 2024, the Equal Employment Opportunity Commission (EEOC) published a [final rule to implement the Pregnant Workers Fairness Act \(PWFA\)](#) (the “Rule”). By way of background, the [PWFA](#) requires covered employers to provide reasonable accommodations to employees with known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, unless to do so would cause undue hardship to the employer.

The Rule, which takes effect June 18, 2024, provides much-needed clarity regarding the PWFA. In particular, the Rule provides definitions for several terms, including defining a “known limitation” as a limitation that the employee or the employee’s representative has communicated to the employer. Likewise, the Rule defines the term “limitation” broadly, including minor or episodic conditions. The Rule also clarifies that a condition need not be considered a “disability” under the Americans With Disabilities Act (ADA) to qualify under the PWFA.

In addition to defining these terms, the Rule provides several examples of the types of reasonable accommodations that can be made available to employees under the PWFA. Such examples include frequent breaks, schedule changes, light duty, modifying equipment, and even temporarily suspending essential functions. The Rule confirms that the definition of “undue hardship” mirrors the ADA definition of the same term (meaning significant difficulty or expense for the employer). Along with implementing the Rule, the EEOC put out a [Summary of Key Provisions](#) which walks through the various highlights of the Rule, including: covering key definitions in the Rule and summarizing processes including the interactive process; the ability to require documentation from an employee’s treating health care provider; and the Rule’s non-discrimination and anti-retaliation provisions. Employers should familiarize themselves with the Rule and seek advice from counsel in the event of any questions as to the Rule’s requirements, necessary policy updates, interplay between the PWFA and other laws, and following the PWFA in practice.

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