



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Office of
General Counsel

Fact Sheet on Recent EEOC Pregnancy-Discrimination Litigation

(Last Updated 07-16-14)

Highlights

- Since the start of FY 2011, the Commission has filed 44 lawsuits involving claims of pregnancy discrimination under Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act of 1978.
 - In FY 2014, we have filed 5 pregnancy-related lawsuits so far.
 - In FY 2013, we filed 10 pregnancy-related lawsuits. This was 13% of all Title VII suits and 7.6% of all merits suits filed that year.
 - In FY 2012, we filed 10 pregnancy-related lawsuits. This was 15.2% of all Title VII suits and 8.2% of all merits suits filed that year.
 - In FY 2011, we filed 19 pregnancy-related lawsuits. This was 11.7% of Title VII suits and 7.3% of all merits suits filed that year.
- Since the start of FY 2011, through its litigation program, the Commission has recovered approximately \$3,500,000 (as well as important injunctive and other “make whole” relief) in cases involving pregnancy discrimination. The Commission secured this relief through jury verdicts, appellate court victories, court-entered consent decrees, and other litigation-related resolutions.
- Pregnancy-related lawsuits filed since FY 2011 have involved workers in all segments and sectors of the workforce – e.g., in childcare, healthcare, education, social services, hospitality, legal, retail, staffing, manufacturing, wholesale supply, energy, real estate, and food/beverage service, among others.
- Violations have involved a variety of fact patterns, including:
 - refusing to hire, failing to promote, demoting, or firing pregnant workers after learning they are pregnant;
 - discharging workers who take medical leave for pregnancy-related conditions (such as a miscarriage);
 - limiting employment opportunities for pregnant women, such as by placing them on involuntary leave, refusing to let them continue working beyond a certain point in the pregnancy, reducing work hours, or limiting work assignments due to employer safety concerns;
 - requiring medical clearances not required of non-pregnant workers;

- failing to accommodate pregnancy-related work restrictions where similar accommodations are or would be provided to non-pregnant workers;
- refusing to allow lactating mothers to return to work; and
- retaliating against employees – or those close to pregnant employees – who complained about pregnancy discrimination.

Notable Court Victories

- ***EEOC v. Houston Funding***, 717 F.3d 425 (5th Cir. 2013). In a precedent-setting decision, the U.S. Court of Appeals for the Fifth Circuit held that discharging a worker because she was lactating or expressing milk is illegal under Title VII's broad definition of "sex" discrimination, as well as under the specific terms of the Pregnancy Discrimination Act added to Title VII in 1978.
- ***Latowski v. Northwoods Nursing Center***, 549 Fed. Appx. 478 (6th Cir. 2013). When a nursing home learned one of its nursing assistants, Jennifer Latowski, was pregnant, it required her to provide a doctor's note stating she had no work restrictions. Ms. Latowski could not produce such a note, and the company later terminated her. The EEOC participated as *amicus curiae* (a "friend of the court") on appeal and argued that a jury could find the defendant used its "no restrictions" policy as a pretext for discriminating on the basis of pregnancy against the plaintiff. The U.S. Court of Appeals for the Sixth Circuit agreed with the EEOC and reversed the district court's entry of summary judgment on Ms. Latowski's pregnancy-discrimination claim.
- ***EEOC v. High Speed Enterprise, Inc. d/b/a/ Subway***, 833 F. Supp. 2d 1153 (D. Ariz. June 27, 2011). The Commission sued this Phoenix-area Subway franchise under Title VII after it refused to hire Belinda Murillo. Ms. Murillo applied to work at the franchise, but the General Manager admitted telling her, "We can't hire you because you're pregnant." The district court entered partial summary judgment for the EEOC finding that no reasonable jury could conclude that the defendant had not discriminated against Ms. Murillo because of her pregnancy. Later, a jury made up of five men and two women awarded punitive damages for this discrimination.
- ***EEOC v. HCS Medical Staffing, Inc.***, 2012 WL 529593 (E.D. Wis. Feb. 17, 2012). The Commission sued HCS Medical Staffing under Title VII to seek relief for Roxy Leger. With no prior warning or discipline, HCS terminated Leger's employment and health insurance while she was still in the hospital recovering from a Caesarean section. After HCS failed to respond to a court order to retain an attorney, the court entered a default judgment against the company. The court ordered the employer to pay Ms. Leger back pay, plus pre-judgment interest in the sum of \$48,340; compensatory damages in the sum of \$50,000; and punitive damages amounting to \$50,000; totaling \$148,340 in damages.

