

U.S. House of Representatives Passes Pregnant Workers Fairness Act

Labor & Employment Law Update

on September 29, 2020

On September 17, 2020, the House voted 329-73 to pass the Pregnant Workers Fairness Act. The bill seeks to clarify the law and require employers to make reasonable accommodations for employees impacted by a known pregnancy-related limitation. Like the Americans with Disabilities Act, the bill calls for an interactive process between employers and pregnant workers to develop proper reasonable accommodations. The bill's report states that such accommodations could possibly include, for example, providing seating, water, closer parking, properly sized uniforms and safety apparel, light duty, and extra break time to use the bathroom, eat and rest.

The bill comes as the number of pregnancy discrimination complaints has dramatically increased over the last two decades and many employers have faced confusion and uncertainty due to recent court rulings and inconsistent state and local laws. Most notably, in 2015, the U.S. Supreme Court held in *Young v. UPS* that plaintiffs who bring claims under the federal Pregnancy Discrimination Act can claim damages if they were denied accommodations that their employer granted to other workers. Since then, several major companies, including Walmart, Amazon, and Google among them, have contended with expensive pregnancy discrimination lawsuits from their employees and the negative press that comes with it. At the same time, workers' rights groups have never been fully comfortable with the outcome of the *Young* decision as many argue that it imposes an unduly high burden upon an employee to prove her case.

The Pregnant Workers Fairness Act is now being touted as a significant compromise between businesses and their workers. According to the U.S. Chamber of Commerce, who has voiced its support, the "bill would provide pregnant employees with important workplace protections while also making sure employers have clear and flexible options to ensure pregnant employees can remain at work for as long as they wish to do so."

The U.S. Senate will probably wait until after the election to take up the bill.

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