REGULATORY UPDATE

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HR | REGULATORY COMPLIANCE

Pregnant Workers Fairness Act

What Employers Need to Know

EEOC – Final Rule is in Effect – Accommodation Requests Require a Prompt, Practical Response

EFFECTIVE DATE	WHO IT APPLIES TO	WHAT CHANGED
June 18, 2024	Generally, private and public employers with 15+ team members	How accommodation requests, documentation, temporary job changes, leave, and undue hardship are handled

WHAT CHANGED

The Pregnant Workers Fairness Act (PWFA) took effect June 27, 2023. The EEOC issued its final implementing regulation in April 2024, and the regulation became effective June 18, 2024. The rule explains how covered employers should respond when an applicant or team member has a known limitation related to, affected by, or arising out of pregnancy, childbirth, or a related medical condition.

The PWFA is an accommodation law. It generally requires covered employers to provide a reasonable workplace change unless doing so would create an undue hardship. It works alongside other federal protections, including Title VII, the Americans with Disabilities Act, the Family and Medical Leave Act, and the PUMP Act.

WHAT IT MEANS FOR YOUR BUSINESS

A request does not have to use the words “PWFA,” “reasonable accommodation,” or any special form. Once leadership becomes aware that a team member needs a work adjustment because of pregnancy, childbirth, or a related medical condition, the employer should communicate promptly and work through an appropriate response.

KEY POINT	The process should begin with communication, not paperwork. In many common situations, the EEOC says supporting medical documentation is not reasonable or necessary.

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WHAT TO CONSIDER

- Do supervisors and HR know how to recognize an accommodation request and where to send it?
- Does your process allow a prompt interactive discussion instead of automatically requiring leave or a doctor's note?
- Can temporary job changes, schedule adjustments, seating, additional breaks, lifting assistance, or other practical changes be evaluated quickly?
- Are managers trained not to retaliate against someone for requesting or using a PWFA accommodation?

COMMON ACCOMMODATIONS

EEOC guidance provides a wide range of examples. Depending on the circumstances, reasonable accommodations may include:

- Additional, longer, or more flexible breaks to drink water, eat, rest, or use the restroom.
- A stool or other workstation change, modified uniforms or safety equipment, or changes that allow sitting or standing.
- Schedule changes, telework, temporary reassignment, light duty, or help with lifting and other manual work.
- Temporary suspension of one or more essential job functions when the requirements of the PWFA are met.
- Time away for health care appointments or leave to recover from childbirth or a related medical condition.

DOCUMENTATION: WHEN SHOULD YOU ASK?

The EEOC states that an employer may seek supporting documentation only when it is reasonable under the circumstances. Documentation generally should not be required when the limitation and need are obvious, the employer already has enough information, or the request involves certain common pregnancy or lactation needs. Employers also should not impose a stricter documentation rule on pregnancy-related requests than they normally use in comparable situations.

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THE INTERACTIVE PROCESS

The interactive process is simply a timely conversation about the limitation and the workplace change that may help. Employers should respond promptly, explore effective options, and avoid requiring leave when another reasonable accommodation would allow the team member to continue working.

ENFORCEMENT	The EEOC continues to accept and litigate PWFA claims. Recent 2026 lawsuits include allegations involving pregnancy-related lifting restrictions in manufacturing and requests for leave after childbirth, underscoring the need for supervisors and HR to evaluate each request under the PWFA rather than relying only on existing leave policies.

LEGAL STATUS NOTE

The EEOC's current PWFA materials note limited court injunctions affecting enforcement in certain jurisdictions and for certain entities involving specific abortion or infertility-related claims. Those rulings do not eliminate the PWFA's broader accommodation requirements. Employers should confirm current legal requirements with counsel when a request raises a jurisdiction-specific or legally complex issue.

IMPORTANT DATES

June 27, 2023	The PWFA became effective, and the EEOC began accepting charges alleging PWFA violations.
June 18, 2024	The EEOC's final implementing regulation became effective.
ONGOING	Covered employers should respond to accommodation requests as they arise and keep policies, supervisor guidance, and documentation practices aligned with current EEOC guidance.

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NEXT STEPS

- Review accommodation, leave, attendance, light-duty, return-to-work, and medical-documentation procedures for conflicts with the PWFA.
- Train supervisors to recognize requests and route them promptly rather than making eligibility decisions on their own.
- Create a simple process for documenting the request, the interactive discussion, options considered, and the final accommodation decision.
- Coordinate PWFA obligations with Title VII, ADA, FMLA, PUMP Act, workers' compensation, and any more protective state or local law.

THE HOLT GROUP PERSPECTIVE

The PWFA reinforces a broader risk-management principle: a policy is only effective when leadership understands how to apply it in real situations. The strongest approach is a clear process that helps supervisors recognize a request, brings the right people into the conversation, and works toward a practical solution that supports the team member while protecting the business.

Preparation matters because the accommodation conversation often begins with a simple statement from a team member - not a formal legal request. Consistent communication, supervisor training, and thoughtful documentation help turn that moment into a manageable process instead of a compliance problem.

RISK MANAGEMENT UNIVERSITY

COMPLIANCE	RISK PREVENTION	RISK FINANCE	COMMUNICATION

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