



U.S. Department of Justice

# Civil Rights Division

[civilrights.justice.gov](https://civilrights.justice.gov)

## The Pregnant Workers Fairness Act & State & Local Government Workplaces

*Note: The Pregnant Workers Fairness Act (PWFA) will become effective on June 27, 2023. The U.S. Equal Employment Opportunity Commission (EEOC) will only accept complaints about possible violations of the PWFA that occurred on or after June 27, 2023. After the law goes into effect, the EEOC also will publish regulations with more information about it.*

### The Pregnant Workers Fairness Act

**(PWFA)** is a new federal anti-discrimination law that covers employers, including **state and local governments**, with 15 or more employees. It says employers must make “reasonable accommodations” to a worker’s known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.”

In other words, **if a qualified employee needs a change to their job or needs to change something about their workplace** because they are pregnant or have a medical condition connected to pregnancy or childbirth, **the employer must make a change unless it is too expensive or difficult.** Employers also cannot retaliate against someone who complains about a violation of the PWFA.

**The PWFA expands upon rights that pregnant workers already have** under federal law. For example, Title VII of the Civil Rights Act already protects pregnant workers from being treated worse, harassed, or fired by their employer because they are pregnant. The same law also says employers cannot retaliate against workers who complain of pregnancy discrimination.

### How does the PWFA work?

When a worker needs a change to the work environment or a change to their job, they should ask for it. The employer might ask questions to understand what the worker needs. This is called the interactive process.

### Does the employer have to make the exact change the worker asks for?

An employer might offer changes that are different from what the worker requested. As long as the offered change would address the worker's needs, it might be a “reasonable accommodation,” which is what the PWFA requires. If the employer won't agree to a change it could make without undue hardship, the employer might be violating the PWFA.

### What is a qualified employee?

A qualified employee is someone who can do the essential functions of their job with or without a reasonable accommodation from their employer. A worker who cannot do one or more tasks that are essential to the job can still be a “qualified employee” if their inability is temporary, that job task could be done in the near future, and the worker’s inability to do that job task can be reasonably accommodated.

**See next page for a few possible examples of accommodations that workers might request and information about how to file a complaint.**



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### What are a few examples of the types of accommodation requests that might come up in state and local government workplaces?

- A police officer who is five months pregnant asks for a new uniform because their current uniform no longer fits.
- A correctional officer who is pregnant asks to bring food on duty, and for coverage to take two additional bathroom breaks during each shift.
- A city emergency medical technician asks for a temporary desk assignment because a pregnancy-related medical condition makes it dangerous for the worker to lift patients.
- A county animal shelter worker who is pregnant asks to sit in a chair at the shelter's intake desk instead of standing.
- A professor at a state university asks to teach virtually while on bed rest for two weeks because of their pregnancy-related condition.

#### **Contact ELS**

202-514-3831

TTY: 202-514-6780

[ELS.Outreach@usdoj.gov](mailto:ELS.Outreach@usdoj.gov)

*Please note that  
ELS cannot provide  
legal advice.*

**Learn More: [www.justice.gov/crt/laws-we-enforce#pwfa](http://www.justice.gov/crt/laws-we-enforce#pwfa)**

### How to File a PWFA Complaint and How DOJ Enforces this Law

**If you think an employer is discriminating or retaliating in violation of the PWFA, you should file a complaint with the U.S. Equal Employment Opportunity Commission as soon as possible** because the law has strict time limits. You can contact the EEOC at [www.eeoc.gov](http://www.eeoc.gov) or **1-800-669-4000**.

If the EEOC agrees that an employer violated the PWFA, the EEOC will try to conciliate, or settle, the complaint. If the employer is a state or local government, and the EEOC does not resolve the complaint, the EEOC will send it to the U.S. Department of Justice's Employment Litigation Section (ELS).

**DOJ can decide to file a lawsuit in federal court**, and the person or people affected by the PWFA violation can become part of, or "intervene in," that case. If DOJ decides not to file its own lawsuit, DOJ can send the person who filed the charge a Notice of Right to Sue, which allows them to file a lawsuit on their own or with the assistance of a lawyer that they choose and pay.