

The Cost of Failure to Accommodate Under the Pregnant Workers Fairness Act

Monday, September 21, 2026

Employers continue to face increased scrutiny under the **Pregnant Workers Fairness Act (PWFA)**, and recent enforcement actions by the Equal Employment Opportunity Commission (EEOC) demonstrate the significant consequences of failing to properly respond to pregnancy-related accommodation requests. Several lawsuits filed by the EEOC since the PWFA took effect have resulted in settlements requiring employers to pay monetary damages and implement workplace policy changes. These cases serve as an important reminder that pregnancy accommodation requests must be analyzed under the PWFA, not automatically treated as disability accommodation requests under the Americans with Disabilities Act (ADA).

Recent EEOC Settlement Highlights Employer Obligations

One recent matter approved by a Kentucky federal judge resulted in a settlement requiring an employer to:

- Pay **\$50,000** to the affected employee
- Revise its pregnancy accommodation policy
- Publish a public anti-discrimination statement on its careers page
- Provide specified training for managers and HR professionals at facilities nationwide

The settlement reflects the EEOC's continued efforts to enforce employee rights under the PWFA and hold employers accountable for compliance failures.

What Happened in the Wabash National Case?

When **Hayley Knight**, a front-plate assembler at Wabash National Corp., was seven months pregnant, she began experiencing pain from repeatedly bending over the tops of tractor trailers while performing her job duties. Knight requested a different position on her assembly line. Coworkers were willing to trade positions with her, and the company had previously provided light-duty assignments to other employees. Despite these available options, the company immediately placed Knight on unpaid leave without considering whether a reasonable accommodation could be provided. Her employer then gave her ADA paperwork to complete. Although her healthcare provider completed the form, Knight was not disabled. As a result, Wabash required her to return to her original assembly-line position. Knight ultimately resigned and filed a claim with the EEOC.

Two Critical Mistakes Employers Should Avoid

According to the EEOC's allegations, the employer made two significant mistakes.

Treating a PWFA Request as an ADA Request

Under the PWFA, an employee does not need to have a disability to qualify for protection. A **known limitation** that is related to, affected by, or arises out of pregnancy, childbirth, or related medical conditions may trigger an employer's obligation to engage in the accommodation process. Employers that automatically analyze pregnancy-related requests solely under the ADA risk overlooking their separate obligations under the PWFA.

Using Leave as the Default Accommodation

The PWFA generally requires employers to consider reasonable accommodations before placing an employee on leave. Leave should not be treated as the automatic solution when another accommodation may be available. In this case, coworkers were willing to switch positions, and alternative arrangements may have been possible. The employer's immediate decision to place Knight on unpaid leave became a central issue in the EEOC's claim.

Key Takeaway for Employers

The EEOC is successfully pursuing enforcement actions under the PWFA, making it increasingly important for employers to understand the law's requirements and properly evaluate pregnancy-related accommodation requests. Employers should ensure that managers, human resources personnel, and decision-makers understand the distinctions between the PWFA and the ADA and engage in an individualized assessment when accommodation requests arise.

Questions About Pregnancy Accommodation Requirements?

Pregnancy accommodation requests can present unique compliance challenges, particularly when employers are determining whether obligations arise under the PWFA, the ADA, or both. The experienced employment attorneys at Wilentz can help employers evaluate accommodation requests, review workplace policies, and understand their legal obligations under federal employment laws.

If you are unsure how to respond to a pregnancy accommodation request or need clarification on the difference between PWFA and ADA analyses, call a member of the [Employment Law Team](#) at Wilentz, Goldman & Spitzer, P.A.

For additional insight into how accommodation laws have changed in recent years, click [here](#) to read our earlier blog on workplace accommodation obligations.

Practice

- Employment Law