

Pregnancy Bias Law Ready for Supreme Test As High Court Ponders Duty to Accommodate, Bloomberg BNA ft. Philip Voluck

By Kevin McGowan
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Nearly 36 years after it was enacted, the Pregnancy Discrimination Act is ready for its close-up with the U.S. Supreme Court poised to decide whether the law requires employers to offer pregnant employees workplace accommodations they need to remain on the job.

Practitioners interviewed by Bloomberg BNA this summer said the pending Supreme Court case, as well as a recent Equal Employment Opportunity Commission enforcement guidance, raise significant legal questions about what the federal ban on sex discrimination really means as well as more practical issues such as whether employers must restructure their light-duty programs.

*The PDA, a 1978 amendment to Title VII of the 1964 Civil Rights Act, was spurred by the Supreme Court decision in *General Electric Co. v. Gilbert*, 429 U.S. 125, 13 FEP Cases 1657 (1976), in which a 6-3 majority ruled that discrimination based on pregnancy wasn't sex discrimination and General Electric's short-term disability benefits plan therefore didn't violate Title VII by...*