

Reasonable Accommodation for Pregnant Employees

Labor & Employment Law Update

on March 30, 2015

On March 25, 2015, the U.S. Supreme Court issued the highly anticipated Pregnancy Discrimination Act (PDA) and Americans with Disabilities Act (ADA) decision, *Young v. UPS*, no. 12-1226.

The Court found a genuine issue of facts as to whether UPS failed to accommodate in 2006 a part-time delivery driver, restricted from 70 to 20 pounds lifting during her pregnancy, even though it accommodated other drivers injured on the job or otherwise disabled, as well as drivers who temporarily lost DOT certification. As a result, the Court remanded the case to the appellate court to determine whether pregnancy-blind policies tended to discriminate against pregnant workers despite their similar abilities (or inabilities) to work as non-pregnant workers.

The Court specially noted that 2008 ADA amendments expanded the definition and interpretation of “disability,” likely requiring an employer to provide accommodations to an employee with temporary lifting restrictions originating off the job (e.g., such as pregnancy and related conditions).

What This Means for Employers:

Frustration continues for U.S. companies as there is no “one size fits all” application of law to formation of employment policy and practices.

- As we previously reported, as of January 1, 2015, Illinois Human Rights Act amendments require all Illinois employers to provide accommodations to pregnant employees, and those affected by conditions related to pregnancy (775 ILCS 5/2, et seq.). Because federal employment discrimination law is instructive to Illinois’ administrative agencies, the Court’s ruling means that **employers should evaluate their neutral leave and accommodation policies for potential of pregnancy discrimination.**
- In all states, employers should **ensure that they use a case-by-case evaluation of an employee’s medical- and pregnancy-related leave and accommodation requests.**
- Employers should engage in the **ongoing, individualized interactive process** with the employee to determine what, if any, accommodation can or must be made with the goal of **reducing barriers to performing work.**

- Employers should also carefully evaluate their Workers Compensation Light Duty Programs immediately.

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