New Year, New Protections for Pregnant and Lactating Employees, Restrictions on Pre-Dispute Non-Disclosure and Non-Disparagement Provisions

BY TRACY THOMAS BOLAND • JANUARY 17, 2023

Signed into law last month were three federal statutes impacting millions of U.S. workers: the Speak Out Act, the Pregnant Workers Fairness Act, and the Providing Urgent Maternal Protections for Nursing Mothers Act.

SPEAK OUT ACT

On December 7, 2022, President Biden signed into law the Speak Out Act. The Act prohibits the enforcement of pre-dispute non-disparagement and non-disclosure provisions regarding sexual assault and sexual harassment claims filed after December 7, 2022.

PREGNANT WORKERS FAIRNESS ACT

Included in the $1.7 trillion omnibus spending bill that was signed into law on December 29, 2022, the federal Pregnant Workers Fairness Act (PWFA) will require most employers to provide reasonable accommodations to applicants and employees who are pregnant, recently gave birth, or who are experiencing medical conditions related to pregnancy or childbirth. The PWFA goes into effect on June 27, 2023, and applies to employers with 15 or more employees.

PROVIDING URGENT MATERNAL PROTECTIONS FOR NURSING MOTHERS ACT

As part of the omnibus spending bill, the Providing Urgent Maternal Protections for Nursing Mothers Act (the PUMP Act) was also signed into law. While the Affordable Care Act and amendments to the Fair Labor Standards Act (FLSA), as well as some state laws like Massachusetts' Pregnant Workers Fairness Act, include lactation protections for hourly employees, the PUMP Act further amends the FLSA to expand those protections to salaried employees.

Continue reading "New Year, New Protections for Pregnant and Lactating Employees, Restrictions on Pre-Dispute Non-Disclosure and Non-Disparagement Provisions" to learn more about each new statute, the impact each will have on

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employers, and the steps businesses should take.

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