

# Florida Supreme Court Holds that State law bars Pregnancy Discrimination

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The front desk manager of a residential property became pregnant and, shortly thereafter, believed that her employer began discriminating against her on that basis.

Specifically, the employee claimed that before she went on maternity leave, her employer scrutinized her work and refused to allow her certain workplace flexibilities that were afforded to others, such as changing shifts, working extra shifts, and covering shifts for other employees. Once she returned from maternity leave, the employee claimed that she was further treated differently in that she was not scheduled for any work.

The employee filed suit in state court pursuant to the Florida Civil Rights Act (FCRA), which prohibits employers from discriminating against employees on the basis of sex. The trial court dismissed the complaint for failure to state a cause of action and the intermediate appellate court affirmed, both holding that the prohibition against sex discrimination in the FCRA did not apply to pregnancy claims. The Florida Supreme Court reversed and held that the FCRA bans pregnancy discrimination. The Florida Supreme Court acknowledged it took an act of Congress in 1978 to make pregnancy a protected class under the federal act, but nonetheless found that being pregnant was a natural condition unique to only one sex — women — and was therefore covered by the FCRA's ban on sex discrimination.

Pregnancy discrimination was already illegal under federal law, but employers should take note that this decision opens the door to qualifying plaintiffs to a new state court forum for bringing such a claim.

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