

EEOC increases pregnancy discrimination enforcement

By: Molly M. Fleming

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TULSA – The Equal Employment Opportunity Commission is making pregnancy discrimination a priority. Since 2017 started, the commission has settled four lawsuits, totaling more than \$400,000 in plaintiff relief.

It's become one of the most common forms of discrimination lawsuits, second to disability.

But the EEOC's focus on pregnancy discrimination dates back to 2012, when the board first listed pregnancy in its strategic enforcement plan. In 2014, more guidance was outlined and the issue continued as a priority in the 2017-2021 enforcement plan.

There could be more changes coming with President Donald Trump in the office. His proposed budget includes six weeks of paid maternity and paternity leave.

GableGotwals attorneys Ellen Adams and Paula Williams said much has happened in the last nine months regarding pregnancy law and the workplace.

Williams said their clients have obligations under the Americans with Disabilities Act Amendment Act, Pregnancy Discrimination Act, and the Family and Medical Leave Act. These acts intersect, which can cause some confusion, especially when the Affordable Care Act also comes into play.

Regardless of what Congress does, employers need to understand the existing laws, said Williams.

She and Adams are hosting a free one-hour webinar from noon to 1 p.m. on Tuesday. The seminar "Pregnancy, Maternity and Paternity:

Some Sleepless Nights Can Be Avoided – Preventing Claims of Discrimination and Harassment Before They Start” has been approved for professional development credits by the Society for Human Resource Management.

Adams said there’s a lot of information to cover in the short time period. She said she and Williams could talk about each pregnancy-related act for an hour.

“The purpose is really focused on advising employers to think through all these acts because they intersect,” Adams said. “We want them to know what real obligations exist.”

For example, there’s a difference between parental leave and paternal leave versus pregnancy or childbirth-related medical leave. That’s an area where the employer needs to understand the difference, Williams said.

She said since the EEOC is making pregnancy discrimination a priority, it’s even more important now for employers to understand how the different laws interact.

“Often when laws like this intersect, it becomes more complex and complicated for employers to have knowledge of their obligations to ensure compliance.”

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