

EMPLOYER LAW BLOG

EEOC Update: New Guidance on Pregnancy Accommodation Finalized

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On April 19, 2024, new regulations from the Equal Employment Opportunity Commission (EEOC) on the recently enacted Pregnant Workers Fairness Act (PWFA) will be published in the Federal Register. The regulations will become effective about 60 days thereafter.

We have previously addressed the significance of the PWFA and these anticipated regulations here. While the initial proposed regulations spanned 275 pages, the final regulations grew to over 400 pages.

There is a lot to unpack from these new PWFA regulations. They make clear that covered conditions will include common pregnancy-related activities and/or issues such as lactation, endometriosis, fertility treatments, miscarriages, and infertility. However, one of the most significant (and controversial) aspects of the new regulations is the expansive interpretation of the phrase “pregnancy, childbirth, or related medical conditions” to include abortion.

Given these changes, employers should proactively reach out to counsel to review their handbooks, policies, and practices to ensure and maintain legal compliance. Our Labor & Employment Team at Sandberg Phoenix is here to help. Don't hesitate to reach out.