



COMPLIANCE ALERT

# Pregnant Workers’ Fairness Act Takes Effect

**I**F YOU have not yet done so, it’s time to update your employee handbooks and the Equal Employment Opportunity Commission “Know Your Rights: Workplace Discrimination is Illegal” poster to account for changes to workplace anti-discrimination laws.

The Pregnant Workers’ Fairness Act, signed into law last year, came into effect June 27 and the EEOC has announced that it will start accepting complaints on day one.

The Act requires “covered employers” to provide “reasonable accommodations” to a worker’s known limitations related to pregnancy, childbirth or related medical conditions, unless the accommodation will cause the employer an “undue hardship.”

A “covered employer” is a private or public sector employer with at least 15 workers.

The Act only covers accommodations, while existing laws make it illegal to fire or otherwise discriminate against workers on the basis of pregnancy, childbirth or related medical conditions.

Due to the new law, employers will also need to swap out their current posters with new versions that include the new protected class.

## The poster

Since the law took effect June 27, if you have not already done so, download, print and then post the new poster alongside your other workplace posters. You can download the poster below:

[English-language version](#)

[Spanish-language version](#)

## Internal steps

The new law requires that leave be considered as a reasonable accommodation. However, if you have in place an existing pregnancy/maternity leave policy that applies

to all workers, the policy may violate this law if that is all you are offering pregnant employees per your handbook, according to an analysis of the law by *JDSupra.com*, a legal website.

Additionally, *JDSupra.com* recommends that you train supervisors and managers on the new law and that they will need to offer accommodations to pregnant employees, such as light duty, which previously may have only been offered to those injured on the job and/or who had serious, long-term medical conditions such as cancer, PTSD or diabetes.

It also recommends updating your employee handbook to list “pregnancy” as its own protected class in both your “Equal Employment Opportunity” and “Accommodation Request” sections.

Finally, the website warns: “In both your policies and in practice, putting a pregnant employee ‘out on leave’ should not be your initial, only, or otherwise ‘go to’ move when it comes to ‘accommodation.’”

If you have questions, feel free to contact us. ❖



The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you’ve been discriminated against at work or in applying for a job, the EEOC may be able to help.

### Who is Protected?

- Employees (current and former), including managers and temporary employees
- Union members and applicants for membership in a union
- Job applicants

### What Employment Practices can be Challenged as Discriminatory?

- All aspects of employment, including:
- Discharge, firing, or lay-off
  - Harassment (including unwelcome verbal or
  - Job training
  - Classification
  - Referral

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# Tips on Hiring Teens for Summer Employment

**W**HEN CONSIDERING taking on some extra workers for the summer months, many employers opt for hiring teenagers looking for temporary work when not in school.

The Fair Labor Standards Act contains rules for employing minors, including that they are entitled to the prevailing minimum wage and overtime. But it also includes provisions for when minors can work and what kind of work they can do.

The FLSA's child labor restrictions are heavily enforced and management bears the burden of abiding by these rules, so it's best to study up on the restrictions.

## NO HAZARDOUS WORK

Minors are prohibited from any occupation that's on the U.S. Department of Labor's list of hazardous occupations. This includes, among many others:

- Driving a motor vehicle
- Trenching and excavation work
- Roofing work
- Bailing
- Using power-driven tools and machinery

Workers who are 14 or 15 years old can generally only do jobs like:

- Office and clerical work
- Intellectual and creative work (like design)
- Cashiering
- Stocking shelves

Additionally, the federal youth employment provisions limit the times of day, number of hours, as well as industries and occupations in which 14- and 15-year-olds may be employed.

If it's summer and school is out of session, you have leeway to let them work eight hours a day. But if they stay on during school, consult the child labor section of the Department of Labor's website.

## Tips

**Get a USDOL-sanctioned age certificate** – This will help you avoid inadvertently violating child labor laws.

**Clearly describe job duties** – This can ascertain whether the minor's duties do not conflict with regulations on prohibited work. Take extra care when hiring someone younger than 16.

**Tell other workers the exact tasks the minor can do** – This will avoid a situation where they may be asked to do something they are prohibited from doing.

