Employment Law Monthly - June 2013

June 27, 2013

EEOC Victory May Lead To Increase In Pregnancy-Related Discrimination Litigation

By Frank A. Custode

A recent decision rendered by the United States Court of Appeals for the Fifth Circuit ("Fifth Circuit") illustrates the continuing expansion of pregnancy-related discrimination claims. Limited, et al., No. 12-20220 (5th Cir. May 30, 2013), the Fifth Circuit held that a company's decision to terminate a female employee because she is lactating or expressing breast milk constitutes sex discrimination in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"). This holding is important for employers because it likely will lead to a significant increase in pregnancy-related discrimination claims prosecuted by the Equal Employment Opportunity Commission ("EEOC").