Cases Involving Pregnancy and Accommodations

- ***EEOC v. Step Three, Ltd.*** (D. Haw. No. 1:13-cv-00674) (*resolved* 12/13/2013). The Commission sued Step Three under Title VII and the Americans with Disabilities Act to seek relief for a female retail buyer who worked for the company in Honolulu. The employee informed the defendant that she had begun treatments for infertility. According to the Commission's suit, a company official responded with offensive comments regarding her disability. The EEOC alleged that later that year, when the employee revealed that she was pregnant and had related travel restrictions, the defendant fired her. Step Three agreed to a two-year consent decree to resolve the suit. The decree included \$60,000 in monetary relief, as well provisions requiring it to: hire a consultant to ensure compliance with Title VII and the ADA; revise its anti-discrimination policies and procedures; and provide annual training for staff.
- ***EEOC v. Engineering Documentation Sys., Inc.*** (D. Nev. No. 3:11-cv-00707) (*resolved* 4/17/2013). The EEOC sued this employer under Title VII and the Americans with Disabilities Act to seek relief for a pregnant technical assistant with a disability who was working at the Hawthorne Army Depot in Northern Nevada. The EEOC alleged that when a management official learned about the assistant's pregnancy, he made derogatory remarks and denied her request to have her office moved closer to the bathroom to accommodate her severe nausea and vomiting. The EEOC also contended that while the charging party was on medical leave, the defendant changed her job description, requiring that she be certified to carry live ammunition and explosives. According to the EEOC, the company failed to accommodate the assistant and terminated her. Additionally, her husband, who was employed by EDSI as a lead engineering technician, was demoted and eventually terminated after complaining about his wife's treatment and participating in the EEOC's investigation of his wife's charge. The defendant agreed to pay \$70,000 to settle the suit. The company also entered into a four-year consent decree requiring it to hire an equal employment opportunity (EEO) consultant to create and implement anti-discrimination policies and complaint procedures, a centralized tracking system for discrimination complaints, and live, annual EEO training for all management and human resources personnel.

Other Significant Resolutions

- ***EEOC v. Akal Sec., Inc.*** (D. Kan. No. 6:08-cv-01274) (*resolved* 12/2/2010). The EEOC filed suit under Title VII alleging that Akal – the largest provider of contract security services to the federal government – engaged in a nationwide pattern and practice of forcing its pregnant employees, working as contract security guards on U.S. Army bases, to take leave and discharging them because of pregnancy. The EEOC also claimed that Akal subjected a class of 26 pregnant guards to less favorable terms and conditions of employment, including preventing them from completing their annual physical agility and firearms tests or forcing them to take such tests before their certifications had expired. The company agreed to a two-year consent decree, under which it paid \$1.62 million to the victims of discrimination. Akal also agreed to: report to the EEOC about any employees who are required to take a leave of absence while pregnant, are terminated while pregnant, or make a complaint of pregnancy discrimination; report

about any physical agility test it intends to implement to screen or re-qualify employees and whether pregnant employees are permitted to take the test; issue a message from its CEO to all employees along with a well-defined, comprehensive anti-discrimination policy; and provide annual compliance training to managers and supervisors on the requirements of the Pregnancy Discrimination Act.

- ***EEOC v. Muskegon River Youth Home*** (W.D. Mich. No. 1:12-cv-01049) (*resolved* 11/1/2012). The EEOC filed suit under Title VII against this private detention center for troubled teens alleging that the Home had a pregnancy policy which unlawfully required pregnant employees to (1) report any pregnancy immediately to the company; (2) obtain a note from their physician or other care provider which certifies that the employee can continue to work; (3) take leave throughout the pregnancy if she could not provide such a note; and 4) remain on leave until 30 days after the pregnancy. Weeks after the EEOC filed suit, the defendant agreed to a 10-year consent decree to resolve this case. Under the agreement, the company must rescind its pregnancy policy and may not require employees to: inform the company when they become pregnant, wait 30 days after pregnancy before coming back to work, or provide statements from a caregiver regarding the employees' continued ability to work. The Home also must conduct training on pregnancy discrimination and periodically provide reports to the EEOC.
- ***EEOC v. Benhar Office Interiors LLC*** (S.D.N.Y. No. 1:14-cv-00574) (*resolved* 4/15/2014). The EEOC's Title VII suit alleged that the defendant company rejected a qualified applicant for a controller position shortly after learning the applicant was pregnant. Benhar had interviewed the applicant multiple times, gave her positive feedback, and extended a job offer through a staffing company. However, soon after the staffing company informed Benhar's president of the applicant's pregnancy, Benhar refused to hire her and later hired a non-pregnant applicant instead. Benhar entered into a three-year consent decree with the Commission, which provided for \$90,000 in monetary relief, and required the company to distribute and post a revised anti-discrimination policy and provide to the EEOC all employee complaints of sex and/or pregnancy discrimination.
- ***EEOC v. The WW Group, Inc. d/b/a/ Weight Watchers*** (E.D. Mich. No. 2:12-cv-11124) (*resolved* 4/1/2014). The EEOC filed suit against Weight Watchers under Title VII alleging that one location refused to hire an applicant as a group leader because she was pregnant. The applicant was a lifetime member of Weight Watchers who had successfully met and maintained her weight goals before becoming pregnant. According to the EEOC, when Weight Watchers learned of the applicant's pregnancy, it told her that it did not hire pregnant women and refused to consider her any further. In addition, Weight Watchers allegedly discriminated against the applicant based on pregnancy-related weight by disqualifying her by using a "goal weight" requirement for employees. Weight Watchers agreed to settle the lawsuit for \$45,000, in addition to non-monetary relief, via a consent decree including provisions for equal employment opportunity training, posting of anti-discrimination notices and a revision to the

