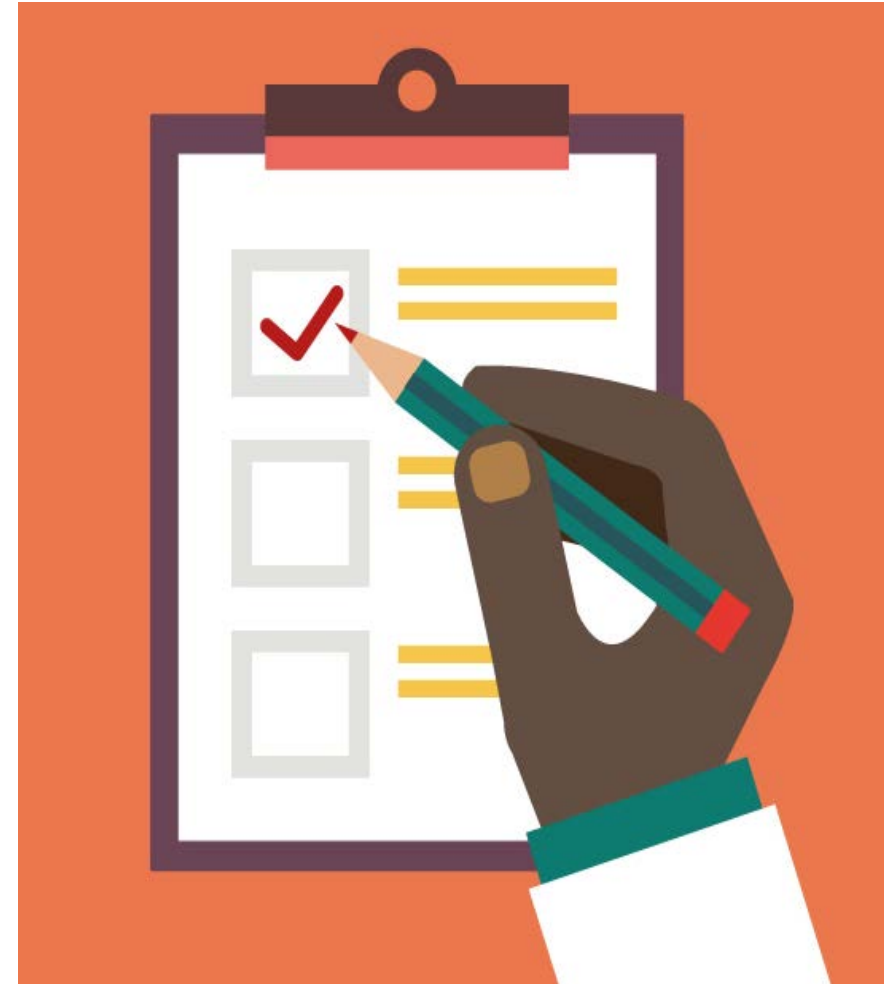


Protections for Pregnant Workers

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DC Office of Human Rights (OHR)*

Agenda

- What the Office of Human Rights (OHR) does
- The OHR Enforcement Process
- What the DC Protecting Pregnant Workers Fairness Act of 2014 (DCPPWFA) is
- Explore some additional relevant laws
- Please note, we will be using chest/breastfeeding for inclusivity



One Important Note

- This training is for **educational purposes only** and should not be **construed or interpreted as legal advice**
- The examples and explanations are not intended to encompass all possible terms, definitions, or variations and may reflect the presenters' personal experiences



If You Have a Question

- Please type in the chat box or
- Wait until a question section
- We will be dropping URL links and PDFs resources in the chat box at the end of the presentation
- Further questions about the materials can be asked via email.



What is OHR and a General Overview of the Enforcement Process with Private Cases

What Are the Local Laws OHR Enforces?

1. DC Human Rights Act of 1977
2. DC Family & Medical Leave Act of 1990
3. Parental Leave Act of 1994
4. Language Access Act of 2004
5. Youth Bullying Prevention Act of 2012
6. Unemployed Anti-Discrimination Act of 2012
7. Fair Criminal Record Screening Amendment Act of 2014
8. Protecting Pregnant Workers Fairness Act of 2014
9. Fair Credit in Employment Act of 2016
10. Fair Criminal Record Screening for Housing Act of 2016
11. Universal Paid Leave Amendment Act of 2017
12. Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018
13. Tipped Wage Workers Fairness Amendment Act of 2018
14. Racial Equity Achieves Results Amendment Act of 2020
15. Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2020
16. Eviction Record Sealing and Fairness in Renting Act

