

# Here's a no-brainer: No charts predicting when female workers will get pregnant

A New York employer has learned the hard way that it shouldn't make assumptions about mothers in the workplace—and certainly shouldn't actively try to predict who may become pregnant and miss work.

**Recent case:** Manhattan's Institute for Integrative Nutrition (IIN) took career planning a bit too seriously when its HR department created a chart showing every woman in the organization. Each manager was asked to determine each employee's future plans, including any maternity plans. It then created a "Maternity Projection" chart that used each female employee's age, marital status and maternal status to determine how soon the employee was likely to have a child. Needless to say, the chart didn't list any men.

Three female employees whose names appeared on the chart did indeed get pregnant. And each experienced something negative soon after announcing their pending motherhood. For example, one was demoted and lost \$25,000 in pay per year.

All three sued, alleging interference with their FMLA rights.

The court said their cases could proceed. They will now have to prove that the adverse actions they experienced, such as lost jobs and demotions, were related to IIN's apparent disdain for working mothers. (*Stoler, et al., v. IIN*, No. 13-1275, SD NY, 2013)

**Final note:** Don't try to predict pregnancy. Don't restrict a new mother's return to work. And don't single out working mothers for special treatment. Instead, simply respond to birth announcements with a hearty "Congratulations" and then return to work.