

Florida Supreme Court Resolves Split In Lower Court – Pregnancy Is A Protected Class Under Florida Civil Rights Act

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On April 17, the Florida Supreme Court held that even though the Florida Civil Rights Act does not list pregnancy among the list of protected classes, pregnancy discrimination is prohibited under the Act because “the capacity to become pregnant is one of the most significant and obvious distinctions between the female and male sexes.” Prior to this holding, there was a split in the lower state courts as to whether pregnancy was covered under the Act’s prohibition on sex discrimination. That split has now been resolved. This decision should not impact the substantive analysis of pregnancy discrimination claims given the legal standard for claims under Title VII is nearly the same. So, why is this significant? By extending state law to cover pregnancy discrimination, the Courts have now increased the liability exposure employers can face with such a claim. Indeed, unlike Title VII, the Florida Civil Rights Act provides no cap on compensatory damages, including any damages for “mental anguish, loss of dignity, and any other intangible injuries.” In the absence of a cap, employees who intend to assert a pregnancy claim under Title VII may now decide to add a claim under state law as well.

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