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Court Holds Infertility Treatment Covered by Pregnancy Discrimination Act

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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 Court of Appeals held that an employee's allegation that she was terminated for undergoing vitro fertilization (IVF), stated a valid claim under the PDA. In that case, the employee sought leave from her employer to undergo IVF treatment which is a procedure that takes weeks to complete and often requires multiple treatments in order to produce a successful pregnancy. Because the first treatment was unsuccessful, several months after the employee returned from her initial leave, she made a second leave request for leave. At the time of her second request for leave, the company informed her that due to a corporate reorganization which required the consolidation of her position, she was being terminated. As a result of her termination, she filed suit alleging a violation of the Pregnancy Discrimination Act. The trial court dismissed the case ruling that infertility is a medical condition that afflicts both men and women, and could therefore not lead to a gender-based personnel decision. However, on appeal, the Seventh Circuit reversed, finding that because the IVF treatment is only available to women the decision was gender based on therefore covered under by the PDA. For additional employment information, please visit our web site at www.joettedoran.com .

**This article is not intended as legal advice. You should consult with an attorney for individual advice regarding your own situation.*

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