Amendments to the DCHRA OHR Enforces

- Amendments
 - Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking (DVSOS) Amendment Act
 - Eviction Record Sealing Authority and Fairness in Renting Amendment Act
 - Fair Credit in Employment Amendment Act
 - Human Rights Enhancement Amendment Act
 - Racial Equity Achieves Results (REACH) Amendment Act
 - Domestic Workers Amendment Act
- Local laws that have been passed, but awaiting funding
 - Cannabis Employment Protections Act
 - Medical Necessity Restroom Access Act

OHR Enforces Laws in Four Areas



Employment
(DC Code § 2-1402.11)



Housing (DC Code § 2-1402.21)



Educational Institutions
(DC Code § 2-1402.41)



Public Accommodation
(DC Code § 2-1402.31)
or
Government Services
(DC Code § 2-1402.73)

Federal Laws that OHR Enforces

1. Title VII of the Civil Rights Act of 1964
 - (Equal Employment Opportunity Act)
2. Title VIII of the Civil Rights Act of 1968
 - (Fair Housing Act)
3. Age Discrimination in Employment Act of 1967
4. The Pregnancy Discrimination Act of 1978
5. The Americans with Disabilities Act of 1990 (ADA), as amended
6. Genetic Information Non-Discrimination Act (GINA) of 2008
7. Pregnant Workers Fairness Act (PWFA) of 2023

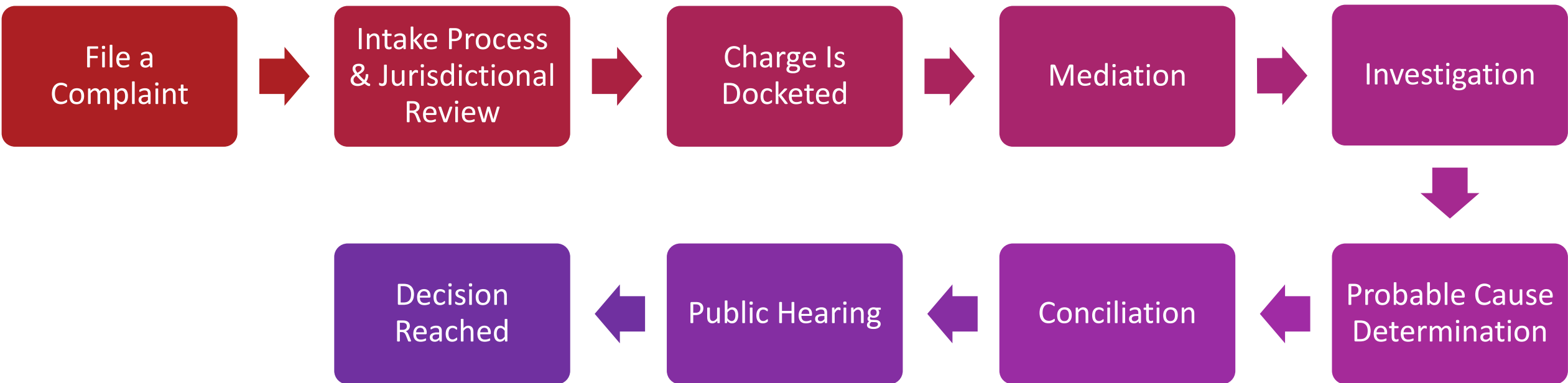


Where Does OHR's Jurisdiction Apply?

- An incident that occurred in DC while you are living in, working in, or visiting DC
 - Physical and virtual
 - Your housing, your place of work, government services, schools, *etc.*
- Not federal agencies
 - (ex: Any of the Smithsonian's)
- Not places covered by other enforcement entities
- Not the DC courts



General Adjudication Process at OHR for Private Cases



The DC Protecting Pregnant Workers Fairness Act of 2014 (DCPPWFA) and Additional Laws

