



PREGNANT WORKERS FAIRNESS ACT (PWFA)

WHAT IS PWFA?

PWFA gives pregnant workers the right to request and receive time off and job accommodations for childbirth and pre- and post-partum conditions related to pregnancy like infertility, abortion, and lactation.

This law protects people who work for the government and for private employers with at least 15 employees. Full-time, part-time, temporary, seasonal workers, and people applying for jobs are protected.

ACCOMMODATIONS

Employees have a right to receive “reasonable accommodations” for limitations that their employer knows about stemming from their pregnancy, childbirth, or related medical condition. This means they have a right to request and receive changes to how, where, or when their job is done when they need those changes because of:

- Physical changes that one may experience during pregnancy, like back pain, “morning sickness,” swelling, fatigue, or bladder control issues
- Medical conditions or disabilities caused or made worse by pregnancy, like gestational diabetes, preeclampsia, or depression
- “Related medical conditions” also has been recognized to include conditions that are related to the capacity to become pregnant, like fertility treatment or menstruation, as well as abortion, miscarriage, and post-pregnancy conditions like lactation and depression

Under the PWFA it is unlawful for an employer to require an employee to accept an accommodation they do not want and/or retaliate against an employee for exercising their rights under this law.

THE PROCESS

An employee is not required to mention the PWFA or any legal terms in order to retrieve their right to accommodation. There must be a conversation with the employee and employer about the condition(s) necessitating accommodation so it is "known."

Once the employer knows the worker's limitation they must grant the requested accommodation, or initiate an "interactive process" to identify another reasonable accommodation that meets the employee's needs. This is a concept borrowed from the Americans with Disabilities Act (ADA) for the consideration of the employee's preferred accommodation.

An employer is not required to provide an accommodation if it would create an "undue hardship" on the employer to do so, meaning that an action requiring significant difficulty or expense to the employer, their resources, and operations.

LEARN MORE

Here is a [list of examples of "reasonable accommodations"](#) employees can request.

[PregnantAtWork.org](#) provides information for workers – including information on [“How to Talk to Your Boss About Your Bump”](#) – as well as health care providers, employers, and advocates on pregnancy and work.

[The Center for WorkLife Law](#) operates a free and confidential legal helpline for employees who need assistance related to their legal rights at work during pregnancy and postpartum.

The Equal Employment Opportunity Commission (EEOC) enforces PWFA. Find information about the law on [EEOC's website](#).

[Title VII](#): prohibits employment discrimination based on sex, pregnancy, or other protected categories

[ADA](#): prohibits employment discrimination based on disability

[The Family and Medical Leave Act](#) which provides unpaid leave for certain workers for pregnancy and to bond with a new child.

[The PUMP Act](#) which provides nursing mothers a time and private place to pump at work.

You can check with the [Hawai‘i Civil Rights Commission](#) to find out about the full range of civil rights laws that may protect you.