



Legal Alert: EEOC to Hold Public Meeting on Pregnancy Discrimination and Caregiver Issues

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Executive Summary: The Equal Employment Opportunity Commission (EEOC) has announced that it will hold a public meeting on the subject of pregnancy discrimination and caregiver issues on Wednesday, February 15, 2012 at the Agency's headquarters, 131 M Street, N.E., Washington, D.C. The meeting is open for public observation.

The meeting will include three panel discussions: 1) Understanding Pregnancy and Caregiver Discrimination in Today's Workforce; 2) Statutory Framework and Enforcement Efforts; and 3) The Way Forward: Implications for the Future. Additional information about the hearing, when available, will be posted at <http://www.eeoc.gov/eeoc/meetings/index.cfm>.

This is not the first time the agency has focused on issues relating to caregivers. Although Title VII does not specifically prohibit discrimination against "caregivers" as a protected category, the EEOC has taken the position that, in some circumstances, discrimination against workers with caregiving responsibilities may constitute discrimination based on sex, disability or other characteristics protected by federal discrimination laws. In 2007, the agency issued an enforcement guidance and a related set of questions and answers addressing discrimination against workers with caregiving responsibilities. See <http://www.eeoc.gov/policy/docs/caregiving.html> and http://www.eeoc.gov/policy/docs/qanda_caregiving.html. In 2009 the agency issued a document entitled *Employer Best Practices for Workers with Caregiving Responsibilities*, <http://www.eeoc.gov/policy/docs/caregiver-best-practices.html#1>, describing best practices that go beyond the federal nondiscrimination requirements and "are designed to remove barriers to equal employment opportunity."

Additionally, since the agency released these documents, the Department of Labor has published a Notice of Proposed Rulemaking implementing amendments made to the Family and Medical Leave Act (FMLA) by the 2010 National Defense Authorization Act (NDAA). Among other things, these amendments extend the scope of the FMLA's military caregiver leave requirements. For a discussion of these proposed rules, please see our January 31, 2012 Legal Alert, *DOL Proposes Revising FMLA Regulations*, available at: <http://www.fordharrison.com/shownews.aspx?show=7974>.

Although the EEOC has not indicated whether it will revise its existing guidelines regarding discrimination against caregivers, it is clearly an issue

upon which the agency continues to focus.

If you have any questions regarding this Alert or other labor or employment related issues, please contact the Ford & Harrison attorney with whom you usually work.