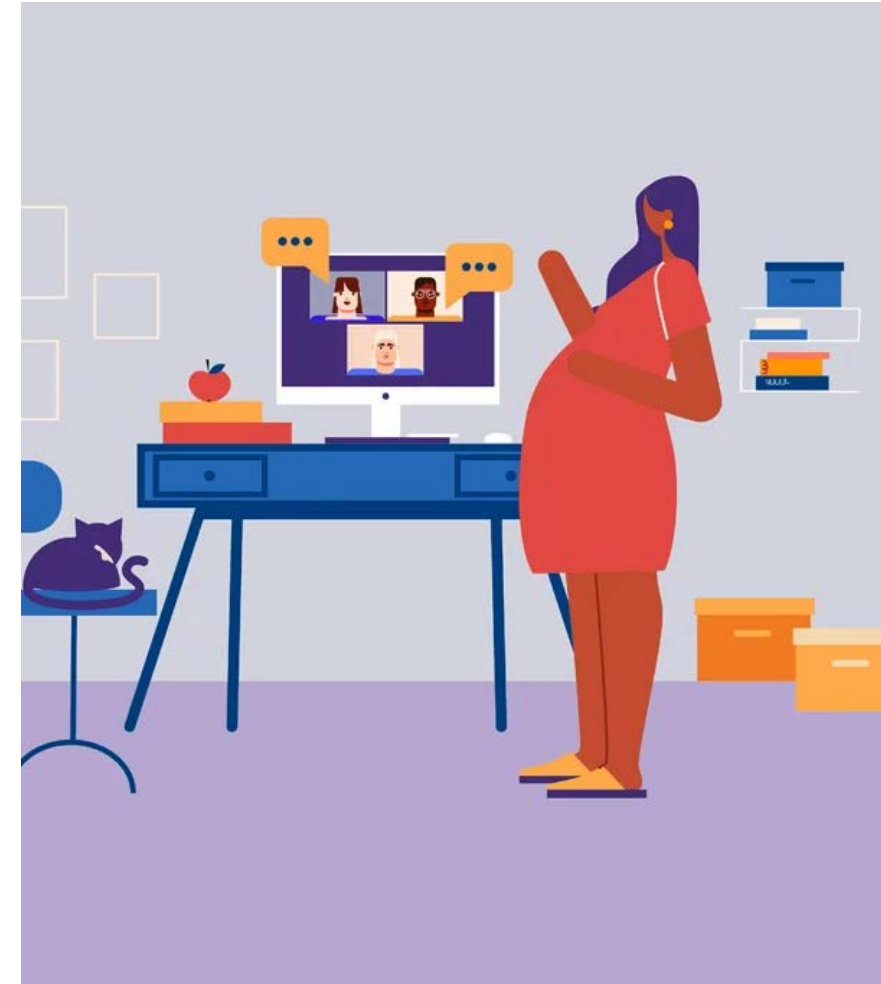
Which Laws Create Rights for Pregnancy-Related Reasonable Accommodations ?

- The DCPWFPA (D.C. Code § 32-1231 *et seq.*)
 - Requires DC employers to provide **reasonable workplace accommodations** for employees whose ability to perform job duties is limited because of:
 - Pregnancy, childbirth, chest/breastfeeding, or a related medical condition
- The Federal PWFA (42 USC § 2000gg *et seq.*)
 - Is a new law that also requires employers to provide reasonable accommodations to qualified workers with known limitations related to, affected by, or arising out of **pregnancy, childbirth, or related medical conditions**, unless the accommodation will cause the employer an undue hardship



Examples of Reasonable Accommodations

- More frequent or longer breaks;
- Temporarily transferring the employee to a less strenuous or hazardous position;
 - Ex: changing from stocking and heavy lifting to working on cashier
- Purchasing or modifying work equipment
 - Ex: desks, chairs, *etc.*
- Leave



The Similarities Between the DCPPWFA and the Federal PWFA

- They both prohibit the same employment practices including:
 - Denial of a reasonable accommodation absent because of undue hardship
 - Requiring an employee or applicant to accept a reasonable accommodation other than the one arrived at through the interactive process, including the pregnant worker to take if another reasonable accommodation can be provided
 - Deny employment opportunity because the employer will have to provide a reasonable accommodation
 - Take an adverse employment action against the pregnant worker

The Differences Between the DC PPWFA and the Federal PWFA

- Specifically includes chest/breastfeeding protections
 - Federal Laws:
 - **Workplace PUMP Act** – enforced by the U.S. Department of Labor
 - **PWFA** – enforced by U.S. EEOC D.C.
 - Local Law
 - **DCHRA** – enforced by OHR
 - **DCPPWFA** – enforced by OHR
- Applies to all District government employers, regardless of number of employees
- Allows for employees to file directly in court without coming to OHR first

