

Employee announces she's pregnant? Say 'Congratulations!' ... and nothing more

There's only one safe way to respond to an employee's pregnancy announcement—and that's a simple "Congratulations!"

Anything else may spell trouble down the line, especially if the pregnant woman ends up being terminated. She'll probably sue and try to tie any negative comments to the termination, arguing they demonstrate **pregnancy bias**.

Recent case: Zibute Scherl became pregnant shortly after she took a job as a co-captain of a yacht. The ship was used for client fishing trips to Mexico each fall and winter.

Scherl claimed that when she was first hired, her supervisor warned her not to get pregnant since she had just gotten married. Then, when she told him she was in fact expecting her first child, the supervisor allegedly said that Scherl's plan to work as long as possible was "cavalier."

The supervisor then passed on the pregnancy news to others in the company hierarchy. Shortly after, Scherl was laid off in what the company said was a cost-cutting move. She sued, alleging that she had been terminated because she was pregnant.

The California Fair Employment and Housing Commission agreed and awarded Scherl back pay through the birth of her child, emotional distress damages of \$85,000 and ordered the company to pay a fine.

The company appealed, but the California Court of Appeal said the decision stands. (*SASCO Electric v. California Fair Employment and Housing Commission*, No. D053492, California Court of Appeal, Fourth Appellate Division, 2009)