

# PUBLICATION

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## Sex Discrimination Back on the EEOC's Radar

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Sex discrimination charges may be on the rise in the coming months, if the EEOC has its way. In a recent interview with Law 360, U.S. Equal Employment Opportunity Commissioner Chai Feldblum expressed disbelief regarding the lack of awareness and understanding of what constitutes pregnancy discrimination among female employees and their supervisors. As it stands now, Commissioner Feldblum is concerned that the majority of female employees get their understanding of the law from social media outlets such as Facebook. In an attempt to combat this perceived lack of information, Feldblum plans to implement an outreach program stressing examples of pregnancy discrimination. Since pregnancy implicates not only the Pregnancy Discrimination Act, Title VII of the Civil Rights Act of 1964, the Family Medical Leave Act, as well as the Americans with Disabilities Act, as amended, among other statutes, the EEOC's new found focus on sex discrimination claims could have serious ramifications for employers. Commissioner Feldblum did not provide any specifics as to what this new outreach program might entail or when the program would be rolled out.

The Pregnancy Discrimination Act forbids discrimination based on pregnancy when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment. If a woman is temporarily unable to perform her job due to a medical condition related to pregnancy or childbirth, the employer must treat her in the same way it treats other temporarily disabled employees. For example, the employer may be required to provide the employee with light duty. Additionally, conditions resulting from pregnancy such as gestational diabetes or preeclampsia may be considered disabilities under the ADA. Therefore, employers should take care to ensure that managers are aware of pregnant employees' protections, and the various legal implications, as the EEOC appears to be renewing its focus in this area.