



K&F EMPLOYER ALERT:

EEOC FINDS WIDESPREAD EMPLOYMENT DISCRIMINATION BASED ON PREGNANCY AND CARE-GIVING RESPONSIBILITIES

Paul D. Godec, Esq., and Nancy Cornish Rodgers, Esq.

Kissinger & Fellman, P.C.

Denver, Colorado (February 23, 2012)

On February 15, 2012, the Equal Employment Opportunity Commission (EEOC) announced its findings about **widespread employment discrimination against pregnant employees and employees with care-giving responsibilities**. The EEOC concluded that, despite employees' strong willingness to work, employers unlawfully deprive many pregnant women and employees with care-giving responsibilities of job opportunities, workplace modifications, leave, and equal treatment.

In today's economy, most pregnant women want and need to work. Likewise, more American workers struggle daily to balance work demands and familial care-giving responsibilities. In this context, the EEOC perceives **discrimination against pregnant women and care-givers as a significant problem**.

Specifically, the EEOC Chair stated that:

- "Pregnancy discrimination persists in the 21st century workplace, unnecessarily depriving women of the means to support their families."
- "Similarly, **caregivers – both men and women – too often face unequal treatment on the job.**"
- "The EEOC is committed to ensuring that job applicants and employees are not subjected to unlawful discrimination on account of pregnancy or because of their efforts to balance work and family responsibilities."

Congress passed the Pregnancy Discrimination Act (PDA) more than 30 years ago. Yet, women often face

demotions, prejudice, and job loss when they become pregnant. In the past 40 years, the number of women choosing to work while pregnant and during the later stages of pregnancy has increased enormously. Women have become the primary breadwinners in nearly two-thirds of families. Accordingly, women cannot afford to lose employment and income due to pregnancy or childbirth.

Men can also face obstacles in their work lives due to their roles as care-givers. Men tend to be penalized by some employers after requesting leave for care-giving responsibilities because the employer has the stereotype that care-giving reflects "women's work." An EEOC Commissioner noted that

- "Employers should not make decisions based on stereotypes and presumptions about the competence and commitment of these workers."
- "**EEOC will vigorously enforce the anti-discrimination laws** as they apply to pregnant women and caregivers."

Employers should revisit their policies and the legal requirements that control pregnancy discrimination and care-giver discrimination with a trusted legal advisor to avoid violations of those requirements. Employers should also seek legal representation if they have been subject to a complaint or investigation related to allegations of pregnancy or care-giver discrimination.

Contact [Paul Godec](#) or [Nancy Rodgers](#) at Kissinger & Fellman, P.C. to discuss this important issue.