

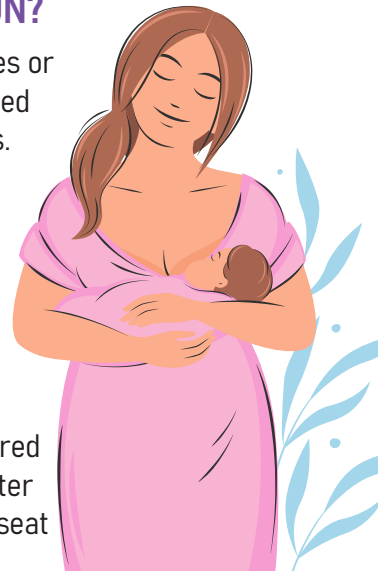


# Pregnant Hoosiers! Know Your Rights: A Pregnant Workers Fairness Act Guide

The Pregnant Workers Fairness Act (PWFA) is a new federal law that became effective in June 2023. It requires all businesses with over 15 employees to provide reasonable accommodations for workers who are pregnant, nursing, or dealing with medical conditions related to or affected by pregnancy (including postpartum needs, miscarriage, and some infertility treatments and menstrual conditions), unless the business can prove such accommodations would cause them undue hardship.

## WHAT IS A REASONABLE ACCOMMODATION?

A reasonable accommodation is a change to work rules or the work environment that addresses limitations caused by pregnancy, childbirth, or related medical conditions. Some examples of “reasonable accommodations” include: assistance with lifting heavy items, uniforms that properly fit during pregnancy, closer parking, being excused from activities involving exposure to compounds unsafe for pregnancy or breastfeeding, time off for medical appointments related to the pregnancy, and time off to recover from childbirth or pregnancy loss. Four accommodations will be considered reasonable in almost all cases: access to food and water during work, additional bathroom breaks, providing a seat to standing workers, and breaks for eating/drinking.



## WHAT IS A RELATED MEDICAL CONDITION?

Some examples of medical conditions that are related to pregnancy and childbirth that qualify for accommodations include: morning sickness, gestational diabetes, miscarriage, lactation, postpartum depression, as well as general conditions, such as hypertension, carpal tunnel, and sciatica, if they are caused or affected by pregnancy. Under federal regulations, abortion is also considered a related medical condition, although some employers may challenge that interpretation.





## HOW DO I RECEIVE AN ACCOMMODATION?

Accommodations are generally arrived at through a timely interactive process. An employee requiring accommodations must inform their employer in person, over email, by phone, or through other means that they require an accommodation related to pregnancy, childbirth, or a related medical condition. The employee and employer should then discuss potential accommodations. Employers cannot unilaterally dictate employee accommodations, require the employee to take leave if a different accommodation would meet her needs, or take excessive time in responding to accommodation requests.

## WHAT OTHER PROTECTIONS ARE AVAILABLE TO PREGNANT & POSTPARTUM WORKERS?

- **The Pregnancy Discrimination Act** prohibits discrimination against pregnant or lactating employees in the workplace or job candidates in the hiring process.
- **The PUMP Act**, also enacted in 2022, provides lactating workers the right to “reasonable” break time and a sanitary space other than a bathroom for lactation, for up to one year after having a baby. This law applies to virtually all employers, regardless of size, but employers with fewer than 50 workers may be excused if they can prove compliance would impose an undue hardship.
- Workplace protections for pregnant and postpartum workers extend to all workers, regardless of immigration status, but undocumented workers may face particular retaliation risks if they seek to enforce workplace rights.

## NEED SUPPORT?

### Community Resources:

Want peer support?  
Join the Indiana Community Action Poverty Institute's Facebook group at [tinyurl.com/INPWFAGroup](https://tinyurl.com/INPWFAGroup)

For Know Your Rights materials (English and Español), go to [institute.incap.org/know-your-rights](https://institute.incap.org/know-your-rights)

Sample Letters to Give to Your Employer About the PWA: <https://www.abetterbalance.org/resources/sample-letters-to-give-to-your-employer-about-the-pregnant-workers-fairness-act>

### Legal Resources:

**To request free and confidential legal help**, we recommend calling A Better Balance at **1-833-NEED-ABB** (1-833-633-3222) for assistance in English or Spanish.

They also have legal resources online for those who feel unable to call:  
Get Help - A Better Balance ([www.abetterbalance.org/get-help/](https://www.abetterbalance.org/get-help/))

**To report a violation of the Pregnant Workers Fairness Act**, call the U.S. Equal Opportunity Commission at **1-800-669-4000**. You can also find your nearest EEOC help center for in-person assistance at: <https://www.eeoc.gov/field>. It is illegal for an employer to fire an employee for filing a complaint.

**To report a violation of the PUMP Act:** Call the U.S. Department of Labor Wage and Hour Division (WHD) at **1-800-487-9243** to be directed to your nearest WHD office for further assistance. It is illegal for an employer to fire an employee for filing a complaint.