

For Immediate Release

Apr. 15, 2024

EEOC Issues Final Regulation on Pregnant Workers Fairness Act

Aids Implementation of Civil Rights Law Expanding Protections and Accommodations for Pregnant Workers

WASHINGTON -- The U.S. Equal Employment Opportunity Commission (EEOC) today issued a [final rule](#) to implement the [Pregnant Workers Fairness Act](#) (PWFA), providing important clarity that will allow pregnant workers the ability to work and maintain a healthy pregnancy and help employers understand their duties under the law. The PWFA requires most employers with 15 or more employees to provide “reasonable accommodations,” or changes at work, for a worker’s known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an undue hardship.

The PWFA builds upon existing protections against pregnancy discrimination under [Title VII of the Civil Rights Act](#) of 1964 and access to reasonable accommodations under the [Americans with Disabilities Act](#). The EEOC began accepting charges of discrimination on June 27, 2023, the day on which the PWFA became effective.

The final rule will be published in the Federal Register on Apr. 19. The final rule was approved by majority vote of the Commission on Apr. 3, 2024, and becomes effective 60 days after publication in the Federal Register.

The final rule and its accompanying interpretative guidance reflect the EEOC’s deliberation and response to the approximately 100,000 public comments received on the Notice of Proposed Rulemaking. It provides clarity to employers and workers about who is covered, the types of limitations and medical conditions covered, how individuals can request reasonable accommodations, and numerous concrete examples.

“The Pregnant Workers Fairness Act is a win for workers, families, and our economy. It gives pregnant workers clear access to reasonable accommodations that will allow them to keep doing

their jobs safely and effectively, free from discrimination and retaliation,” said EEOC Chair Charlotte A. Burrows. “At the EEOC, we have assisted women who have experienced serious health risks and unimaginable loss simply because they could not access a reasonable accommodation on the job. This final rule provides important information and guidance to help employers meet their responsibilities, and to jobseekers and employees about their rights. It encourages employers and employees to communicate early and often, allowing them to identify and resolve issues in a timely manner.”

Highlights from the final regulation include:

- Numerous examples of reasonable accommodations such as additional breaks to drink water, eat, or use the restroom; a stool to sit on while working; time off for health care appointments; temporary reassignment; temporary suspension of certain job duties; telework; or time off to recover from childbirth or a miscarriage, among others.
- Guidance regarding limitations and medical conditions for which employees or applicants may seek reasonable accommodation, including miscarriage or still birth; migraines; lactation; and pregnancy-related conditions that are episodic, such as morning sickness. This guidance is based on Congress’s PWFA statutory language, the EEOC’s longstanding definition of “pregnancy, childbirth, and related medical conditions” from Title VII of the Civil Rights Act of 1964, and court decisions interpreting the term “pregnancy, childbirth, or related medical conditions from Title VII.
- Guidance encouraging early and frequent communication between employers and workers to raise and resolve requests for reasonable accommodation in a timely manner.
- Clarification that an employer is not required to seek supporting documentation when an employee asks for a reasonable accommodation and should only do so when it is reasonable under the circumstances.
- Explanation of when an accommodation would impose an undue hardship on an employer and its business.
- Information on how employers may assert defenses or exemptions, including those based on religion, as early as possible in charge processing.

More information about the PWFA and the EEOC’s final rule, including resources for employers and workers, is available on the EEOC’s [“What You Should Know about the Pregnant Workers Fairness Act”](#) webpage.

For more information on pregnancy discrimination, please visit <https://www.eeoc.gov/pregnancy-discrimination>.

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at www.eeoc.gov. Stay connected with the latest EEOC news by subscribing to our [email updates](#).

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