



Pregnancy Discrimination Act (PDA)

By studying other companies' pregnancy discrimination violations, you can learn what mistakes to avoid and what steps you should take to prevent pregnancy discrimination in your workplace. In addition to these scenarios and case studies, Express Personnel Services is prepared to help you learn about this and other human resource issues. Contact your local Express office today for more information on pregnancy discrimination and to find out how we can help solve your HR challenges.

Here are few examples of the monetary benefits companies have had to pay for committing pregnancy discrimination:

- ✓ \$220,000 – amount paid by one company for not hiring an employee because she was pregnant
- ✓ Over \$1 million – amount paid by one organization for not including time on maternity toward seniority for retirement
- ✓ \$450,000 – amount paid by one business for withdrawing a job offer after learning that the candidate was pregnant

The following scenarios and case studies can further help you to better understand pregnancy discrimination, how it applies to your organization and how to avoid costly mistakes.

Employers cannot prohibit qualified women from any sort of job, even if the position could endanger a pregnant woman's unborn baby.

Scenario: A manufacturer of car batteries prohibited women from working in higher paying positions that involved lead exposure since lead in the blood of a pregnant woman can cause birth defects. The prohibition was designed to lessen the employer's liability.

What can we learn from this? All qualified women, regardless of childbearing capability, must be considered for all jobs. Once on the job, you cannot force a pregnant employee to take leave due to potentially hazardous conditions. However, it is your responsibility to make the employee aware of the potentially hazardous conditions and encourage her to discuss the situation with her physician.

Scenario: A major retail store refused to hire a woman after she told them she was pregnant. She was told to "come back after she had the baby." She filed a discrimination charge with the Equal Employment Opportunity Commission and the company settled for \$220,000.

What you can learn from this: It is illegal to refuse to hire a woman due to pregnancy. You can avoid making this mistake by never asking a female applicant if she is pregnant. If she volunteers the information you should tell her you will be focusing on her skills, work history and availability. The EEOC takes pregnancy discrimination just as serious as other types of discrimination, so make sure you understand your responsibilities.



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Scenario: A class action lawsuit was filed against a company who discriminated against employees by denying them proper service credits for time spent on maternity leave.

What you can learn from this: Companies cannot discriminate against employees who take maternity leave. Employers must treat pregnancy in the same manner as they treat other temporary disabilities for purposes of accruing seniority while on medical leave. According to the EEOC, "Employers must understand that newly announced retirement plans that fail to give service credit to women for pre-1979 maternity leaves may, under appropriate circumstances, constitute a new act of sex discrimination".

Scenario: A female applied for a position as executive vice president for a financial company. After several interviews and reference checks, she was given a written employment offer, which she accepted. After the woman disclosed that she had recently learned she was pregnant, the job start date was postponed and eventually canceled. The company ended up paying \$450,000 in lost wages.

What you can learn from this: The woman's pregnancy was irrelevant to her ability to perform the job. The company had already determined she was qualified for the position. You should never withdraw a job offer just because a woman discloses she is pregnant.

Scenario: A female employee who worked at a coffee establishment was promoted to manager-in-training. After she informed the company of her pregnancy, she was told that she needed to "consider her options." When she insisted on continuing her pregnancy, her management training was discontinued and she was terminated.

What you can learn from this: According to the Equal Employment Opportunity Commission (EEOC), if an employee is able to perform major functions of the job, an employer cannot discriminate against a woman because of a pregnancy-related condition. However, if the applicant cannot, as a result of pregnancy or a related condition, perform the major functions of the job, the employer is not required to hire her. You should be very cautious when refusing to hire a pregnant woman on this basis.