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Nursing Mothers Protected Under Discrimination Laws, Says Connecticut Federal Court

December 28, 2017 | [Employment Discrimination](#), [Employment Lessons](#), [Pregnancy](#), [Labor And Employment](#)

As we've recently outlined, the [Illinois Nursing Mothers in the Workplace Act](#) and [Illinois Human Rights Act](#) mandates that employers must be prepared to accommodate pregnant employees and nursing mothers. A recent ruling in Connecticut federal court should stand as a reminder to employers that Illinois is not the only state where the rights of pregnant employees and nursing mothers are protected.

Jill Grewcock was a nursing mother who sued her employer, Yale-New Haven Health Services Corporation, for sex discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964 and the Connecticut Fair Employment Practices Act following her termination. Grewcock, who worked as a Clinical Bed Manager in the hospital, expressed breast milk in her shared office for nearly a year before she was instructed that she had to use a designated lactation room. However, the demands of Grewcock's job made it difficult for her to be away from her desk to pump milk throughout the day, and her absences affected her workflow. As such, Grewcock continued to pump in her office. Grewcock's supervisors repeatedly berated her for doing so and came into her office unannounced to try to catch her pumping. On one occasion when Grewcock hid in a restroom stall to pump, one of her supervisors peeked around the stall door, asked Grewcock if she was pumping, and demanded she come out of the stall. Grewcock's employment subsequently was terminated for what the employer deemed an unrelated reason.

Grewcock's state and federal sex discrimination and retaliation claims survived summary judgment. The court held that "lactation is a pregnancy-related medical condition that qualifies for protection from discrimination." Moreover, the court held there was a genuine issue of fact regarding whether

Grewcock's supervisors' actions – attempting to catch her in the act of pumping outside the lactation room and showing hostility toward her after she complained – gave rise to an inference of discrimination and harassment. Notably, the court did not specifically state that Grewcock was entitled to a specific accommodation or that the hospital's instruction to Grewcock to use the lactation room was itself discriminatory.

Employers should be aware that federal law and the antidiscrimination laws of most states consider pregnancy and pregnancy-related situations such as lactation to be protected classifications. While state laws differ regarding whether pregnant employees and new mothers are entitled to any form of accommodation, employers should be prepared to be reasonable in working with employees to take care of their needs to avoid costly lawsuits and the terrible publicity that comes with berating a pregnant woman or a new mother. The case is *Grewcock v. Yale New Haven Health Services Corporation*, No. 3:16-cv-00452 (JAM), pending in the United States District Court for the District of Connecticut.