

Employer's Lack of Knowledge Dooms Pregnancy Discrimination Claim

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The Pregnancy Discrimination Act (PDA) prevents discrimination based on a woman's pregnancy and childbirth and medical conditions related to pregnancy or childbirth. Recently, the Seventh Circuit Appellate Court addressed the issue of whether an employer violated the PDA when it transferred a pregnant employee to another office which the employee considered to be a demotion. In that case, the employee was transferred to a new office and although the transfer was accompanied by a raise and increased job responsibilities, the employee considered it a demotion. The employee felt that the transfer was made because she was pregnant and that the transfer limited her ability for advancement within the company. While the court found that whether the transfer qualified as an adverse employment action was a close call, it ruled against her because she could not establish that her boss knew that she was pregnant at the time he made the transfer decision. While the employee alleged that her boss became aware of her pregnancy shortly after she became pregnant, the transfer decision was documented in writing only 10 days after the employee became pregnant. The boss testified that he was unaware of her pregnancy at the time he made the transfer decision. As a result, the employee could not establish that the decision was related to her pregnancy. For additional employment information, please visit our web site at <http://www.joettedoran.com>

This article is not intended as legal advice. You should consult with an attorney for individual advice regarding your own situation. MS. DORAN IS LICENSED IN ILLINOIS, ADMITTED TO ALL ILLINOIS FEDERAL COURTS AND THE UNITED STATES SUPREME COURT. SHE IS A MEMBER OF THE FEDERAL TRIAL BAR AND IS THE PAST CHAIRPERSON OF THE EMPLOYMENT LAW COMMITTEE FOR THE NORTHWEST SUBURBAN BAR ASSOCIATION, A PAST PRESIDENT OF BARRINGTON AREA PROFESSIONAL WOMEN AND A MEMBER OF THE NATIONAL EMPLOYMENT LAWYERS ASSOCIATION.