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Attorney General Brown Takes Action to Defend Protections for Pregnant and Postpartum Workers

BALTIMORE, MD (May 24, 2024) – Attorney General Anthony G. Brown today joined a coalition of 24 attorneys general defending a proposed rule issued by the Equal Employment Opportunity Commission (EEOC) to implement the Pregnant Workers Fairness Act (PWFA) of 2022. The PWFA is landmark federal legislation that requires employers to provide reasonable accommodations to pregnant and postpartum employees.

The PWFA would require employers to provide reasonable accommodations for a broad range of conditions related to pregnancy and childbirth, including an employee’s decision to terminate a pregnancy. In an [amicus brief](#), Attorney General Brown and the coalition oppose a lawsuit seeking to stop the EEOC’s rule from taking effect.

“Delaying the protections granted under the Pregnant Workers Fairness Act is putting these workers at risk. They do not have the luxury of time to wait while a lawsuit opposing the Act makes its way through the courts. These workers need protections in place now,” **said Attorney General Brown**. “For their own health and safety and to perform their jobs effectively, reasonable accommodations—which are guaranteed under the law—must be made available to pregnant and postpartum workers.”

Enacted in 2022, the PWFA provides important workplace protections for pregnant and postpartum workers. It requires employers to provide these workers with reasonable accommodations to protect their health, such as additional breaks or excused time off for doctors’ visits. Prior to its passage, a patchwork of laws failed to adequately protect these workers, putting many at risk of health complications or job loss, particularly for low-income workers and workers of color. In August 2023, the EEOC proposed a rule implementing the PWFA that, among many other things, required employers to provide reasonable accommodations to workers whose pregnancies are terminated by abortion, most commonly in the form of time off to attend a medical appointment or recovery.

In April 2024, a group of states led by Tennessee sued the EEOC in the U.S. District Court for the Eastern District of Arkansas arguing against the requirement of reasonable accommodations

for abortion care. The group sought to stop the implementation of the PWFA while the lawsuit was pending.

In its brief, the coalition supports the PWFA, noting that job loss due to pregnancy discrimination can drive workers and families into poverty and affect their economic security at a critical time in their lives. The brief also argues that the EEOC was correct to include termination of pregnancy—including by miscarriage, stillbirth, or abortion—in the law’s protections for “pregnancy, childbirth, or related medical conditions.” Decades of case law interpreting an identical term in the Pregnancy Discrimination Act supports the EEOC’s interpretation.

In filing the brief, Attorney General Brown joins the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin.

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