

## New EEOC Guidance – Pregnant Employees May Now Be Entitled To Accommodations

July 15, 2014 | | [EEOC, Employment Discrimination, Labor And Employment](#)



**Douglas M.  
Oldham**  
Of Counsel

On July 14, the Equal Employment Opportunity Commission issued its first new comprehensive enforcement guidance regarding the Pregnancy Discrimination Act since 1983, significantly expanding protection for pregnant employees. The EEOC's guidance goes so far as to state that pregnant employees may be entitled to accommodations even if they do not have pregnancy-related disabilities. The Pregnancy Discrimination Act requires employers to treat pregnant employees in the same manner as other workers who are not pregnant, but are similar in their ability or inability to work. In its enforcement guidance, the EEOC states that if a pregnant employee requests an accommodation that is being granted to a non-pregnant disabled employee with similar ability to work, then the employer should also grant the accommodation to the pregnant employee unless it would cause an undue hardship. Similarly, an employer may no longer deny a pregnant employee a light duty position because it has a policy of providing light duty only to workers injured on the job. If an employer provides light duty for any workers, then it must consider providing light duty for pregnant employees. It is unclear how the EEOC's new enforcement guidance will be put into practice, but employers are right to feel uneasy. The EEOC has essentially written an accommodation requirement into the Pregnancy Discrimination Act, even for non-disabled pregnant employees with normal, healthy pregnancies. The Pregnancy Discrimination Act, unlike the Americans with Disabilities Act, contains no accommodation requirement, and the EEOC's interpretation of the Pregnancy Discrimination Act is a dramatic expansion of the Act's coverage. Employers should prepare themselves as the EEOC prepares to enforce rights for pregnant employees that until now did not exist.

### RELATED PRACTICE AREAS

Arbitration and Grievances  
EEO Compliance  
Labor and Employment  
Workplace Culture 2.0

### RELATED TOPICS

Americans with Disabilities Act (ADA)  
Pregnancy Discrimination Act