

**PWFA** requires covered employers to provide reasonable accommodations to employees with known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, unless to do so would cause undue hardship to the employer.

Effective June 18, 2024

### Employers may NOT:

1. **Force** the employee to accept a reasonable accommodation that was not previously negotiated between the employer and employee through an interactive process
2. **Require** an employee to take paid or unpaid leave if another reasonable accommodation is available
3. **Deny** an employment opportunity to an employee because that employee needs a reasonable accommodation

### Reasonable Accommodations Covered by PWFA

Reasonable accommodations covered by PWFA include **frequent breaks, sitting or standing, schedule changes, part-time work, paid/unpaid leave, remote working, parking, and light duty**. Making existing facilities accessible and/or modifying the work environment are ways employers can provide accommodations.

Employees with pregnancy-related symptoms might need to carry or keep their water nearby, sit more, and take additional breaks for restrooms and for eating. Restructuring jobs to even include temporary suspensions of some essential job functions may reduce the burden of pregnancy.

### Best Practices

- Understand that a worker may need different accommodations depending on which step in the pregnancy journey they are in — as the pregnancy progresses, as they recover from childbirth, or for any related medical condition during and after pregnancy
- Employers can introduce a non-permanent “interim accommodation” if there is a sudden medical need
- Train all employees, but especially supervisors, about the PWFA

### PWFA and Abortion

PWFA covers “having or choosing not to have an abortion” as medical conditions related to pregnancy or childbirth, though this protection didn’t appear explicitly in the statute’s text.

Seventeen states cited the compliance costs to state governments and infringement on states’ sovereignty. The text of the final rule said the effects of accommodations for abortion will be limited and likely will only include leave from work.

**PUMP for Nursing Mothers Act** (“PUMP Act”) adds to the Break Time for Nursing Mothers Law which has required since 2010 that employers nationwide provide reasonable break time and a private, non-bathroom space for lactating employees to pump milk during the workday.

## Benefits of Supporting Nursing Employees at Work

A formal lactation program can result in more productive and satisfied employee, which means **higher retention** and lower costs in recruiting and training. Other benefits include **lower health care costs and absenteeism rates.**

## What Employers Should Know about the Pump Act

- The Pump Act is a **federal** provision. Employers also need to comply with any **additional state or local regulations.**
- When it comes to creating a policy, employers should consider both **time** the employee will need to express milk — deciding whether these will be paid or unpaid breaks and managing coverage while the employee takes these breaks — and **space** for the employee to express milk.
- The space provided must be at least 7 ft by 7 ft, cannot be a bathroom and must be functional for expressing breast milk. It must also have a **sign identifying the room as a lactation space**, a **user-operated lock** with an occupancy indicator, a **sink, faucet**, and **paper towel** and **soap dispenser**, a **refrigerator** with dedicated, sufficient space to store milk, among others.

## Additional Resources

### PWFA

- [PWFA, The Pump Act, and State-based Protections for Pregnant or Nursing Workers - Kurker & Paget](#)
- [Stay Compliant and Stay Ahead: Mastering Leave Management, Avoiding Costly Penalties](#)
- [Reasonable Accommodation Request Form | Pregnant@work](#)
- [Pregnant Workers Fairness Act: Understanding Employer Obligations](#)
- [Medical Certification Form Accommodations for Pregnancy, Childbirth, and Related Medical Conditions](#)

### Pump Act

- [What employers need to know](#), Office on Women’s Health
- [Pumping in Progress door hanger](#)
- [EEOC and WHD flyer: Federal Protections for Pregnant, Postpartum, and Pumping Workers](#)
- [BCCWF RT Benchmarking Summary: Lactation Spaces Policy \(February 2023\)](#)