company's "goal weight" policy to comply with the Pregnancy Discrimination Act.

- ***EEOC v. Platinum P.T.S. Inc. d/b/a/ Platinum Production Testing Services*** (S.D. Tex. No. 5:12-cv-00139) (*resolved 8/8/2013*). The EEOC filed suit under Title VII seeking relief for a clerk who requested time off for medical treatment to address a miscarriage. She subsequently missed several days of work and anticipated staying home to deal with her medical situation. After she took five days off, the defendant terminated her. The defendant ultimately agreed to settle the litigation via a two-year consent decree for \$100,000.
- ***EEOC v. Kids R Us LLC*** (W.D. Okla. No. 5:11-cv-01095) (*resolved 7/25/2012*). The EEOC brought suit under Title VII seeking relief for an employee who allegedly had been demoted from her full-time position of assistant faculty director to part-time cook position because, according to one of the company owners, she had "decided to get pregnant." The company ultimately agreed to a \$75,000 settlement via a consent decree which required the company to post a notification to employees about the suit, revise and disseminate anti-discrimination policies, and give live training to all Kids R Us employees on anti-discrimination laws, including laws prohibiting pregnancy discrimination and retaliation.
- ***EEOC v. Founders Pavilion, Inc.*** (W.D.N.Y. No. 6:13-cv-06250) (*resolved 1/9/2014*). The EEOC filed suit against the company under Title VII alleging that it refused to hire one woman, withdrew an offer of employment to a second woman, and terminated a third woman because they were pregnant. The company settled the lawsuit for a total of \$370,000 via a consent decree. (The suit and settlement also involved claims under the Americans with Disabilities Act and the Genetic Information Non-Discrimination Act.) The company agreed, if it is to resume conducting business, to post notices and send a memo to employees regarding the lawsuit and consent decree. Founders Pavilion also agreed to adopt a new anti-discrimination policy to be distributed to all employees, to provide anti-discrimination training to all employees, and to provide periodic reports to the EEOC regarding any internal complaints of discrimination.

Pregnancy Press Releases

Resolutions

[Kevin & J Company Settles EEOC Pregnancy Discrimination Suit for \\$15,000 - 7/9/2014](#)

[Greystar Management Services Will Pay \\$25,000 to Settle EEOC Pregnancy Discrimination Lawsuit -6/17/2014](#)

[Chick-Fil-A Franchisee at Concord Commons to Pay \\$10,000 to Settle EEOC Pregnancy Discrimination Suit- 6/5/2014](#)

[Kenan Transport to Pay \\$27,000 to Settle EEOC Pregnancy Discrimination and Retaliation Suit - 4/17/2014](#)

[Benhar Office Interiors to Pay \\$90,000 to Settle EEOC Pregnancy Discrimination Suit - 4/17/2014](#)

[Weight Watchers to Pay \\$45,000 To Settle EEOC Pregnancy Discrimination Suit - 4/7/2014](#)

[Batesville, Miss., Holiday Inn Franchisee Settles EEOC Pregnancy Discrimination Suit for \\$20,000 -3/25/2014](#)

[J.C. Penney Corporation to Pay \\$40,000 to Settle EEOC Pregnancy Discrimination Suit - 1/16/2014](#)

