



LEGAL UPDATE



FEDERAL COURT VACATES PWFA ABORTION ACCOMMODATION MANDATE

On May 21, 2025, the U.S. District Court for the Western District of Louisiana [vacated](#) the U.S. Equal Employment Opportunity Commission's (EEOC) requirement that employers must accommodate elective abortions and the inclusion of abortion as a pregnancy-related medical condition for purposes of the [Pregnant Workers Fairness Act](#) (PWFA).

BACKGROUND

The PWFA took effect on June 27, 2023, and requires employers with 15 or more employees to provide reasonable accommodations for an individual's known limitation related to pregnancy, childbirth or related medical condition unless doing so would impose an undue hardship on the employer. The EEOC published a [final rule](#) to implement the PWFA that took effect on June 18, 2024.

In its final rule, the EEOC defined "related medical condition" under the PWFA to include a "termination of pregnancy, including via miscarriage, stillbirth or abortion." Consequently, the final rule required employers to reasonably accommodate an individual's abortion, including elective abortions.

COURT RULING

In *Louisiana v. EEOC*, the plaintiffs (including the states of Mississippi and Louisiana and religious organizations) argued that the EEOC exceeded its statutory authority to implement the PWFA by including the abortion accommodation mandate in the EEOC's final rule.

The court ruled in favor of the plaintiffs and vacated any portion of the final rule that includes abortion in the definition of "related medical condition," as well as any portion of the rule that requires or suggests that employers are required to accommodate purely elective abortions that are not necessary to treat a medical condition related to pregnancy. The court further ordered the EEOC to modify any applicable guidance to conform with the court's decision.

EMPLOYER TAKEAWAYS

Pursuant to the ruling, the PWFA no longer requires employers to provide reasonable accommodations for purely elective abortions. However, covered employers must still provide reasonable accommodations for pregnancy terminations, including abortions, that are necessary to treat a medical condition related to pregnancy. In addition, some states and municipalities have passed their own pregnancy accommodation laws that may provide greater protections to employees than those provided under federal law. Therefore, employers should carefully review and ensure compliance with all applicable laws when evaluating an employee's request for a reasonable accommodation.

Employers may also monitor for updated PWFA guidance from the EEOC.

HIGHLIGHTS

- + On **June 27, 2023**, the PWFA went into effect, requiring employers to reasonably accommodate pregnancy, childbirth and related medical conditions.
- + On **June 18, 2024**, the EEOC's final rule to implement the PWFA took effect, which includes a requirement to accommodate elective abortions.
- + On **May 21, 2025**, the Louisiana District Court vacated the provisions of the final rule requiring elective abortion accommodations.

