

Worker pregnant? At least say, 'Congratulations!'

Here's a tip that can save needless hassle: Tell managers and supervisors they should greet every pregnancy announcement with a big smile and a hearty "Congratulations!"

That's because at least one federal court in Ohio has used a supervisor's silence as possible circumstantial evidence that the pregnant employee was discharged because she was expecting.

Recent case: Toni Majer worked for a medical-device maker selling insulin pumps. Her job included sitting in on surgical procedures and demonstrating the devices to doctors and nurses.

When she began the job, she was told she would have plenty of time to develop her skills.

During her second year, Majer fell short of her sales goals and was warned she needed to improve.

A few days later, she called her supervisor to tell her that she would miss a few days because she had sprained her ankle—and also to announce that she was pregnant. The announcement was met with silence. Instead of congratulating her, the supervisor eventually said that another employee was also pregnant, adding, "What are we going to do about that?"

Shortly after, Majer was fired for poor performance. She suspected pregnancy discrimination and sued.

As evidence, she pointed out that others who were not pregnant and whose sales numbers were worse were still employed. She said that, plus the stony silence that greeted her announcement was evidence that her pregnancy was a motive for her termination.

The judge said her case could go forward. (*Majer v. Lexion Medical*, No. 1:09-CV-00836, ND OH, 2011)

Final note: Until this case is resolved, it is still an open question whether mere silence and nothing more is evidence of pregnancy discrimination. Why take a chance? Congratulations are always in order.