

EEOC NEWS

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EEOC ISSUES UPDATED **PREGNANCY DISCRIMINATION GUIDANCE** *Updates Reflect Recent Young v. UPS Supreme Court Decision*

WASHINGTON -- The U.S. Equal Employment Opportunity Commission (EEOC) today issued an update of its Enforcement Guidance on Pregnancy Discrimination and Related Issues (Guidance), along with a question and answer document and a fact sheet for small businesses. All are available on the EEOC's website at www.eEOC.gov/laws/guidance/enforcement_guidance.cfm.

The updates to the Guidance are limited to several pages about the U.S. Supreme Court's recent decision in *Young v. UPS*, issued in March 2015. The updated Guidance reflects the Supreme Court's conclusion that women may be able to prove unlawful pregnancy discrimination if the employer accommodated some workers but refused to accommodate pregnant women. The Court explained that employer policies that are not intended to discriminate on the basis of pregnancy may still violate the Pregnancy Discrimination Act (PDA) if the policy imposes significant burdens on pregnant employees without a sufficiently strong justification.

The decision in *Young* does not affect most of the July 2014 EEOC Enforcement Guidance on Pregnancy Discrimination and Related Issues and therefore the following topics remain the same:

- the PDA's application to current, past, and potential pregnancy;
- termination or refusal to hire someone because she is pregnant and other prohibited employment actions based on pregnancy;
- application of the PDA to lactation and breastfeeding;
- prohibition of forced leave policies;
- the obligation to treat women and men the same with respect to parental leave policies; and
- access to health insurance.

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The Court's opinion did not address the effect of the ADA Amendments Act of 2008 on workers with pregnancy-related impairments. Therefore that discussion in the Guidance also remains the same. The Guidance notes that, "Changes to the definition of the term 'disability' resulting from enactment of the ADA Amendments Act of 2008 make it much easier for pregnant workers with pregnancy-related impairments to demonstrate that they have disabilities for which they may be entitled to a reasonable accommodation under the ADA."

The EEOC enforces federal laws prohibiting employment discrimination. Further information about the EEOC is available on its web site at www.eeoc.gov.

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