



Pregnant employees' failure to accommodate claims lead to \$3.5 million settlement

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Last week, the Equal Employment Opportunity Commission (EEOC) announced that it reached a \$3.5 million settlement with The Cato Corporation related to the company's alleged violations of Title VII of the Civil Rights Act and the Americans with Disabilities Act (ADA). Prior to the settlement, the EEOC found that Cato, a leading retailer of women's fashion and accessories, denied reasonable accommodations to pregnant women, made certain employees take unpaid leaves of absences and unlawfully terminated employees because of their disabilities.

In addition to the monetary settlement, the company has agreed to revise its employment policies to consider whether medical restrictions of pregnant employees or those with disabilities can be accommodated. The company has also agreed to conduct training for more than 10,000 of its employees and to provide periodic reports to the EEOC for three years about its handling of reasonable accommodation requests from employees.

The EEOC's case against Cato provides several important reminders for employers. First, an employer must treat a woman who is temporarily unable to perform her job due to a medical condition related to pregnancy or childbirth in the same manner as it treats any other temporarily disabled employee. At the same time, it is important to keep in mind that pregnancy-related conditions or impairments (i.e., gestational diabetes) may qualify as disabilities under the ADA, and an employee may also be entitled to a reasonable accommodation under the ADA (such as leave or workplace modifications, including light duty). Employers must engage in the interactive process.

The ADA and pregnancy-related conditions remain a top priority for the EEOC under the Commission's Strategic Enforcement Plan (SEP), so a review of all disability and pregnancy-related policies and practices should be a priority for employers in the coming year.

Authors