**Proper supervision** – Properly supervise teen workers. Consider assigning a more experienced employee to work with them to ensure they are doing their job properly and safely. This frees up supervisors from having to constantly monitor the employee. ❖

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# Report: Accommodations Are Often Inexpensive

**T**HE AMERICANS with Disabilities Act, now more than 30 years old, requires employers to make reasonable accommodations for employees with disabilities.

Many employers may be concerned about the cost of making those accommodations. However, a recent government study shows that the costs are typically minimal or non-existent.

The report, from an office of the U.S. Department of Labor, surveyed more than 3,500 employers between 2019 and 2023. The employers were in a variety of industries and comprised sizes from small to Fortune 500. Each of them contacted the department for information about workplace accommodations, the ADA, or both.

## KEY FINDINGS: IT'S NOT COSTLY

- Almost half the employers reported that the workplace accommodations cost them nothing.
- Another 43% reported incurring a one-time cost, and the median cost was \$300.
- Only one out of 14 incurred ongoing annual costs, with the median cost at \$3,750.
- The accommodations worked. More than two-thirds of the employers surveyed said that they were very or extremely effective. Another 18% found them to be somewhat effective.

## Successful accommodations

The report gave examples of successful employer accommodations involving:

- Employees suffering fatigue from long COVID. One employer provided frequent short breaks. Another agreed to a four-day work schedule. Neither reported direct costs.
- A visually impaired employee suffering eye strain from using a computer to write reports. The employer purchased \$600 dictation software.
- A health care worker suffering from anxiety and attention deficit hyperactivity disorder was distracted by co-worker and patient noise. The employer spent \$250 on noise-canceling headsets.
- A grocery store permitted a clerk to bring a service animal to work at no cost.
- For \$150, an employer provided a one-handed computer keyboard for an employee who had lost the use of a hand.

## Takeaways

Reasonable accommodations for disabled employees may be less expensive than you fear.

Employers who need help designing accommodations can contact the Labor Department's Job Accommodation Network. At little expense, you can gain an edge in the war for talent. ❖





## WORKPLACE DISTRACTIONS

# More Firms Ban Smartphones at Work

**M**ORE AND more employers are banning cell phones in the workplace because they are distracting enough to be a serious safety issue for workers.

“The Digital Distraction & Workplace Safety” study, issued by Screen Education, reported that 14% of employer respondents said at least one accident had occurred at their workplace because an employee was distracted by their smartphone. These accidents had serious consequences:

- 59% caused property damage
- 50% caused injury or death

Surprisingly, 47% of respondents said they had in place cell phone restrictions, meaning that the employees were flouting the rules when they caused the accident.

Companies are wising up. General Motors has banned all employees, including its CEO, from walking around with their mobile phones while talking, texting or using other smartphone functions.

That’s a smart policy. In busy workplaces, safety should be your primary concern.

### Machinery and phones don’t mix

OSHA bars the use of cell phones in construction regulations pertaining to cranes and derricks, but the hazard exists across any dangerous equipment.

Some workers should absolutely not have their mobile phones on and within

reach, such as powered industrial truck operators, forklift drivers and machinery users. If you have any of these among your workforce, you should strictly ban the use of mobile phones in any capacity during the use of industrial equipment.

You may consider extending the ban to include anyone on the floor of a factory or warehouse or where heavy equipment and machinery is in use.

### Potential property damage

Distracted cell phone usage is known to cause workers to accidentally misuse equipment or machinery, which can result in either small or serious damage to company property.

Furthermore, the cost of replacing damaged property can have a major financial impact on your organization and possibly be at your expense.

### Reduced productivity

Cell phone usage can have adverse effects on warehouse production levels and the individual performance of your employees.

People who are on their phones could be working instead and, if someone is involved in social media banter or watching an amusing video on YouTube, it’s easy for them to ignore important matters that come across their desks.

### What you can do

Create a policy that explicitly explains when and where employees may use their mobile phones while on the job. ❖

## RULES TO CONSIDER

Consider the following for your rules:

- Mobile phones are barred for employees when performing on-site job-related tasks.
- Answering calls, texting, checking social media or using the internet are all activities that fall under dangerous cell phone usage.
- Set parameters for when and where employees are allowed to use their phones.
- Consider restricting types of media and videos.
- Hold employees accountable to productivity levels. Note that time spent on the phone on personal matters is keeping them from focusing on their jobs.