

# 2015 Could be the Year of the Pregnancy Accommodation Claim

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Jon Hyman

I published my list of the five biggest issues employers need to watch and manage in 2015 earlier this week. I listed “pregnancy leave rights” as number five. In reality, though, that issue could easily have been number one.

Consider that earlier this week, [USA Today](#) told the story of a North Carolina nursing assistant, who claims that she was forced to resign from her job after her employer refused to provide light duty to accommodate the medical complications of her pregnancy. According to the story, “The nursing home regularly provided ‘light duty’ to workers unable to lift, Cole says in the complaint. On light duty, nurse assistants can feed and clean residents and assist with oxygen tubing and nebulizers, she added.

This issue is not going away. Charges filed with the Equal Employment Opportunity Commission alleging pregnancy discrimination have increased by nearly 50 percent over the past 15 years. Moreover, women comprise nearly half of the workforce, and 75 percent of them will become pregnant at some point. Couple those stats with the fact that 40 percent of households with children have mothers who are either the sole or primary source of income for the family, and you can see why this issue is so critical to the American worker (and, consequently, the American employer).

Yet, this should be a non-issue for *most* employers. Just this past summer, the [EEOC issued enforcement guidance](#) that affirmed my long-held belief that employers *may* have to provide light duty for pregnant workers, and must provide the same accommodations to pregnant workers as to other workers with similarly disabling medical conditions. This rule will impose a light-duty obligation on most employers.

Ask yourself:

- Have I ever provided light duty to expedite the return-to-work of an employee with a work-comp claim?
- Have I ever provided light duty to an employee as an Americans with Disabilities Act reasonable accommodation?

If you answer “yes” to either of these questions (and most employers will), then you cannot deny the same light duty to a pregnant worker.