

Protecting Pregnant Workers Fairness Act

- Fact Sheet for Employers and Employees -



About the Law

The Protecting Pregnant Workers Fairness Act (PPW) requires District of Columbia employers to provide reasonable workplace accommodations for employees whose ability to perform job duties is limited because of pregnancy, childbirth, breastfeeding, or a related medical condition. Individuals who believe they were denied a reasonable accommodation or treated unfairly in violation of PPW can file a complaint with the DC Office of Human Rights (OHR). If a violation is found, employers may be required to provide monetary or other relief to the employee.

How to Request Accommodations

An employee may request from their employer an accommodation(s)* because of pregnancy, childbirth, breastfeeding or a related medical condition. Employers must make all reasonable accommodations* that are advisable as determined by a healthcare provider. When requesting accommodations, the employer must engage in good faith and in a timely and interactive process with the employee to determine the accommodation(s). Accommodations can include:

- More frequent or longer breaks;
- Time off to recover from childbirth;
- Temporarily transferring the employee to a less strenuous or hazardous position;
- Purchasing or modifying work equipment, such as chairs;
- Temporarily restructuring the employee's position to provide light duty or a modified work schedule;
- Permitting the employee to refrain from heavy lifting;
- Relocating the employee's work area; or
- Providing private (non-bathroom) space for expressing breast milk.

Prohibited Actions by Employers

Employers may not:

- Refuse an accommodation unless it would cause significant hardship or expense to the business;
- Take adverse action against an employee for requesting an accommodation;
- Deny employment opportunities to the employee because of the request or need for an accommodation;
- Require an employee to take leave if a reasonable accommodation can be provided; or
- Require employees to accept an accommodation unless it's necessary for the employee to perform her job duties.

Certification from Health Care Provider

The employer may require an employee to provide certification from a health care provider indicating a reasonable accommodation is advisable. The certification must include: (1) the date the accommodation became or will become medically advisable; (2) an explanation of the medical condition and need for a reasonable accommodation; and (3) the probable length of time the accommodation should be provided.

Filing a Complaint of an Alleged Violation

If an employee believes an employer in the District has wrongfully denied them a reasonable accommodation or has discriminated against them because of their pregnancy, childbirth, need to breastfeed or a related medical condition, they can file a complaint within one year with the DC Office of Human Rights (OHR). Complaints can be filed:

- **Online** at ohr.dc.gov; or
- **In-Person** at 441 4th Street NW, Suite 570N, Washington, DC 20001.

A case can also be initiated through the Department of Employment Services (DOES) Office of Wage and Hour Compliance by calling (202) 671-1880.

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* A "reasonable accommodation" is one that does not require significant difficulty in the operation of the employer's business or significant expense for the employer, with consideration to factors such as the size of the business, its financial resources and the nature and structure of the business.

The Complaint Process

After the complaint questionnaire is submitted, OHR will schedule an intake interview with the employee to learn additional details related to the accommodation request or adverse action (assuming OHR determines jurisdictional requirements were met). If OHR accepts the case, it will hold a mandatory mediation with the employee and representative of the employer in an attempt to find a mutually agreeable resolution. If that fails, a full investigation will commence and be completed within six months of OHR's acceptance of the case, in most instances.

After the investigation, OHR will send a recommendation to an administrative law judge at DOES on whether a violation should be found. DOES will make the final determination and impose any penalties, if appropriate.

Employer Posting and Notification Requirements

Employers must:

- Post and maintain a PPW workplace poster in a place that is easily visible to employees;
- Provide notice of the law to all new employees; and
- Provide an employee a notice of the law within 10 days of an employee notifying them of their pregnancy or other condition addressed in the Act.

All notices must be posted and provided in English and Spanish, and a translated notice to be provided to any non-English or non-Spanish speaking employee.

Questions

Questions about the OHR complaint process or requirements under the law can be directed to OHR's office at 202.727.4559.