



PREGNANT WORKERS FAIRNESS ACT

In December 2022, President Biden signed the Pregnant Workers Fairness Act into law. This new federal law provides pregnant workers with the right to reasonable workplace accommodations to help them do their jobs while protecting their health and the health of their pregnancies. The law went into effect on June 27, 2023.



WHAT DOES THIS LAW MEAN FOR PREGNANT WORKERS?

- Prevents employers from forcing pregnant workers out of the workplace.
- Requires pregnant workers and employers to interact on reasonable accommodations.
- Provides an exemption for businesses if pregnant workers are faced with an accommodation that poses undue hardships.
- Protects pregnant workers from inappropriate behavior expressed when they request accommodations.
- Requires employers with 15 or more employees to make reasonable accommodations for any employee with limitations related to pregnancy.

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Know Your Rights!

WHAT IS A WORKPLACE ACCOMMODATION?

- Assisting with manual labor needs, including the lifting of objects.
- Additional, longer, or more flexible breaks to drink water, eat, rest or use the bathroom
- Changing equipment, devices, or work station, such as providing a stool to sit on
- Providing for lactation needs, including access to a secure, private room.
- Temporary transfer to a less physically demanding or safer position
- Changing a uniform or dress code, like allowing wearing maternity pants
- Changing a work schedule, like having shorter work hours or a later start time to accommodate morning sickness
- Flexible scheduling for prenatal or postnatal appointments and time off for bedrest or recovery from childbirth.

AM I COVERED?

The PWFA covers all employees who work for an employer with more than 15 employees, including both public and private employers. It covers people who need accommodations because they are pregnant or have just given birth, or who need accommodations because of medical conditions related to pregnancy.

HOW DO I ASK FOR AN ACCOMMODATION?

Telling your employer you are pregnant or need an accommodation may be stressful. When you make your request, you should state clearly that you need an accommodation and tell your employer you are willing to work with them to figure out an accommodation that works for you and the business.

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WHAT IS A MEDICAL CONDITION RELATED TO PREGNANCY OR CHILDBIRTH?

“Related medical conditions” includes illnesses, complications, and symptoms that an employee is experiencing as a result of pregnancy or childbirth. Some examples of “related medical conditions” include:

- Morning sickness
- Gestational Diabetes
- Pregnancy-induced hypertension
- Pregnancy-related carpal tunnel syndrome
- Miscarriage
- Sciatica
- Lactation or the need to express breast milk
- Recovery from abortion
- Physical injuries from childbirth
- Postpartum depression

DOES MY EMPLOYER NEED TO GIVE ME AN ACCOMMODATION?

Your employer cannot force you to take leave or accept an accommodation that wasn't arrived at through the interactive process. The Pregnant Workers Fairness Act requires your employer to provide you with a reasonable accommodation unless the accommodation would cause the business an “undue hardship.” Generally, undue hardship means that providing the accommodation would be a significant expense or difficulty for your employer.

WHERE CAN I GET HELP AND LEARN MORE?

Visit the [Nebraska Equal Opportunity Commission](#) to learn more or file a complaint.

