

Getting Pregnancy Accommodation Wrong Can Be Costly

By Anthony G. Stergio

Two recent cases have emphasized the importance of properly addressing pregnancy-related issues in the workplace and how failing to accommodate pregnant workers can result in sizable damages.

A \$22.5 Million Wake-Up Call: Larkin v. Total Quality Logistics.

In early 2021, Chelsea Walsh, a claims associate at Total Quality Logistics, LLC (“TQL”), underwent a procedure related to her high-risk pregnancy, after which her physicians instructed her to remain on modified bed rest. Walsh submitted a remote work request supported by medical documentation to her employer. TQL, however, denied it and placed her on unpaid leave. Walsh returned to work to maintain her income and health insurance. Approximately two weeks later, TQL approved remote work—but by then it was too late. Walsh experienced complications and gave birth to her daughter at just 20 weeks and six days of gestation. Her daughter later died.

On March 18, 2026, a jury awarded \$25 million, apportioning 90% of fault to TQL—approximately \$22.5 million. The jury found that the company’s refusal to allow a pregnant employee to work from home was a substantial factor in the premature birth and death of her newborn daughter. The verdict underscores a hard truth: when accommodation requests involve serious medical risk, delay or denial can expose employers not only to employment discrimination damages but also to tort liability.

The EEOC Takes Aim: BestBet Jacksonville

Meanwhile, a new lawsuit by the U.S. Equal Employment Opportunity Commission is reinforcing the same principles. In its case against BestBet Jacksonville, the EEOC alleges that the employer enforced a rigid attendance policy requiring employees to resign if they miss more than two weeks of work and did not qualify for FMLA. According to the agency, that approach led to pregnant employees being forced out rather than being accommodated. The EEOC’s allegations suggest that the employer never engaged in an individualized assessment or interactive process; instead, a policy-driven approach replaced individualized decision making.

This case highlights a compliance gap that many organizations still struggle with: understanding that FMLA eligibility is only one piece of a broader legal framework.

What the Law Requires

Since 2022, the Pregnant Workers Fairness Act has required covered employers to provide *reasonable accommodations* for known limitations related to pregnancy, childbirth, and related medical conditions—even when the condition does not amount to a “disability” under the ADA. The PWFA covers a broader range of qualifying conditions, including normal, uncomplicated pregnancy, and requires employers to engage meaningfully in the interactive process for accommodation. Covered accommodations may include remote work, light duty, reduced hours, additional breaks, and time off for prenatal appointments. An employer may deny a request only by demonstrating “undue hardship,” which requires showing significant difficulty or expense based on the nature and cost of the accommodation, the employer’s financial resources, and the impact on operations.

Separately, the Pregnancy Discrimination Act requires employers to treat pregnant employees the same as other employees who have similar restrictions. If an employer allows other employees with temporary restrictions to work remotely, denying a pregnant worker the same option may constitute pregnancy discrimination.

Practical Guidance for Compliance.

Here is how to stay compliant and protect your organization:

- Ensure managers and HR staff understand obligations under the PWFA and the PDA, including the duty to engage in a timely, good-faith interactive process when an employee requests an accommodation related to pregnancy. Emphasize that unreasonable delay or unjustified denial of an accommodation may itself create liability.
- Stop treating leave as the default. Ask what the employee needs to stay employed. In many cases, the answer may be simple—additional breaks, reduced lifting, temporary reassignment, or flexible scheduling. Even when leave is appropriate, it should be one option among many, not the default.
- Review and revise return-to-office and attendance policies. Audit existing policies to ensure they allow for individualized assessment of accommodation requests. Blanket policies that fail to account for medical needs can present serious litigation risk. For construction settings, consider whether modified duties, reassignment to less physically demanding tasks, or adjusted schedules can keep a worker employed safely.
- Carefully document every step of the interactive process, including the accommodation requested, the information considered, the alternatives explored, and the business justifications for any denial. Decisions should reflect specific, legitimate reasons tied to undue hardship—not generalized preferences.
- Apply policies consistently and fairly. Consistent application of attendance, remote work, and accommodation policies across the workforce reduces the risk of discrimination claims based on gender, pregnancy, disability, and other protected characteristics.
- Organizational policies should clearly state that pregnancy and pregnancy-related matters will be treated respectfully and in accordance with both legal requirements and organizational values.

The Bottom Line.

The Larkin verdict and the BestBet lawsuit are *not* isolated incidents—they reflect a broader shift in compliance expectations. Treating pregnant employees with dignity and meaningfully engaging with accommodation requests is not only legally required but sound business practice.