[Step Three to Pay \\$60,000 for EEOC Pregnancy and Disability Discrimination Suit - 12/11/2013](#)

[Platinum P.T.S. To Pay \\$100k to Settle EEOC Pregnancy Discrimination Lawsuit - 8/8/2013](#)

[James E. Brown & Associates Settle EEOC Pregnancy Discrimination Suit - 6/25/2013](#)

[EDSI to Pay \\$70,000 to Settle EEOC Pregnancy & Disability Discrimination Suit - 4/15/2013](#)

[Landau Uniforms Settles EEOC Pregnancy Discrimination Suit for \\$80,000 - 4/8/2013](#)

[University School of Milwaukee to Pay \\$37,500 in EEOC Pregnancy Discrimination Suit - 3/14/2013](#)

[Owner of Detroit-Area Comfort Inn & Suites to Pay \\$27,500 to Settle EEOC Pregnancy Bias Suit - 3/12/2013](#)

[Adventures in Learning to Pay \\$31,000 to Settle EEOC Pregnancy Discrimination Case - 2/28/2013](#)

[Reed Pierce's Pays \\$20,000 to Settle EEOC Pregnancy Discrimination Suit - 2/14/2013](#)

[West Sand, LLC/ Sandbar Mexican Grill Settles EEOC Pregnancy Discrimination Lawsuit - 11/28/2012](#)

[EEOC Obtains Ten-Year Consent Decree in Pregnancy Discrimination Case - 11/7/2012](#)

[Capri Home Care Pays \\$23,000 to Settle EEOC Pregnancy Discrimination Suit - 10/31/2012](#)

[Chemcore to Pay \\$30,000 to Settle EEOC Pregnancy Discrimination Suit - 9/21/2012](#)

[dELiA*S Will Pay \\$75,000 to Settle EEOC Pregnancy Discrimination Lawsuit - 8/2/2012](#)

[Belmont Village to Pay \\$94,000 to Settle EEOC Pregnancy Discrimination Suit - 7/30/2012](#)

[Kids R Us Childcare Company Settles EEOC Pregnancy Bias and Retaliation Suit for \\$75,000 - 7/24/2012](#)

[Beehive of Vernal to Pay \\$22,000 to Settle EEOC Pregnancy Discrimination Suit - 4/6/2012](#)

[Agricultural Supplier Olam Settles EEOC Pregnancy Discrimination Suit for \\$140,000 in Fresno - 3/15/2012](#)

[Warren Tricomi to Pay \\$30,000 to Settle EEOC Pregnancy Discrimination Suit - 3/15/2012](#)

[HCS Medical Staffing Ordered to Pay \\$148,000 for Pregnancy Discrimination by Owner - 3/2/2012](#)

[EEOC Wins Jury Award from Phoenix Subway Franchisee for Pregnancy Discrimination - 1/30/2012](#)

[D&K Suit City / DDK To Pay \\$20,000 To Settle EEOC Pregnancy Discrimination Suit - 11/29/2011](#)

[Saipan Company Settles EEOC Pregnancy Discrimination, Retaliation Suit for \\$80,000 - 8/31/2011](#)

[Wild Beaver Saloon To Pay \\$45,000 To Settle EEOC Pregnancy Discrimination Lawsuit - 8/15/2011](#)

[Advance Industrial Fabrications Pays \\$35,000 To Settle EEOC Pregnancy Discrimination Lawsuit - 6/7/2011](#)

[Wyoming Health Care Facility Settles EEOC Pregnancy Discrimination Suit - 5/2/2011](#)

[Frankfort Restaurant Settles EEOC Pregnancy Discrimination Lawsuit - 4/18/2011](#)

[Frankston Assisted Living Center To Pay \\$30,000 To Settle EEOC Pregnancy Discrimination Suit -3/31/2011](#)

[Pregnancy Discrimination Suit Against Security Guard Company Ends in \\$35,000 Consent Decree -3/15/2011](#)

[Indiana Health Centers, Inc. To Pay \\$45,000 To Settle EEOC Pregnancy Discrimination Suit - 3/14/2011](#)

[Crothall Healthcare to Pay \\$88,000 to Settle EEOC Pregnancy Discrimination Suit - 12/23/2010](#)

[Akal Security Pays \\$1.62 Million To Settle EEOC Class Pregnancy Discrimination Claims - 12/1/2010](#)

[Happy Days Children's Wear Settles EEOC Pregnancy Discrimination Suit - 11/5/2010](#)

[Sentinel Real Estate Settles EEOC Pregnancy Bias Suit - 10/7/2010](#)

