

Supreme Court Pregnancy Discrimination Case: *Young v UPS*

Young v. United Parcel Service

Docket Number: (12-1226)

Argument: December 3, 2014

Opinion: March 25, 2015

Peggy Young, a former employee of UPS, became pregnant in 2006 and was instructed by her doctor to not lift more than 20 pounds. Her normal duties at UPS, consisting mostly of delivering letters, very rarely required her to lift anything heavier than 20 pounds. However, UPS forced her to take unpaid leave as she was "too much of a liability" and she had to go without her employer-sponsored health insurance while pregnant. Other employees, those with disabilities, people with on-the-job injuries and even employees who had lost their commercial drivers' licenses as a result of DUI convictions, received "light duty," which was an accommodation UPS refused to provide Peggy Young.

The case posed the question of whether the UPS violated the Pregnancy Discrimination Act of 1978 (PDA) by forcing Peggy Young to take unpaid leave instead of offering the same accommodations given to other employees. The Court ruled that denying pregnant workers accommodations available to a large percentage of non-pregnant workers can violate the Pregnancy Discrimination Act. The law requires that pregnant women be treated the same as other workers who are "similar in their ability or inability to work." Peggy Young's case was sent back to the lower courts – if she can prove UPS denied accommodations given to other employees similar in their ability to work and that UPS' policies imposed a significant and unjustified burden on pregnant workers, she will win. The Supreme Court also acknowledged that pregnant workers have expanded rights under the Americans with Disabilities Act.

The case did not solve the problems of pregnant workers who do not have the power of knowing about the accommodation policies in their workplaces. The Court failed to define what constitutes a large-percentage of workers and failed to state whether the employer had to be already accommodating a large percentage of non-pregnant workers or had policies that could potentially accommodate a large percentage of non-pregnant workers.

Measures to protect pregnant women in the workplace are necessary. It is estimated that 75 percent of women currently entering the workforce will become pregnant while they are employed. Additionally, 41 percent of families with children rely on the mother as the primary breadwinner. In denying a pregnant woman income and employment-sponsored health insurance during a time when she needs them most, society is undermining the health of women and equality for women in the workplace.

An answer to the lingering problems with pregnancy discrimination, unsolved by the Supreme Court decision, is the Pregnant Workers Fairness Act (S. 942/H.R. 1975 – 113th Congress). This piece of legislation would prohibit employers from forcing pregnant employees from taking leave and instead provide a reasonable accommodation.

NOW Foundation joined an amicus brief for this case.