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News Release 2024-27

**ATTORNEY GENERAL LOPEZ TAKES ACTION TO DEFEND PROTECTIONS FOR  
PREGNANT WORKERS**

*AG Lopez Joins 23 Attorneys General to Oppose Effort to Undermine Federal Regulations  
Requiring Employers to Provide Accommodations for Pregnant and Postpartum Employees*

**FOR IMMEDIATE RELEASE**

May 24, 2024

**HONOLULU** – Attorney General Anne Lopez joined a coalition of 23 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 for pregnant and postpartum employees. The EEOC rule 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 filed in the U.S. District Court for the Eastern District of Arkansas, the coalition of attorneys general opposed a lawsuit seeking to stop the EEOC's rule from taking effect.

"The Pregnant Workers Fairness Act is a landmark federal civil rights statute that protects pregnant and postpartum workers, and the EEOC rule at issue in this case will play an important role in realizing these goals," said Hawai'i Solicitor General Kaliko'onāalani D. Fernandes. "The Department of the Attorney General is proud to defend these important protections in court."

Enacted in 2022, the PWFA is the first federal law that requires employers to provide pregnant and postpartum workers with reasonable accommodations—such as additional breaks or excused time off for doctors' visits—to protect their health. Prior to its passage, a patchwork of laws failed to adequately protect pregnant or postpartum workers, putting many at risk of health complications or job loss, with a disproportionate effect on 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 for workers whose pregnancies are terminated by abortion—most commonly in the form of time off to attend a medical appointment or for 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 and seeking to stop the implementation of the entire EEOC rule pending the outcome of the litigation.

In an amicus brief to the District Court, Attorney General Lopez and the coalition argue for the importance of the PWFA, noting that job loss due to pregnancy discrimination can impoverish workers and families and affect their economic security at a critical time in their lives. The PWFA provides important workplace protections for pregnant and postpartum workers, particularly low-wage workers and workers of color who are more likely to suffer negative health outcomes during pregnancy as a result of their jobs. The brief also argues that the EEOC was correct to include termination of pregnancy—including via 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 support the EEOC’s interpretation.

Joining Attorney General Lopez in filing the amicus brief are the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin, and the District of Columbia.

A copy of the brief can be found [here](#).

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