

EEOC ISSUES NEW GUIDANCE CONCERNING PREGNANCY DISCRIMINATION AND ACCOMMODATIONS

Employers' Advisor Blog Archives
June 29, 2015

On June 25, 2015, the U.S. Equal Employment Opportunity Commission issued [Enforcement Guidance on Pregnancy Discrimination and Related Issues](#) (the Guidance). As stated on the EEOC's website, the Guidance supersedes the EEOC's earlier guidance on the Pregnancy Discrimination Act (PDA), which had been issued in 2014. The Guidance was also issued, in part, in response to the Supreme Court's decision in *Young v. United Parcel Service., Inc.*

The Guidance reflects the Supreme Court's conclusion in *Young* that women may be able to prove unlawful pregnancy discrimination if the employer accommodated some workers but refused to accommodate pregnant women. In *Young*, the Supreme Court explained that employer policies that are not intended to discriminate on the basis of pregnancy may still violate the PDA if the policy imposes "significant burdens" upon pregnant employees "without sufficiently strong justification."

The decision in *Young*, however, does not affect the EEOC's stance on pregnancy discrimination as it relates to:

1. The PDA's application to current, past, and potential pregnancy;
2. Termination or refusal to hire someone because she is pregnant and other prohibited employment actions based on pregnancy;
3. Application of the PDA to lactation and breastfeeding;
4. Prohibition of forced leave policies;
5. The obligation to treat women and men the same with respect to parental leave policies; and
6. Access to health insurance.

The EEOC's position on these topics is addressed in the Guidance.

Please let us know if you have any questions about compliance with the PDA or accommodating pregnant employees in the workplace.