Legal Briefing: Court Delivers Pregnancy Discrimination Ruling

Employer policies that provide for accommodations under certain conditions, but not for pregnancy-related accommodations, may be discriminatory.

Peggy Young, a part-time driver for UPS, became pregnant and was advised not to lift more than 20 pounds. Because UPS required drivers to lift up to 70 pounds, Young was told she could not work and stayed home without pay most of her pregnancy. Young filed a lawsuit in the U.S. District Court for the District of Maryland (see *Workforce* April 2013, p. 14) alleging that UPS's failure to accommodate her pregnancy-related lifting restriction was discriminatory because it was UPS's policy to accommodate individuals whose disabilities or work-related injuries created work restrictions similar to hers.

Both the District of Maryland and the 4th Circuit Court of Appeals held that Young's claim failed because her alleged comparators were too different from her to show discrimination. The U.S. Supreme Court reversed, explaining that the Pregnancy Discrimination Act "requires courts to consider the extent to which an employer's policy treats pregnant workers less favorably than it treats nonpregnant workers similar in their ability or inability to work" and that "[u]ltimately, the court must determine whether the nature of the employer's policy and the way in which it burdens pregnant women shows that the employer has engaged in intentional discrimination." *Young v. United Parcel Service, Inc., Case No. 12-1226,* (March 25, 2015).

IMPACT: Employer policies that provide for accommodations under certain conditions, but not for pregnancy-related accommodations, may be discriminatory in their application.