

EMPLOYMENT SERVICES ALERT

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Pregnancy Discrimination Case against UPS is Revived

The U.S. Supreme Court issued a decision today that revived a female driver's case against UPS which alleged that the company violated the Pregnancy Discrimination Act when it failed to offer light duty work to her after her physician advised her that she should not lift over 20 pounds. Both the District Court and the Court of Appeals for the Fourth Circuit had determined that UPS was entitled to a summary judgment, because Peggy Young had not met her burden of proving a prima facie case of discrimination. The Supreme Court reversed, and remanded the case to the Fourth Circuit to determine if Ms. Young had created a genuine issue of material fact as to whether UPS's reasons for having treated her less favorably than other non-pregnant workers were pretextual.

Pursuant to a collective bargaining agreement with its union, UPS did accommodate light duty work restrictions for certain employees who had been hurt on the job, had disabilities covered by the Americans with Disabilities Act or who had lost Department of Transportation certifications as a result of an injury or condition. Young argued that because the company failed to provide her the same accommodation, UPS engaged in discrimination because of her pregnancy. The lower courts found that those workers who Young compared herself to were not "similarly situated," so Young could not make a prima facie case, and as a result, there was no discrimination.

In a 6-3 decision authored by Justice Steven Breyer, the Court said that Ms. Young might very well be able to reach a jury by providing evidence that the employer's policies imposed a significant burden on pregnant workers, and that the employer's "legitimate, non-discriminatory reasons put forth pursuant to the McDonnell Douglas burden shifting analysis, were not sufficient, and therefore discriminatory. While expressing doubts that Congress intended to grant pregnant workers an unconditional "most-favored nation" status, the majority felt that the Pregnancy Discrimination Act allowed Ms. Young to have the chance to prove her case by arguing that the employer's policy was a pretext for discrimination. That will be the issue that the Fourth Circuit will address.

Please do not hesitate to contact any of the following Roetzel employment attorneys should you have any questions regarding this topic.

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