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U.S. SUPREME COURT RULING OPENS THE DOOR TO INTERPRETATION OF PREGNANCY DISCRIMINATION ACT

The U.S. Supreme Court's March 25 ruling reviving a pregnancy discrimination suit is important to employers because it opens the door to a broader interpretation of the rights provided under the Pregnancy Discrimination Act (PDA). In a 6-3 vote, the nation's highest court overturned a ruling by the Fourth Circuit Court of Appeals that affirmed the dismissal of a pregnant worker's claims against United Parcel Service (UPS). The nation's highest court found that the wrong standard had been used to determine whether discrimination had occurred and ordered the lower courts to reconsider the case.

At issue before the Supreme Court was a suit filed by Peggy Young, who became pregnant while working as a part-time UPS driver. After her doctor ordered that she could not lift the weights specified by the company -- parcels up to 70 pounds in weight, or 150 pounds with assistance -- Young asked UPS to assign her "light duty." Instead, UPS placed her on unpaid leave because it only provided light-duty to employees who suffered on-the-job injuries, lost their Department of Transportation certifications, or suffered from a disability covered by the Americans with Disabilities Act (ADA). Employees who were unable to perform their regular job for other reasons -- such as an off-work accident -- were not provided light duty work.

Young sued and UPS argued the language of the PDA only amended Title VII's prohibition against sex discrimination to include discrimination based on pregnancy, and did not create special rights for pregnant employees. The trial court agreed and threw out her case. The Fourth Circuit Court of Appeals affirmed, finding the UPS policy was equally unaccommodating to others with conditions disqualifying them from work, such as someone injured through off-job work.

Interpreting the requirements of the PDA is further complicated by two additional facts. First, Young's case arose before the ADA was amended in 2008, which now makes it clear that physical impairments that limit a person's

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ability to lift, stand, or bend are ADA-covered disabilities.

Second, in July of 2014, the Equal Employment Opportunity Commission (EEOC) issued guidance that says “[a]n employer may not refuse to treat a pregnant worker the same as other employees who are similar in their ability or inability to work by relying on a policy that makes distinctions based on the source of an employee’s limitations (e.g., a policy of providing light duty only to workers injured on the job)."

In its opinion, the Supreme Court stated that it was not expressing any view on the EEOC’s recent guidance because the agency did not provide any reasoning behind the new guidance, especially in light of the fact that the new guidance conflicts with legal positions the government has taken in the past. For example, the Department of Justice, on behalf of the U.S. Postal Service, has previously taken the position that pregnant employees with work limitations are not similarly situated to employees with similar limitations caused by on-the-job injuries.

Given the EEOC’s recent guidance on accommodations for restrictions arising from pregnancy, this case will be closely followed to see if the lower court makes a decision that validates or invalidates the EEOC’s current position on the subject. In the meantime, employers would be wise to have strong rationale for providing light duty and other benefits to some employees while denying them to pregnant women.