

EEOC Revises Its Enforcement Guidance On Pregnancy Discrimination To Comport With Recent Supreme Court Ruling

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The EEOC just issued a revised version of its Enforcement Guidance on Pregnancy Discrimination and Related Issues in order to address a number of issues related to the U.S. Supreme Court's recent decision in *Young v. United Parcel Service*, ___ U.S. ___ 135 S.Ct. 1338 (2015), which addressed the issue of disparate treatment of pregnant workers. The newly released version of the Enforcement Guidance will supersede the prior Enforcement Guidance on Pregnancy Discrimination that the EEOC released in July 2014 while the *Young v. UPS* case was pending at the Supreme Court. Changes to the EEOC Enforcement Guidance include revisions to the section on disparate treatment of pregnant workers and a section on light duty work assignments for pregnant workers. The EEOC also deleted an entire section of its prior Enforcement Guidance in response to the *Young* decision, presumably because it no longer was valid in light of the Supreme Court's analysis. The updated guidance that the EEOC released to much fanfare in July 2014 was the first update in 30 years. Yet much of the Enforcement Guidance remains the same – since many sections covered topics that were not affected by the Supreme Court's decision. For example, the EEOC kept a section on the Americans with Disabilities Amendments Act (ADA) and its effect on workers with pregnancy-related impairments. According to the EEOC, the revised Guidance notes that "Changes to the definition of the term 'disability' resulting from 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 revised Enforcement Guidance also retains a section on "best practices" that the EEOC describes as "proactive measures" that may go beyond federal statutory non-discrimination requirements, but are policies that "may decrease employee complaints of unlawful discrimination and enhance employee productivity." For a quick reference on pregnancy-related issues in the workplace, the full text of the revised enforcement guidance can be accessed at the EEOC.gov [website link here](#). A [press release](#) from the EEOC that summarizes the changes in the revised guidance is available. For those who are interested in exploring the Supreme Court's reasoning with respect to pregnancy discrimination claims, the *Young* opinion, released in March, can be found [here](#).

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