

Two District of Columbia Agencies Will Enforce New Protections for Pregnant Workers

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The District of Columbia Office of Human Rights (OHR) and the District of Columbia Department of Employment Services (DOES) announced on June 1, 2015, a joint effort to investigate and enforce the Protecting Pregnant Workers Fairness Act of 2014 (“PPWFA” or “Act”). An individual may now file a PPWFA complaint with either OHR or DOES.

The PPWFA, which became effective on March 3, 2015, requires employers to provide reasonable accommodations to employees affected by pregnancy, childbirth, breastfeeding, and related medical conditions. The law also prohibits employers from requiring an employee to take leave if it is possible for the employee to continue working with reasonable accommodation. (For more information, see our article, *District of Columbia Increases Protections for Pregnant Workers.*)

OHR is responsible for mediating, investigating, and making preliminary recommendations about whether an employer violated the Act. DOES is responsible for reviewing those recommendations, making final determinations of violations of the Act, and imposing and enforcing penalties.

To comply with the Act, employers should:

- (1) Post the newly issued notice of employee rights immediately;
- (2) Provide a written notice of the right to a reasonable accommodation under the Act:
 - i. To new employees at the start of their employment;
 - ii. To existing employees by July 1, 2015; and
 - iii. To an employee who gives notice of pregnancy or related condition within 10 days of receiving the notice.

A PPWFA fact sheet and workplace posters (in English and Spanish) have been issued. These are available on OHR’s website: <http://ohr.dc.gov/page/pregnantworkers>.

Jackson Lewis attorneys are available to assist employers with questions about the new law’s requirements and provide compliance assistance.

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