



PREGNANCY-RELATED REASONABLE ACCOMMODATIONS

The Congressional Accountability Act of 1995 applies the Pregnant Workers Fairness Act (PWFA), the Americans with Disabilities Act (ADA), and the Fair Labor Standards Act (FLSA) to House employees. The Office of Congressional Workplace Rights (OCWR) also encourages employing offices to abide by the PUMP Act.

PREGNANT WORKERS FAIRNESS ACT (PWFA)

The PWFA makes the protections under the Americans with Disabilities Act (ADA) applicable to pregnancy, childbirth, or pregnancy-related conditions. Under the PWFA, employees can seek reasonable accommodations specifically for conditions during pregnancy and post-partum conditions. This process involves the same interactive process for disability-related accommodations under the ADA, but the protections under the PWFA are more robust and require lower standards than the ADA.

ADA Requirements and Scope	PWFA Requirements and Scope
Disability	Known limitation
The disability must substantially limit a major life activity.	The known limitation must relate to pregnancy, childbirth, or be a pregnancy-related condition.
The employee must be able to perform the essential functions of the position.	The employee may temporarily suspend essential functions, if they can resume them “in the near future.”

MEDICAL SUPPORT FOR LEAVE AND REASONABLE ACCOMMODATIONS

For reasonable accommodations under the PWFA and ADA, an employer may request any information relevant to the condition and the need for an accommodation, including:

- nature of the disability;
- functional limitations; and
- recommended accommodations.

PWFA & ADA JOB PROTECTIONS

The PWFA and ADA provide job protections to employees who exercise their rights. This means an employer:

- CANNOT fire, demote or take away job responsibilities from employees who request reasonable accommodations.
- MUST maintain benefits of employment (e.g., seniority, pay level, health insurance).
- CANNOT refuse to provide reasonable accommodations under the PWFA or ADA unless accommodations would impose an “undue hardship.” This means a significant difficulty or expense that makes the accommodation unreasonable, which is rare.*

*The employee is not entitled to the specific accommodations they request; the employer can propose an alternative that is reasonable and helps the employee perform their essential job functions.

PREGNANCY DISCRIMINATION

Under Title VII of the Civil Rights Act and the Pregnancy Discrimination Act, employers are prohibited from discriminating on the basis of sex because of pregnancy, childbirth, or related medical conditions.

PUMP ACT

Under the PUMP Act provisions of the Fair Labor Standards Act (FLSA), employers must provide the following for up to one year after the child’s birth for nursing or expressing milk:

- Break Times - The frequency and duration of break times will vary person to person; AND
- Private, Hygienic Place to Express Milk - It cannot be a bathroom. The space should be shielded from view and free from intrusion by coworkers or the public.

Have questions or concerns?
 Contact the Office of Employee Advocacy.
 We are here to help.
 Phone: 202-225-8800
 Email: Employee.Advocacy@mail.house.gov.