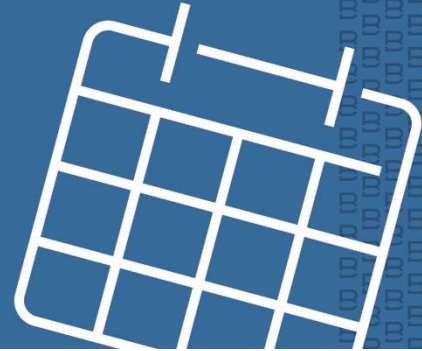


The Work Week

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Pregnancy and Lactation Accommodation Law: Recent Enforcement of Federal Laws and Minnesota's More Protective Law

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Two federal statutes enacted at the end of 2022 – the Pregnant Workers Fairness Act (PWFA) and the PUMP for Nursing Mothers Act (PUMP Act) – have generated some significant activity in 2026, both through direct EEOC enforcement and through private actions. For employers with operations in Minnesota, that federal activity sits on top of a state accommodation law that in several respects is more protective than its federal counterpart. This article summarizes a recent EEOC failure-to-hire suit, two landmark worker victories under the PWFA and PUMP Act, and how Minnesota law changes the compliance calculus.

EEOC v. Dentsu: Failure to Hire Because of Pregnancy

On August 27, 2026, the EEOC sued Dentsu International Americas, LLC in the U.S. District Court for the District of Minnesota, alleging that the advertising and marketing firm refused to hire a pregnant applicant for a Minneapolis-based brand promotion role. According to the complaint, the applicant disclosed her pregnancy during the interview process in November 2023 and indicated she would need leave following childbirth. The company then hired a less-qualified male candidate instead, with the hiring manager reportedly stating that the applicant's "lifestyle didn't fit" the position.

The case is notable because it targets a hiring decision rather than an on-the-job accommodation failure. The PWFA expressly bars employers from declining to hire an applicant because she will need a pregnancy-related accommodation — including time off to recover from childbirth — even before an employment relationship exists. The suit also alleges a Title VII sex-discrimination claim, reflecting the EEOC's continued practice of pairing PWFA claims with parallel Title VII pregnancy-discrimination theories. The case is part of a broader pattern: the EEOC's new [National Enforcement Plan](#) for fiscal years 2025–2029 specifically identifies PWFA-liability-defining cases

as an enforcement priority, and the agency has filed multiple pregnancy-related suits throughout 2026, including actions against a homebuilder in Oklahoma and a manufacturer in Ohio.

Two Landmark Worker Wins: PWFA and PUMP Act

Outside the EEOC's own docket, private litigation and arbitration under both statutes have begun producing substantial results for workers.

In *Tarango v. Permian Basin Community Centers for MHMR d/b/a PermianCare*, a Texas accountant's employer denied her pregnancy-related accommodation requests, including permission to wear sneakers while pregnant and to work from home after giving birth. The employee also faced related harassment. An arbitrator awarded her \$375,835.

In *Newell v. The Cardiovascular Clinic of West Tennessee, P.C.*, an ultrasound technician alleged that her complaints related to lactation breaks guaranteed by the PUMP Act resulted in termination. A federal jury in Tennessee found the employer violated the PUMP Act and awarded her \$232,174.

These cases appear to be some of the first to result in awards to employees under the PWFA and PUMP Act. Both underlying claims involved conduct that would also likely be actionable under Minnesota's state accommodation statute, discussed below.

Minnesota's Accommodation Statute

Employers in Minnesota must layer federal PWFA and PUMP Act obligations on top of Minnesota's own pregnancy-related law which are broader than federal law in several respects:

- **No employer-size threshold.** Unlike the PWFA (15+ employees) and PUMP Act, Minnesota's law applies to every employer with one or more employees.
- **"Undue hardship" and "undue disruption".** While undue hardship may be a defense under the PWFA and the PUMP Act (for employers with less than 50 employees), Minnesota's law is more restrictive. For example, employers cannot deny paid lactation breaks even if they would "unduly disrupt" operations, regardless of the number of employees. Additionally, more frequent restroom, food, and water breaks; seating; and limits on lifting over 20 pounds must be provided to a pregnant employee regardless of hardship.
- **Job protection on return from accommodation-related leave.** Employees who take a leave of absence as an accommodation are entitled to reinstatement to the same or an equivalent position, continued benefits and seniority, and any general pay increases that occurred during the leave.
- **Mandatory notice.** Employers must inform employees of their rights under the statute both at hire and when an employee inquires about or requests parental leave.

These state and federal protections run alongside related leave laws – Minnesota’s Parental Leave Act, Minnesota’s Earned Sick and Safe Time law, and the federal Family and Medical Leave Act.

Practical Takeaways

The *Dentsu* suit is a reminder that PWFA liability can attach at the hiring stage, not just during ongoing employment. The *Tarango* and *Newell* results show that both arbitrators and juries are willing to award substantial damages under the PWFA and PUMP Act. Because Minnesota’s own accommodation statute is broader than federal law on employer size, undue-hardship defenses, and lactation-break duration, Minnesota employers cannot treat PWFA/PUMP Act compliance as sufficient on its own — policies, notices, and manager training should be built around the more protective state standard, with federal law serving as a floor rather than the operative ceiling.

Bassford Remele’s Labor and Employment team actively monitors litigation and enforcement activity at the state and local level to keep our clients informed of potential high-risk areas of the law. We advise clients on the practical implications of litigation and enforcement activity to help clients mitigate similar risk. We also defend clients before administrative agencies and in state and federal courts related to alleged violations of state, local and federal laws.

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