Filings

[EEOC Sues Massage Envy Spa Franchise for Pregnancy Discrimination - 6/23/2014](#)

[EEOC Sues Custom Built Personal Training for Pregnancy Discrimination - 4/24/2014](#)

[EEOC Sues Merry Maids Franchise for Pregnancy Discrimination - 3/31/2014](#)

[EEOC Sues Benhar Office Interiors for Pregnancy Discrimination - 1/30/2014](#)

[EEOC Sues Annapolis Internal Medicine for Pregnancy Discrimination and Retaliation - 9/30/2013](#)

[Spartanburg Trucking Company Sued for Pregnancy Discrimination and Retaliation - 9/30/2013](#)

[EEOC Sues United Bible Fellowship Ministries for Pregnancy Discrimination - 9/30/2013](#)

[EEOC Sues Triple T Foods for Pregnancy Discrimination - 9/18/2013](#)

[EEOC Sues Midway Neurological & Rehabilitation Center for Pregnancy Discrimination and Retaliation -9/13/2013](#)

[Mississippi Holiday Inn Franchisee Sued by EEOC for Pregnancy Discrimination - 8/22/2013](#)

[Chick-Fil-A Franchise at Concord Commons Sued by EEOC for Pregnancy Discrimination - 7/2/2013](#)

[Owner of Comfort Inn and Suites in Taylor, Mich. Sued by EEOC for Pregnancy Discrimination - 11/13/2012](#)

[Muskegon River Youth Home Sued By EEOC for Pregnancy Policy - 9/27/2012](#)

[EEOC Sues J's Seafood Restaurant of Panama City for Pregnancy Discrimination - 9/27/2012](#)

[Bayou City Wings Sued by EEOC for Pregnancy Discrimination - 9/26/2012](#)

[Security Company Sued for Pregnancy Discrimination - 9/20/2012](#)

[EEOC Sues Platinum PTS / Platinum Production Testing Services for Pregnancy Discrimination - 9/4/2012](#)

[James E. Brown & Associates Sued by EEOC for Pregnancy Discrimination - 2/16/2012](#)

[Capri Home Care Sued By EEOC In Pregnancy Discrimination Lawsuit - 10/6/2011](#)

[EEOC Sues Greystar Management Services For Pregnancy Discrimination - 10/5/2011 \(6/17/2014\)](#)

[EEOC Alleges Beehive Homes Harassed, Demoted, and Discharged Pregnant Managers - 10/4/2011](#)

[Wholesale Sink and Faucet Supplier Sued by EEOC for Pregnancy Discrimination - 9/30/2011](#)

[EEOC Sues EDSI for Pregnancy and Disability Discrimination, Retaliation - 9/30/2011](#)

[EEOC Sues Warren Tricomi for Pregnancy Discrimination - 9/29/2011](#)

[EEOC Sued Sandbar for Pregnancy Discrimination - 9/29/2011](#)

[EEOC Sues Kids R Us Childcare Company for Pregnancy Bias and Retaliation - 9/29/2011](#)

[Landau Uniforms Sued By EEOC For Pregnancy Discrimination - 9/28/2011](#)

[Weight Watchers Sued by EEOC for Refusing to Hire Pregnant Job Applicant - 9/28/2011](#)

[Taqueria Rodeo de Jalisco Sued by EEOC for Pregnancy Discrimination - 9/22/2011](#)

[EEOC Sues Delia*s for Pregnancy Discrimination - 9/22/2011](#)

[EEOC Sues Olam for Refusing to Hire a Pregnant Job Applicant - 9/14/2011](#)

[DTM Corporation Sued by EEOC for Pregnancy Discrimination and Retaliation - 8/31/2011](#)

[Belmont Village Sued By EEOC For Pregnancy Discrimination - 8/30/2011](#)

[Sac Griffith / Pepe's Mexican Restaurant Sued for Sexual Harassment and Pregnancy Bias - 8/22/2011](#)

[Owner Of Phoenix Subway Engaged In Intentional Pregnancy Discrimination, Court Rules In EEOC Suit -6/29/2011](#)

[Emergency Transport Company Sued by EEOC For Pregnancy Discrimination - 5/16/2011](#)

[EEOC Sues Milwaukee Medical Staffing Agency for Pregnancy Discrimination - 4/27/2011](#)

[Wild Beaver Saloon Sued for Pregnancy Discrimination - 3/21/2011](#)

[Jackson-Area Sports Bar & Grill Sued by EEOC for Pregnancy Discrimination - 10/12/2010](#)