

EEOC Files Lawsuit Over Violations of the Pregnant Workers Fairness Act

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Recently the Equal Employment Opportunity Commission (“EEOC”) filed a lawsuit against an employer alleging violations of Title VII of the Civil Rights Act of 1964 (“Title VII”), Title I of the Americans with Disabilities Act (“ADA”) and the Pregnant Workers Fairness Act (“PWFA”). The PWFA which went into effect in June 2023, is a federal law that requires employers to make reasonable accommodations for an employee’s pregnancy related conditions. These accommodations apply to a qualified employee’s or applicant’s known limitations related to, affected by or arising out of pregnancy, childbirth or related medical conditions, regardless of whether those conditions qualify as a disability, so long as the accommodations do not cause an undue hardship on the covered entity’s business operations.

The EEOC alleged that the employer failed to provide pregnancy accommodations in the workplace by subjecting her to an impermissible medical inquiry and treating her less favorably than similarly situated non-pregnant workers. The employee, who was 7 months pregnant at the time, requested a pregnancy-related accommodation as she was no longer able to bend over trailers to assemble and install front plates. Her employer refused to consider her request to either switch positions or for a light-duty assignment and instead immediately placed her on unpaid leave without engaging in any interactive process. The employer also requested she complete an ADA questionnaire designed to elicit information about disabilities. The EEOC has alleged that the employer’s actions violate the PWFA.

Is Your Business Compliant with the Pregnant Workers Fairness Act?

The EEOC’s decision to take legal action highlights the importance of employers implementing PWFA compliance policies, including distinct processes and forms for receiving and evaluating pregnancy accommodation requests.

If your business needs help reviewing or updating its policies related to pregnant workers' rights, please contact [Meghan Chrisner-Keefe](#) or any member of the [Wilentz Employment Law Team](#)

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Practice

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