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**ARIZONA BUILDERS'  
ALLIANCE  
THE PREGNANT WORKERS  
FAIRNESS ACT**

# THE PREGNANT WORKERS FAIRNESS ACT

## ARIZONA BUILDERS' ALLIANCE

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# THE PREGNANT WORKERS FAIRNESS ACT

## The Pregnant Workers Fairness Act

- Employers covered: same as Title VII: 15 or more
- Employees and applicants covered as under Title VII
- “Qualified employee:” one who with or without reasonable accommodation, can perform the essential functions of the job, except:

# THE PREGNANT WORKERS FAIRNESS ACT

## The Pregnant Workers Fairness Act

- Employee or applicant is considered qualified if"
  - Any inability to perform the essential function is for a temporary period;
  - The essential function could be performed in the near future; and
  - The inability to perform the essential function can be reasonably accommodated
  - “reasonable accommodation” and “undue hardship” mean the same as under the ADA



# THE PREGNANT WORKERS FAIRNESS ACT

## The Pregnant Workers Fairness Act

- Unlawful to fail to make a reasonable accommodation for:
  - Pregnancy
  - Childbirth, or
  - Related medical conditions
- 1. Unless** undue hardship on the operation of the business
- 2. Need** to use the inter-active process
- 3. Illegal** to require employee to take unpaid leave if there are other reasonable accommodations
- 4. Illegal** to take adverse actions against employee requesting an accommodation

# THE PREGNANT WORKERS FAIRNESS ACT

Remedies are the same as under the ADA and Title VII

- BACK PAY
- FRONT PAY
- REINSTATEMENT
- COMPENSATORY and/or PUNITIVE DAMAGES from \$50,000 to \$300,000 depending on size of employer
- ATTORNEYS' FEES

# THE PREGNANT WORKERS FAIRNESS ACT

QUESTIONS?

THANK YOU FOR ATTENDING

Action

Changes

Things



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