**Fired for being pregnant: Another kind of discrimination women face at work -- 2/5/18**

Whitney Tomlinson, a 30-year-old single mother and packer at a Walmart Distribution Center in Atlanta, told her supervisor that she wasn't feeling well. In response, he explained that in order for him to give her a break, she would need a note from her doctor. So off to her doctor she went. The doctor didn't identify any worrisome pregnancy complications but did suggest that Tomlinson avoid heavy lifting while at work and wrote a note suggesting as much. Tomlinson didn't think this would be much of a problem, as she often got help with heavy lifting, including before becoming pregnant.

Upon her return to work that afternoon, Tomlinson handed her supervisor the note. He read it and then told her to take it to human resources. She would be getting a break, yes, but it wasn't the one she had hoped for. It also wasn't legal, according to a new complaint filed on Tomlinson's behalf with the Equal Employment Opportunity Commission. "They told me I had to apply for an unpaid leave from the job," she said. "I was surprised, and I was angry. I was curious what was wrong and what I had done." She'd seen many other employees come into work with lifting restrictions and be temporarily reassigned to less physically demanding tasks. Why wouldn't they do the same for her?

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Tomlinson said her supervisors told her she was a "liability" because of her "restrictions" and asked her to call a third-party claims management service. Walmart's human resources told Tomlinson that she was not permitted to return to work until after she gave birth and that she would need to apply for a formal unpaid leave of absence to avoid losing her job in the long run. That news put her in a precarious financial and emotional state during her pregnancy, an already vulnerable time for most women. "I had to get help and make do with what I could," Tomlinson said of life during her pregnancy. A "very stressful, very emotional" time.

Walmart, which the website [247wallst.com](http://247wallst.com/) found to be the [largest non-government employer](http://247wallst.com/special-report/2017/03/17/largest-employer-in-every-state/) in 22 states, has a history of pregnancy discrimination claims. In 2002, the EEOC found that the company rejected an applicant [because she was pregnant](https://www.eeoc.gov/eeoc/newsroom/release/12-23-02.cfm); Walmart did not respond to a question about the case. In recent years, A Better Balance, working with other legal rights groups, has filed five pregnancy discrimination charges with the EEOC [against Walmart](https://www.abetterbalance.org/resources/pregnant-and-working-at-walmart/), two of which have turned into class-action lawsuits and have been filed in federal court.

In 1978, Congress passed the Pregnancy Discrimination Act. This made discrimination based on pregnancy, and childbirth-related medical conditions illegal. In 2008, amendments were made to the Americans with Disabilities Act, requiring employers to provide necessary accommodations to pregnant women with certain pregnancy-related conditions that could qualify as disabilities. In recent years, activists have worked to expand the definition of disability in this context. Now, many pregnancy-related conditions [might qualify](https://hbr.org/2015/03/what-young-vs-ups-means-for-pregnant-workers-and-their-bosses), including things like [nausea, fatigue and even carpal tunnel syndrome](https://www.eeoc.gov/eeoc/publications/pregnancy_factsheet.cfm), but only when it meets the legal definition of an impairment that "substantially limits a major life activity," according to the ADA.

Gedmark said Walmart's treatment of Tomlinson was a violation of the Pregnancy Discrimination Act but not of the American with Disabilities Act. "She needed restrictions to prevent problems before they started," she explained. "She shouldn't have to wait for complications to arise in order to get legal protections. It's an unreasonable requirement of any pregnant woman woman and her health."

Between 2010 and 2015, nearly [31,000 pregnancy discrimination charges were filed](http://www.afscmeinfocenter.org/blog/2016/10/by-the-numbers-women-continue-to-face-pregnancy-discrimination-in-the-workplace-an-analysis-of-u-s-equal-employment-opportunity-commission-charges-fiscal-years-2011-2015.htm#.WnIvpkvasvo) with the US Equal Employment Opportunity Commission, according to the National Partnership for Women and Families. In 2017, [$15 million in settlements were paid out](https://www.eeoc.gov/eeoc/statistics/enforcement/pregnancy_new.cfm) for pregnancy discrimination charges filed with the EEOC, a similar figure to the amount paid in previous years. Research from 2014 shows that beyond the 31,000 pregnancy discrimination charges, a far larger number of [women were denied requests for simple accommodations](http://www.nationalpartnership.org/news-room/press-releases/expecting-and-new-mothers-face-avoidable-challenges-in-the-workplace-survey.html) such as more frequent breaks, time off for prenatal visits or less physically demanding duties.