

Pregnant Workers Fairness Act

As of April 1, 2018 The Pregnant Workers Fairness Act amends state law to prohibit employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. It also describes employers' obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions and have an obligation to accommodate pregnant workers. The employer must accommodate conditions related to pregnancy unless providing the accommodation would cause significant difficulty or expense. When an employee requests an accommodation, the employer has an obligation to communicate with the employee in order to determine a reasonable accommodation in good faith. A reasonable accommodation is one that allows the employee to perform the essential functions of the job while experiencing a pregnancy-related condition, without undue hardship to the employer. The employer cannot require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship on the employer. The employer cannot refuse to hire an applicant with a pregnancy-related condition, because of the condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation. The employer cannot deny an employment opportunity or take adverse action against an employee because of the employee's request for or use of a reasonable accommodation for a pregnancy-related condition. The employer cannot require medical documentation about the need for an accommodation if the accommodation request is for: more frequent restroom, food or water breaks; seating; limits on lifting no more than 20 pounds; private, non-bathroom space for expressing breast milk.