

# Dumb Idea of the Year Award: 'Maternity Projection' Charts for Female Staff



Employment law can be confusing. It's hard for bosses and HR people to dissect the intricate details of laws like the Pregnancy Discrimination Act. But at what point does a manager actually think it's legally wise to make a chart predicting the pregnancies of his female employees?

Last year, a New York company, the Institute for Integrative Nutrition (IIN), apparently took career planning a bit too far. The company's HR department created a chart showing every woman in the organization. Managers were 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.

Three female employees whose names appeared on the chart did indeed get pregnant. And each experienced some negative impact on their jobs 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. A federal court green-lighted a jury trial, saying the chart was enough evidence of bias. (*Stoler, et al., v. IIN*, No. 13-1275, SD NY)

Bottom line: Never try to predict pregnancy and don't single out working mothers for special treatment. Instead, managers should simply respond to birth announcements with one simple word "Congratulations" and then return to work. As the EEOC says, HR needs to make the company, "must treat her in the same way as it treats any other temporarily disabled employee. For example, the employer may have to provide light duty, alternative assignments, disability leave, or unpaid leave to pregnant employees if it does so for other temporarily disabled employees.

## Online resource: Pregnancy Discrimination

Find answers to the 20 most common legal questions about pregnancy and the workplace at [www.theHRSpecialist.com/pregnant20](http://www.theHRSpecialist.com/pregnant20).