Leave Protections

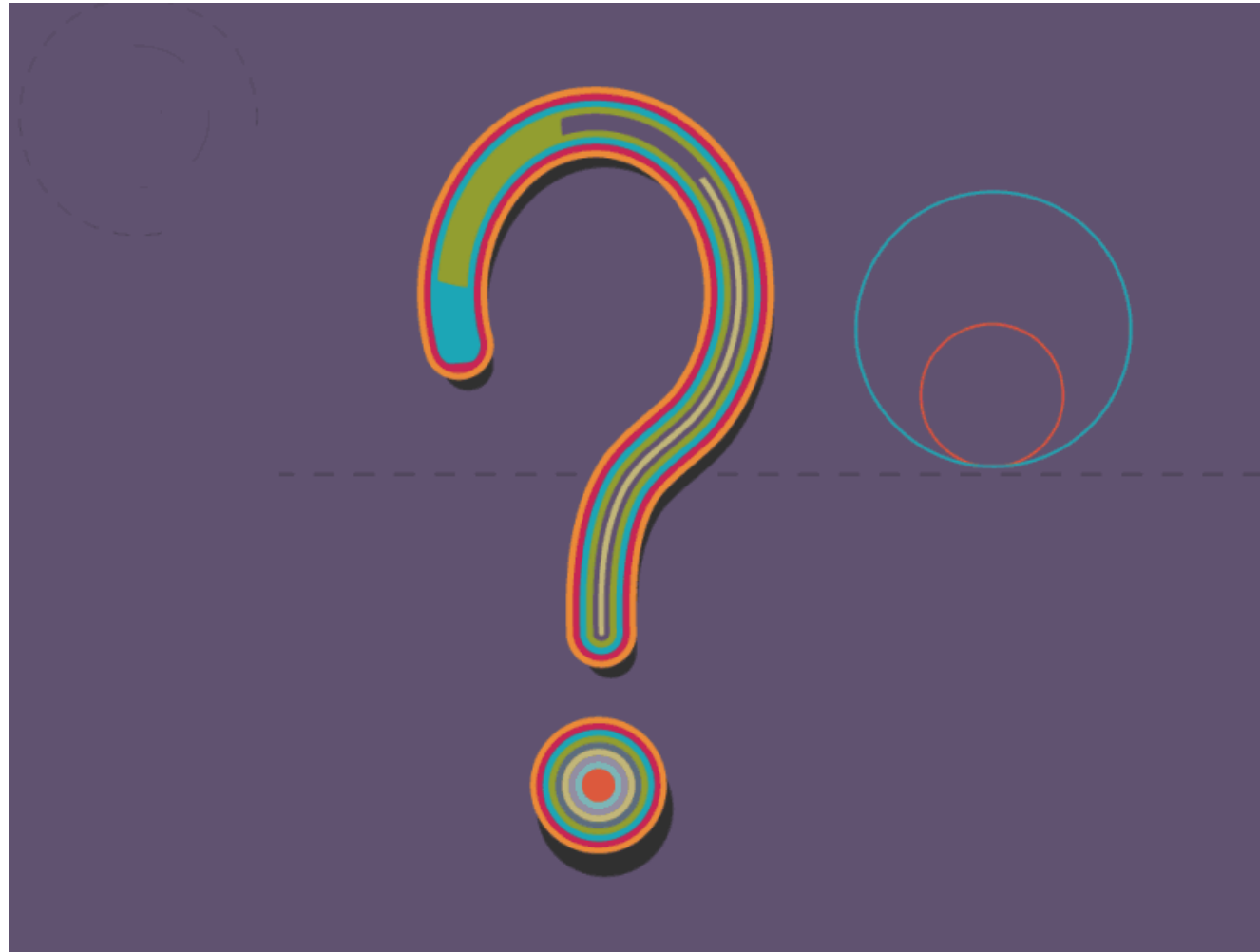
- Pregnant workers have a right to request leave as a **reasonable** accommodation for their own pregnancy-related condition under the DCPWFPA and the PWFA, as well as under the DCHRA and ADA when the condition is a qualifying disability.
- They also have the right to request Medical Leave under the DC Family Medical Leave Act (DCFMLA) and federal FMLA for a pregnancy-related condition.
 - Family Leave is also available for bonding with the child.
- Under the DC Universal Paid Leave Act (UPL), the leave entitled to under the DCFMLA can be paid for private sector employees.



Chest/Breastfeeding Rights in the Workplace

- Up to a year after a child's birth, employees have the right to:
 - A private space to pump chest/breastmilk that is:
 - Functional for pumping milk,
 - Private – shielded from view and free from intrusion,
 - Available as needed, and
 - **NOT** a bathroom
 - Use reasonable break time to pump
 - Under the PWFA and DCPWFAs, request additional reasonable accommodations related to their need to chest/breastfeed or pump.

Any Questions?



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Thank You For Your Time!



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