
EEOC Sues Nursing Center for Pregnancy Discrimination

March 26, 2018

The U.S. Equal Employment Opportunity Commission (“EEOC”) filed a lawsuit against Century Care of Laurinburg, Inc., doing business as Scottish Pines Rehabilitation and Nursing Center (“Scottish Pines”) for sex discrimination alleging that the center failed to accommodate two pregnant nursing assistants.

According to the EEOC’s lawsuit, in November 2014, Mary Jacobs was placed on unpaid leave when she asked Scottish Pines to accommodate her pregnancy after her doctor ordered a lifting restriction. The company terminated Jacobs in February 2015 when her leave expired and she was unable to return to work without the pregnancy-related restriction. Similarly, in December 2015, Scottish Pines allegedly failed to accommodate Laketa Watts’ pregnancy, after her doctor ordered a 20-pound lifting restriction. The EEOC found that the nursing center had the ability to accommodate both employees’ restrictions because it had previously offered light duty and/or job modifications to non-pregnant employees who were injured at work and requested accommodations.

The federal complaint alleges that the Scottish Pines violated the Pregnancy Discrimination Act, which was enacted as an amendment to Title VII of the Civil Rights Act of 1964 (“Title VII”) to prohibit sex discrimination on the basis of pregnancy. The Pregnancy Discrimination Act specifically states that “[t]he terms ‘because of sex’ or ‘on the basis of sex’ [as noted in Title VII] include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes.” 42 U.S.C. 2000e(k). Moreover, employers must treat pregnancy restrictions the same way they treat any other medical conditions. Here, as alleged in the complaint, Scottish Pines offered light duty or job modifications to accommodate the temporary restrictions of non-pregnant employees who were injured at work but refused to grant similar accommodations or modifications to employees who experienced pregnancy-related work restrictions in violation of Title VII. The EEOC is seeking injunctive relief (e.g. policy changes), back pay, compensatory damages, and punitive damages.

“Employers must generally treat the work restrictions of pregnant employees just like those of non-pregnant employees,” said Lynette A. Barnes, regional attorney for the EEOC’s Charlotte District Office. “Companies must be careful not to violate federal anti-discrimination law when they pick and choose which employees to accommodate.”

Employers should promptly review and if necessary, update their workplace policies to ensure compliance with various federal, state and local pregnancy accommodation laws. Furthermore, employers should be mindful of other federal laws that affect the treatment of pregnant employees including the American with Disabilities Act

and the Family and Medical Leave Act, as well as any applicable state and/or city law. Employers should also consider training and educating their managers about the legal obligations of providing reasonable accommodations to pregnant employees.

If you have any questions or concerns regarding employment related issues, please contact Hayley B. Dryer at HDryer@cullenanddykman.com or at 516-357-3745.

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