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## LABOR & EMPLOYMENT LAW ALERT

### EEOC Issues Enforcement Guidance on Pregnancy Discrimination

On July 14, 2014 the U.S. Equal Employment Opportunity Commission (EEOC) issued an Enforcement Guidance on Pregnancy Discrimination and Related Issues. In this Guidance, the EEOC outlines its views on various pregnancy-related issues, including the scope of the Pregnancy Discrimination Act's (PDA) coverage (which extends not only to a current pregnancy, but also to past pregnancies and a woman's potential to become pregnant), the relationship between the PDA and the Americans With Disabilities Act (ADA) and the duty to provide reasonable accommodations, circumstances under which employers may be required to provide light duty to pregnant workers, "parental leave" (which is distinct from medical leave associated with pregnancy or childbirth) as it applies to both genders and general "best practices" to avoid unlawful pregnancy discrimination in the workplace.

The timing of the release of this Guidance is significant inasmuch as the U.S. Supreme Court recently agreed to hear the case of *Young v. United Parcel Service, Inc.* which is likely to address many of the same issues covered in the Guidance, including in particular the obligation to provide light duty. Depending on its ruling, the Supreme Court could potentially overrule some aspects of the Guidance. In fact, two EEOC Commissioners filed statements expressing dissenting views on certain provisions of the Guidance, suggesting it oversteps what may be required by existing law. In the interim, however, the Guidance remains the best evidence of the EEOC's current perspective on the rights of pregnant employees.

A link to the Guidance, which also contains a Question and Answer document and Fact Sheet for Small Business, can be found here:

[http://www.eeoc.gov/laws/guidance/pregnancy\\_guidance.cfm](http://www.eeoc.gov/laws/guidance/pregnancy_guidance.cfm)

**If you have questions on how your current pregnancy, disability, or leave related policies may be impacted by this new Guidance, please feel free to contact [Lindsey H. Hazelton](mailto:Lindsey.H.Hazelton@hancocklaw.com) at 315.565.4527 or [lhazelton@hancocklaw.com](mailto:lhazelton@hancocklaw.com).**

*This communication is for informational purposes and is not intended as legal advice.*