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What to expect: EEOC push on pregnancy bias

Two recent EEOC lawsuits illustrate that the agency is serious about enforcing the Pregnancy Discrimination Act as interpreted in the U.S. Supreme Court's 2015 *Young v. UPS* decision.

What it means: Employers must treat pregnant employees the same as they treat employees who have medical restrictions because of conditions other than pregnancy.

In *Young v. UPS*, the Supreme Court found that UPS routinely offered light duty to employees who had work restrictions because of a variety of medical conditions. It said denying similar light-duty work to pregnant employees with similar medical restrictions violated the PDA.

That's almost precisely the situation alleged in a recent EEOC suit filed against a North Carolina company.

A certified nursing assistant claims Pruitthealth forced her to resign after her doctor placed a 20-pound lifting restriction during her pregnancy. In her complaint, the employee said other nursing assistants with non-pregnancy-related lifting restrictions were accommodated with lifting devices or by having a co-worker help them lift patients. The lawsuit claims the only difference is the reason—pregnancy—the lifting assistance is necessary. The EEOC claims that's a clear violation of the PDA.

The PDA's essential premise is that pregnancy discrimination is a form of sex discrimination. The second recent EEOC case alleges a more straightforward example of pregnancy bias: That without any medical evidence, the employer made paternalistic assumptions about work that was safe for pregnant workers to do.

In that case, Simmons Security and Protective Services in Kansas fired a security guard almost immediately after the supervisor who hired her learned she was pregnant. She was under no medical restrictions at the time. Even so, the supervisor claimed it wasn't safe for her to perform the job while pregnant. The EEOC says that's a PDA violation.

Advice: Only base decisions about pregnant employees on actual medical restrictions.

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