

# Your Guide to the EEOC's Pregnancy Discrimination Enforcement Guidance



On July 14, 2014, the EEOC released updated Pregnancy Discrimination Enforcement Guidance.

The Guidance is based on:



1.

Pregnancy alone is NOT a disability under the ADA.



Pregnancy-related conditions can be disabilities if they impair a major life activity, even if they are temporary.

For example:



Preeclampsia



Morning sickness



Lactation

2.

Employees with pregnancy-related disabilities must be treated the same as other employees with similar limitations.

For example, they may be eligible for a reasonable accommodation under the ADA, such as:



Reassigned work



Modified work schedule



Leave



An employer must provide these accommodations as long as they do not cause “undue hardship” (significant difficulty or expense).

3.

An employer **MAY NOT**:

a.



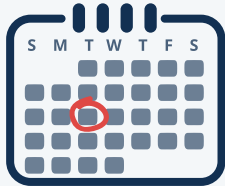
Require medical clearance procedures from pregnant employees that are not required of other employees with similar working abilities.

b.



Force a pregnant worker to take leave when they are able to perform their essential job functions.

c.



Prevent an employee from returning to work following a pregnancy-related condition if other employees on sick and disability are allowed to return to a greater extent.

While it’s up to the courts to determine if the EEOC’s Guidance is supported by legislation, employers should be aware of the guidelines, as they show how the commission intends to enforce the law in the future.

\*This infographic does not cover the full pregnancy discrimination guidance provided by the EEOC. For the complete document, see [www.eeoc.gov/laws/guidance/pregnancy\\_guidance.cfm](http://www.eeoc.gov/laws/guidance/pregnancy_guidance.cfm)