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Alabama Attorney General Marshall Files Lawsuit Against Equal Opportunity Commission's Rule Requiring Employers Accommodate Workers' Abortions

(Montgomery) – Alabama Attorney General Steve Marshall today filed a lawsuit challenging the Equal Employment Opportunity Commission's new rule which illegally expands the Pregnant Workers Fairness Act (PWFA) of 2022. The PWFA was passed by a bipartisan Congress to require employers to provide “commonsense accommodations” to “ensure a healthy pregnancy and healthy baby.” But the new rule implementing the PWFA forces employers, including the 17coalition States, to facilitate employees’ elective abortions.

“An unelected body like the EEOC Commission does not have the authority to rewrite laws passed by Congress,” said Attorney General Marshall. “Congress sought to ensure accommodations on the job to promote the health of pregnant women and their babies. Biden’s EEOC has illegally transformed that bipartisan law into a mandate that employers facilitate abortions. Biden is again violating the law to promote his radical agenda, and we will again stop him.”

Federal law has long protected women from adverse employment actions as a result of pregnancy. The PWFA was passed to fill a gap by ensuring that pregnant women receive basic accommodations from their employers. One co-sponsor could not think of anything “less controversial,” and multiple members of Congress made clear that the PWFA had nothing to say about abortion. And yet Biden’s EEOC has purported to find in this bipartisan legislation the authority to force employers to accommodate abortions, whether the abortion is medically indicated or legal under State law.

The coalition argues that the new rule violates the Constitution and the Administrative Procedure Act. Nothing in the PWFA empowers the EEOC to impose its preferred abortion policy on all the nation’s employers and trample the rights of employers who object to facilitating abortion.

The 17-State coalition was led by attorneys general from Tennessee and Arkansas, and joined by Attorney General Marshall as well as attorneys general from the following States: Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Missouri, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Utah, and West Virginia.

