

How to handle discipline for pregnant employees

Q. We have an employee who was on probation when she became pregnant. What can we do if she continues to have performance problems? - J.J.

A. Continuing with progressive disciplinary measures, including discharge, is appropriate, just as though the employee had never become pregnant.

While you can't discriminate against an employee because she is pregnant, that doesn't mean the employee is excused from compliance with the same work performance standards expected of all other employees. If the pregnant employee's work performance merits further progressive discipline, including discharge, you may proceed. The worker's pregnancy, however, should never be viewed as a negative factor in judging performance and behavior.

Keep in mind that whenever adverse employment action is taken against a pregnant employee, the timing will invite close scrutiny. If the pregnant worker is treated more severely than others have been treated in similar circumstances, her pregnancy may be perceived as the cause for disciplinary action.

If a pregnant employee who has been receiving progressive discipline leaves to give birth and returns in a timely manner, the employee should return to the same point in the disciplinary process—no better and no worse.