

Pregnancy Discrimination Fact Sheet

- The Pregnancy Discrimination Act prohibits an employer from discriminating against an employee because of pregnancy or related medical conditions.
- Whether a medical condition is “related” to pregnancy (and thus covered by the Pregnancy Discrimination Act) has been liberally interpreted by courts. For example, in *Pacourek v. Inland Steel Co., Inc.*, 858 F.Supp. 1393, 1403 (N.D. Ill. 1994), the court ruled that “a woman’s medical condition rendering her unable to become pregnant naturally is a medical condition related to pregnancy and childbirth for purposes of the Pregnancy Discrimination Act.” Similarly, in *Hall v. Nalco Company*, 534 F.3d 644, 649-650 (7th Cir. 2008), the Seventh Circuit ruled that an employee who was claiming that she was fired for taking time off to undergo in vitro fertilization could proceed with a lawsuit under the Pregnancy Discrimination Act.
- The Pregnancy Discrimination Act also applies to an employee who has an abortion. For example, in *Turic v. Holland Hospitality, Inc.*, 85 F.3d 1211, 1215 (6th Cir. 1996), the Sixth Circuit ruled that “an employer who discriminates against a female employee because she has exercised her right to have an abortion violates [the Pregnancy Discrimination Act].”
- An employee does not need to be pregnant in order to be protected by the Pregnancy Discrimination Act. For example, in *Kocak v. Community Health Partners of Ohio, Inc.*, 400 F.3d 466, 470 (6th Cir. 2005), the Sixth Circuit ruled that an employer cannot refuse to hire a woman based on the belief that she

intends to become pregnant.

- If an employee claims that she was fired for becoming pregnant, the employee can rely on circumstantial evidence. For example, in *Asmo v. Kean, Inc.*, 471 F.3d 588, 594-595 (6th Cir. 2006), the Sixth Circuit ruled that a supervisor's silence in response to an employee's announcement that she is pregnant is evidence that the supervisor was unhappy about the employee's pregnancy. The Sixth Circuit explained: "Pregnancies are usually met with congratulatory words, even in professional settings."
- An employer violates the Pregnancy Discrimination Act if the employer terminates a pregnant employee based on a stereotypical perception of how the employee's pregnancy will affect the employee in the future. For example, in *Maldonado v. U.S. Bank*, 186 F.3d 759, 761 (7th Cir. 1999), the Seventh Circuit ruled that "an employer cannot discriminate against a pregnant employee simply because it believes pregnancy might prevent the employee from doing her job."
- If an employer terminates a pregnant employee because she is unmarried, the employee might be able to pursue a pregnancy discrimination lawsuit. For example, in *Cline v. Catholic Diocese of Toledo*, 2000 WL 272258 (6th Cir. 2000), the employer argued that it fired an unmarried pregnant employee because her pregnancy was evidence that she had engaged in premarital sex. The Sixth Circuit ruled that the employee could proceed with a pregnancy discrimination lawsuit.