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Advice: Telling Your Employer You're Pregnant



by Beth Throne – June 30, 2010

Three weeks shy of law school graduation, I took a test that confirmed what I had suspected for at least a week: I was pregnant. A few hours and three tests later: still pregnant. What terrified me more than my newfound “situation” was having to tell my law firm that I would be starting my first job as an attorney seven months pregnant.

In the following days, I rehearsed the “I’m pregnant” speech ad nauseam with my husband aptly playing my boss. We put together a workable maternity plan, which I later delivered to my boss with conviction and without apology. Although not thrilled about the unanticipated six-week maternity leave, my boss embraced my addition as if it were to his family.

Several years in practice later, I recognize that not all employers react that favorably to the news of a pregnant worker. Just last year, a client called to advise that her colleagues wanted to terminate a salesperson who waited until she was six months pregnant to disclose (what others

long suspected was) a pregnancy and request a 12-week maternity leave. Betrayed by the belated disclosure, and angered that they had to train a new salesperson during their busiest season, management asked my client to call me for guidance about how and whether to fire a pregnant worker. My contact knew, however, that the law does not condone termination based upon pregnancy alone.

That's right. With some exception, both the Pennsylvania Human Relations Act and Title VII of the Civil Rights Act, as amended by the Pregnancy Discrimination Act, prohibit discrimination against employees on the basis of pregnancy, childbirth or related medical conditions with regard to hiring, termination, promotion, compensation and benefits, job training or any other term, condition or privilege of employment. Notwithstanding the broad protections these laws provide, discrimination against pregnant employees is all too prevalent.

While employees may not prevent discrimination, they can mitigate it. How? By controlling the way their pregnancy impacts the workplace (assuming there are no unforeseen pregnancy complications and health-related issues). The starting point for this is the employee's "I'm pregnant" speech.

In my personal and professional experience, the most favorably received speeches have the following elements in common:

- **The timing of the speech:** *the first trimester rule*. Whether for medical reasons or mere superstition, most employees wait until after the first trimester to disclose their pregnancy. This practice is well accepted. What is not as well received is disclosure at six or seven months of pregnancy, well after the baby bump is no

longer questionable. By that time, most employers are left wondering whether and when the employee will let them in on their "little secret." After all, the employer needs time to transition job responsibilities and make other preparations in anticipation of maternity leave. For this reason, the earlier the disclosure occurs, the better for all involved.

- **The delivery of the speech:** *a face-to-face meeting.* While it may be easier to disclose a pregnancy via email or letter, anything less than a face-to-face meeting may lead to an irreparable breach of trust and communication between the pregnant worker and the employer. For this reason, the news should be delivered face-to-face.
- **The substance of the speech:** *No apologies.* Too often, employees apologize while disclosing a pregnancy as if becoming pregnant meant disappointing the employer. That is rarely the case. An apology, while well meaning, often comes across as an anticipated inability to perform or complete all job responsibilities. For this reason, no apologies should occur during the "I'm pregnant speech". **AND,** *Have a specific plan of action.* Employers appreciate employees who can clearly articulate their maternity leave plan (e.g. the dates and length of the anticipated leave) at the time they disclose their pregnancy. Yes, unforeseen circumstances and health complications may displace even the best-laid plans. Nevertheless, a clear communication of intention at the outset lets the employer know that the employee is dedicated to making their pregnancy work for their workplace, rather than vice versa.

I hope these points aid employees and employers alike in making pregnancy a positive workplace experience.

That way, the only issue left to dispute is who will win the “boy/girl/weight/date” baby pool!

1. Title VII applies to employers with 15 or more employees, including private companies and public sector employers (e.g. federal, state, county and municipal governments, employment agencies and labor unions). The Pennsylvania Human Relations Act applies to employers with 4 or more employees.