



U.S. Equal Employment Opportunity Commission

Press Release

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Nursing Facility Symphony of Joliet to Pay \$400,000 to Settle EEOC Pregnancy Discrimination Suit

Pregnant Employees Were Denied Accommodations and Required to Submit to Unnecessary Medical Examinations

CHICAGO – Symphony Deerbrook, LLC will pay \$400,000 and furnish other relief to settle a pregnancy discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC) over conduct at its Symphony of Joliet facility, the federal agency announced today.

In its lawsuit, the EEOC charged that Symphony, a skilled nursing and rehabilitation facility, implemented a policy requiring employees to inform the company of any pregnancy and to obtain a note from their doctor releasing them to work without restrictions. The EEOC also alleged that Symphony denied employees with pregnancy-related restrictions reasonable accommodations and terminated them though other employees with similar restrictions were provided accommodations.

Such conduct violates The Pregnancy Discrimination Act of Title VII, 42 U.S.C. 2000e(K) and 2000e-(2)(a)(1), which prohibits employers from discrimination on the basis of pregnancy and requires that employers treat pregnant employees the same

as other employees who are similar in their ability or inability to work. Such conduct also violates the Americans with Disabilities Act, 42 U.S.C. § 12112(d)(3)(C)(4)(a), which prohibits employee medical examinations that are not job related or consistent with business necessity. The EEOC filed suit in U.S. District Court for Northern District of Illinois, Case No. 21cv02978, after first attempting to reach a pre-litigation settlement through its conciliation process.

The consent decree settling the suit requires Symphony to pay \$400,000, which will be distributed among 11 affected employees. The two-and-a-half-year decree enjoins Symphony from discrimination on the basis of pregnancy in the future, including denying pregnant workers job modifications available to other similar employees and requiring pregnant employees to obtain doctor's notes stating that they can work without restriction.

In 2021, Symphony sold the facility to Pearl of Joliet, who agreed for purposes of settlement to provide anti-discrimination training to all its employees at the facility, to post a notice about the resolution of the law lawsuit, and to report to EEOC certain types of information during the decree's term. The EEOC has not alleged that Pearl engaged in any discrimination.

"It is established law that employers cannot require pregnant employees to subject themselves to medical exams simply to remain employed or treat them less favorably than similar non-pregnant employees," said Gregory Gochanour, EEOC's regional attorney in Chicago.

Juliane Bowman, the EEOC's district director in Chicago, added, "Providing protection from discrimination to pregnant employees is critical, and Congress affirmed that commitment with the recent passage of the Pregnant Workers Fairness Act. This new law, which becomes effective in June 2023, further ensures that the workplace remain open to employees affected by pregnancy, childbirth and related medical conditions – even if they need an accommodation."

For more information on pregnancy discrimination, please visit [**https://www.eeoc.gov/pregnancy-discrimination**](https://www.eeoc.gov/pregnancy-discrimination) ([**https://www.eeoc.gov/pregnancy-discrimination**](https://www.eeoc.gov/pregnancy-discrimination)). For more information on disability discrimination, please visit [**https://www.eeoc.gov/disability-discrimination**](https://www.eeoc.gov/disability-discrimination) ([**https://www.eeoc.gov/disability-discrimination**](https://www.eeoc.gov/disability-discrimination)).

The EEOC's Chicago District Office is responsible for processing charges of

discrimination, administrative enforcement and the conduct of agency litigation in Illinois, Wisconsin, Minnesota, Iowa and North and South Dakota, with Area Offices in Milwaukee and Minneapolis.

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at **www.eeoc.gov** (**<http://www.eeoc.gov>**). Stay connected with the latest EEOC news by subscribing to our **email updates** (**<https://public.govdelivery.com/accounts/USEEOC/subscriber/new>**).