

You Have Too Many Children. If You Get Pregnant You're Fired.



Yes, this is exactly what a California wholesale distributor of orchids told female employees at staff meetings, according to [a new EEOC lawsuit](#).

And more.

The employees were also told “not to get pregnant, that they have too many children, and the next person to get pregnant should stay home and consider herself fired.”

And, oh yes: The suit also alleges that “pregnant employees were not reinstated or rehired when they attempted to return to work following the birth of their children but were discharged from the company.”

The local EEOC director said that “Employers need to be aware that pregnancy discrimination laws also protect employees after they have given birth. Failing to reinstate an employee after maternity leave and discharging them can be a violation of the law.”

Where does one begin to analyze this? Most of the

cases we see regarding pregnancy discrimination involve paternalistic-acting employers “concerned” about the health of the employee or fetus, or one-off acts of discrimination. But an espoused grossly illegal policy, which also likely had racial overtones? Which was actually carried out by the company?

As I noted back in July, the EEOC’s [Strategic Enforcement Plan](#) (“SEP”) sets out its priorities. And a company back then seemed to “hit on quite a number of the EEOC’s priority points – sexual harassment, retaliation, and the abuse of vulnerable workers – in this case farmworkers.” [Enormous damages](#) of \$1.47 million was awarded by a California federal judge to the class of sexually harassed female farmworkers represented by the EEOC in that case.

Pregnancy discrimination is also an EEOC priority: change the sexual harassment from the earlier case to pregnancy discrimination and you have the present case — made more egregious because it was company policy or practice to violate the law.

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If proved, wonder what the damages might be?

Earlier I said, apropos farm workers: “The common thread is the vulnerability of these workers: where they are powerless, have low-status jobs, fear the immigration laws, perhaps cannot speak English; are physically isolated in the job; or may be mentally or developmentally challenged.”

My guess is that these women were such vulnerable workers.

As the EEOC’s General Counsel David Lopez said when the EEOC **announced** a large award in a similar case: “This is the latest in a series of enforcement

efforts ... This includes those living and working in the shadows who are particularly vulnerable to discrimination.”

And also includes the women in the instant case.



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The advertisement features a dark blue background with a gold shield emblem at the top center containing a scale of justice. Below the emblem, the text reads "THE NATIONAL ACADEMY OF DISTINGUISHED NEUTRALS" in a serif font, followed by "ATTENTION LITIGATION STAFF" in a bold, white, sans-serif font. On the left, there is a graphic of a calendar page for Wednesday, the 17th, with a mouse cursor pointing at it. To the right of the calendar, the text says "The State's Premier Mediators & Arbitrators now publish their Available Dates Calendars online!" in a bold, white, sans-serif font. Below this, it says "Save HOURS of scheduling time directly at" in a smaller font, followed by the website "www.AZMediators.org" in a large, bold, yellow font. At the bottom, a small line of text reads "This service is free to law firms, funded by the members of NADN's Arizona Chapter. See www.nadn.org/about".

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Wednesday
17

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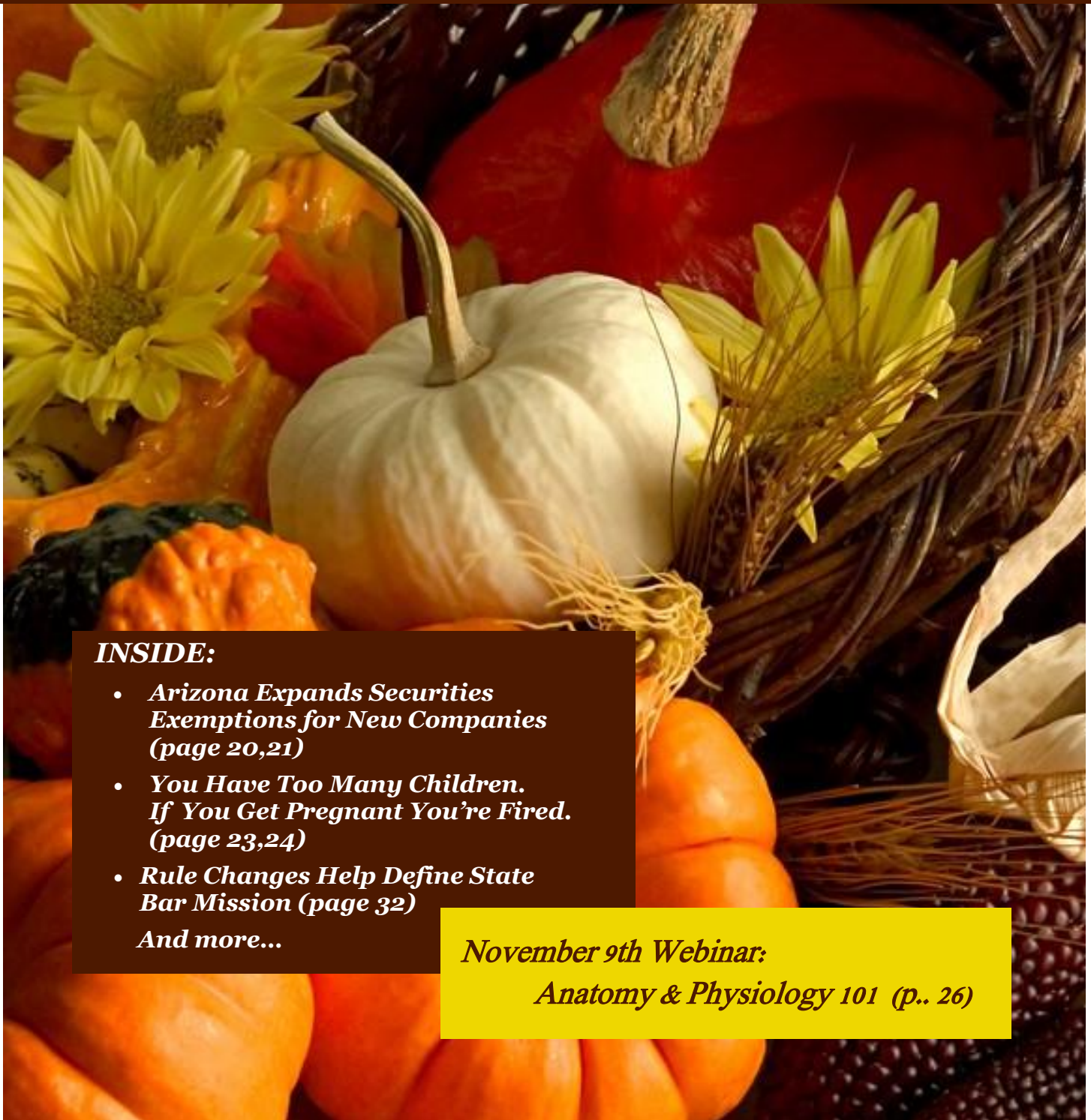
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