



# **PREGNANT WORKERS FAIRNESS ACT (PWFA) IS IN EFFECT: KNOW YOUR RIGHTS!**

If you are pregnant or recently gave birth, a new federal law offers you protections at work so you and your child can stay safe and healthy.

## **WHO IS PROTECTED BY THIS LAW?**

The PWFA protects “Covered employees” - which include private and public sector employers with at least 15 employees, Congress, Federal agencies, employment agencies, and labor organizations. Some state laws extend these rights to smaller employers too. (For example in CA, where you have to work for an employer with 5 or more employees).

## **WHEN DOES THE LAW PROTECT YOU?**

It protects you during pregnancy, and during the postpartum period for situations such as lactation, anxiety, and depression, to name a few. It also protects you during fertility treatments, or if you experience pregnancy loss.

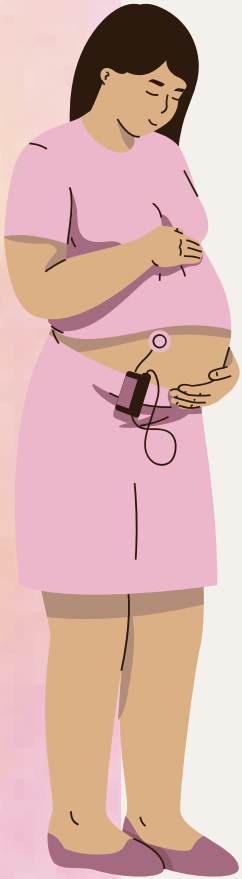
## **UNDER THIS LAW WHAT MUST AN EMPLOYER DO?**

### **1 PROVIDE REASONABLE ACCOMMODATIONS:**

Employers must modify the work environment to meet workers’ needs related to pregnancy, childbirth, and related conditions such as lactation. Examples of reasonable accommodations include:

- Allowing the worker to sit
- Remote work
- Providing breaks for drinking water, eating, resting, using the bathroom, or expressing milk
- Granting time off for prenatal/postnatal appointments, bed rest, post-childbirth recovery, or postpartum depression
- Changing a work schedule, like having shorter work hours or a later start time to accommodate nausea
- Modifying the job to be less strenuous, light duty, or more time to finish a project





**2 DISCUSS REASONABLE ACCOMMODATIONS:**

Employers must promptly engage in a good-faith conversation with workers to identify accommodations that can meet their pregnancy-related health needs. An employer cannot force you to take a leave of absence if a reasonable accommodation can be provided that would allow you to keep working.

**3 REFRAIN FROM RETALIATION OR DISCRIMINATION:**

Employers are prohibited from retaliating against workers who assert their rights. Examples of retaliation include:

- Forcing a worker to accept an unnecessary or unwanted accommodation
- Compelling a worker to take leave, whether paid or unpaid.
- Requiring a pregnant employee to accept a reduced work schedule.

Even if you are unable to perform certain essential job duties, you may still be eligible for an accommodation if you're able to perform those duties in the near future and your need for accommodation is temporary.

**ADDITIONAL PROTECTIONS FOR PREGNANT AND POSTPARTUM WORKERS:**

- Protection against employment discrimination based on sex, pregnancy, disability or other protected categories, enforced by the U.S. Equal Employment Opportunity Commission (EEOC)
- Unpaid leave for eligible workers during pregnancy and for bonding with a new child as well as time and a private place (not a bathroom) to pump milk at work, enforced by the U.S. Department of Labor
- Other protections such as paid time off will vary from state to state. See [Paid family and medical leave laws by state.](#)

**TAKE ACTION AND EXERCISE YOUR RIGHTS!**

- Talk to your coworkers about your rights - there is strength in numbers
- Seek support from [your local COSH group](#), worker center and/or your union (if your workplace is unionized).
- Contact A Better Balance's free, confidential legal helpline at 1-833-633-3222 to obtain assistance

