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Ten Reasonable Accommodations Employers Need to Consider for Pregnant Employees Under the New Pregnancy Workers Fairness Act

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1. **The ability to sit**
2. **Breaks to drink water/have a water bottle**
3. **Closer parking**
4. **Flexible hours**
5. **Appropriately sized uniforms**
6. **Additional break time to sit, rest, and/or use the bathroom**
7. **Excuse pregnant employees from strenuous activities and/or lowering of lifting requirements**
8. **Light duty**
9. **Time off to recover from childbirth**
10. **Excuse pregnant employees from activities that involve exposure to compounds not safe for pregnancy**

The Pregnancy Workers Fairness Act (the Act) went into effect on June 27, 2023. This law expands protections for pregnant employees by requiring employers to engage in the interactive process with these employees and to make reasonable accommodations to known limitations related to pregnancy, childbirth, or related medical conditions. The Equal Employment Opportunity Commission (EEOC) is already accepting charges against employers who failed to make reasonable accommodations for pregnant workers.

The EEOC has issued proposed regulations that will not be final until the comment period has ended in October of 2023. Those proposed regulations require employers to consider eliminating an essential job function for up to 40 weeks during an employee's pregnancy and even after childbirth unless doing so would be an undue burden. The regulations also place restrictions on when employers can ask for medical documentation to support the requested accommodation and limit what information may be requested. So, more to come once the regulations are finalized...

In the meantime, employers should ensure that they have: (1) updated their handbooks to include accommodations available to their pregnant employees under this new Act; and (2) updated their breakroom posters to include protections afforded to pregnant employees under the Act.

Should you have any questions on this topic, reach out to [Angie Davis](#) or another member of Baker Donelson's Labor & Employment Team.

