



Recent U.S. Supreme Court Case Makes It Easier To Claim Pregnancy Discrimination

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The United States' highest court recently made it easier for individuals to maintain claims of pregnancy discrimination under the federal Pregnancy Discrimination Act.

On March 9, 2015, the United States Supreme Court issued its decision in [Young v. United Parcel Service](#). The plaintiff in the case, Peggy Young, claimed that that her employer, UPS, discriminated against her on the basis of her pregnancy by failing to provide her with a "light-duty" accommodation she allegedly required as a result of medical restrictions associated with her pregnancy. Ms. Young's doctor told her that she should not lift more than 20 pounds during the first 20 weeks of her pregnancy or more than 10 pounds thereafter. UPS, however, required drivers like Ms. Young to be able to lift up to 70 pounds.

Ms. Young requested that UPS provide her with a light-duty accommodation as a result of her restrictions. Although the company provided similar accommodations to other non-pregnant employees who were unable to lift the required amount, UPS denied Ms. Young's request and informed her that she could not work while under a lifting restriction. After being out of work without pay during much of her pregnancy, Ms. Young filed a lawsuit in federal court alleging discrimination under the Pregnancy Discrimination Act ("PDA"). The district court granted UPS's motion for summary judgment and the Court of Appeals affirmed. Ms. Young appealed to the Supreme Court.

Reversing the lower courts, the Supreme Court held that a plaintiff who seeks to show pregnancy discrimination under the PDA based on an employer's disparate treatment may do so through indirect evidence under the

framework established in *McDonnell Douglas v. Green*. Under that framework, the Court explained that a plaintiff must show: “[1] that she belongs to the protected class, [2] that she sought accommodation, [3] that the employer did not accommodate her, and [4] that the employer did accommodate others ‘similar in their ability or inability to work.’” The burden of making this showing, the Court emphasized, is “not onerous.”

The Court further held that a plaintiff may overcome an employer’s purported “legitimate, nondiscriminatory” reason for denying an accommodation by providing “sufficient evidence” that the employer’s policies impose a “significant burden on pregnant workers” and that the employer’s reason for denying the accommodation is not “sufficiently strong” to justify the burden on pregnant workers. “The plaintiff can create a genuine issue of material fact as to whether a significant burden exists,” the Court explained, “by providing evidence that the employer accommodates a large percentage of nonpregnant workers, while failing to accommodate a large percentage of pregnant workers.” Noting that UPS provides other non-pregnant employees with a “light-duty” accommodation (e.g., employees covered by the Americans with Disabilities Act), the Court held that Ms. Young satisfied that standard and remanded the case to the Court of Appeals.

The Supreme Court’s decision in Young is likely to have significant consequences for employers. The decision makes it clear that employers must offer accommodations to pregnant employees that they offer to their other employees in need of an accommodation. Employers should review their policies and practices to ensure that they do not disparately impact or otherwise discriminate against pregnant workers. If you have any questions about how this decision may affect your business, please contact [Scott Ohnegian](#), [Daniel Zappo](#), or any member of Riker Danzig’s [Labor & Employment Group](#).

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