



Secretariat of Pro-Life Activities

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Pregnant Workers Fairness Act FAQ

What does the Pregnant Workers Fairness Act (PWFA) do?

The PWFA closes a gap in employment discrimination laws that allowed employers to deny reasonable accommodations to pregnant women in the workforce.

- It requires employers with 15 or more employees to provide reasonable accommodations for pregnant workers.
- It protects pregnant workers from being denied employment opportunities, being forced to take leave if another reasonable accommodation is available, or otherwise being retaliated against for requesting reasonable accommodations.
- It provides rights and remedies for workers if they are denied reasonable accommodations.

Does the PWFA require accommodations for abortion?

The PWFA requires accommodations for “pregnancy, childbirth, or related medical conditions.” Some may argue that this includes accommodations for elective abortion, but nothing in the text of the bill requires it to be understood that way. The current guidance that the Equal Employment Opportunity Commission has posted about the PWFA does not mention anything about abortion.

What protections does the PWFA have for religious employers?

In the event the PWFA is misconstrued to impose any morally problematic obligations, there are two protections in the PWFA for religious employers. First, the bill says it does not require any employer to pay for or cover any medical item, service, or procedure as part of its employee health plan (such as abortion, sterilization, or contraception). Second, the bill says it includes the same protections for religious employers as Title VII, another employment nondiscrimination law. Title VII has an exemption for religious employers with respect to employment decisions that are made for religious reasons. The PWFA incorporates that exemption.

Are there other protections for religious employers?

Yes. Religious employers can defend themselves under the Religious Freedom Restoration Act, which requires the government to clear a high bar before it can burden a religious employer’s exercise of its beliefs. And religious employers can also bring defenses under the First Amendment. Recently, a federal court of appeals held that a pro-life employer has a constitutional right, based in freedom of association, not to employ women who get abortions.

Why did the USCCB support the PWFA?

In the wake of the Supreme Court's landmark *Dobbs* decision overturning *Roe v. Wade*, it is as important as ever for our society to support pregnant women, their unborn children, and families. Catholic Social Teaching tells us that policy choices around the structuring of work should prioritize supporting family life. Work and family are inextricably intertwined, because one always supports the other. All organizations having to do with work—including the employer, unions, and government— should act to support the family. One way to do that is to provide pregnant workers with the temporary accommodations they need to enable them to work and have a healthy pregnancy whenever possible.