

PREGNANT WORKERS FAIRNESS ACT

22 GCA Ch. 3 Article 8 (P.L. 36-118)

Employers with more than 15 employees are **REQUIRED** to post an PWFA notice in a conspicuous location.

THE LAW AND COVERAGE

Be Ready! P.L. 36-118, The Pregnant Workers Fairness Act has been passed into law. Therefore, the law requires employers to eliminate discrimination and promote women's health and economic security by ensuring workplace accommodations for workers whose ability to perform the functions of a job are limited by Pregnancy or Childbirth.

The law covers the following:

- (1) Any person who directly employs fifteen (15) or more persons to perform services for a wage or salary; or
- (2) The government of Guam, and any governmental entity, department, agency, commission, instrumentality, or public corporation, but excluding the United States Government.

EMPLOYERS

It's unlawful:

- ✿ for any employer to refuse to make reasonable accommodations to the known limitations related to the pregnancy or childbirth of an employee, unless the employer can demonstrate the accommodation would impose undue hardship;
- ✿ to require an employee affected by pregnancy or childbirth to accept an accommodation other than a reasonable accommodation;
- ✿ to deny employment opportunities to an individual if such denial is based on the need of the employer to make reasonable accommodations to the known limitations related to pregnancy or childbirth;
- ✿ to require an employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided to known limitations related to the pregnancy or childbirth of the employee;
- ✿ to take adverse action in terms, conditions, or privileges of employment against an employee on account of the employee requesting or using a reasonable accommodation to the known limitations related to the pregnancy or childbirth of the employee.

REASONABLE ACCOMMODATIONS

The adjustments, modifications, or changes made in an environment, policies, practices, or procedures to ensure that individuals with disabilities can fully participate in programs, services, or activities. To enable an individual with a disability to participate in the application process or to perform essential job functions.

These accommodations are intended to provide equal opportunities, access, and full inclusion within the workplace.

PENALTIES

Under P.L. 36-118, The Department is authorized to issue the following penalties for the violation of this Act: (1) Up to One Thousand Dollars (\$1,000.00) for the first offense; and (2) Up to Two Thousand Dollars (\$2,000.00) but not less than One Thousand Dollars (\$1,000.00) for subsequent offenses.

If you need more information or wish to report an employer that you believe has violated this law, please contact the GDOL FEPD Office at (671)300-4544/4612 or (671)475-7037



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Scan for DOL's Website

Fair Employment Practice Division
Phone: (671)300-4544 or 475-7037
Email: fepa@dol.guam.gov
Website: dol.guam.gov or
dol.guam.gov/compliance/fepd/



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Please consult with our website or FEPD staff for specifics regarding this poster.*