



the work and family legal center

80 Maiden Lane, Suite 606, New York, NY 10038 | t: 212.430.5982 | [info@abetterbalance.org](mailto:info@abetterbalance.org) | [abetterbalance.org](http://abetterbalance.org)

**FOR IMMEDIATE RELEASE**

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**CONTACT**

Melanie Fonder Kaye, 212-430-5982, [mkaye@abetterbalance.org](mailto:mkaye@abetterbalance.org)

Olympia Feil, 202-319-3024, [ofeil@nwlc.org](mailto:ofeil@nwlc.org)

Aurora Matthews, 301-221-7984, [aurora@newheightscommunications.com](mailto:aurora@newheightscommunications.com)

**NATIONWIDE CLASS ACTION LAWSUIT FILED AGAINST WALMART  
FOR FAILING TO ACCOMMODATE PREGNANT WORKERS**

East St. Louis, Illinois— Two former Walmart employees who suffered from pregnancy discrimination brought a class action lawsuit against Walmart last Friday claiming that the retail giant discriminated against thousands of pregnant women across the country. A Better Balance, National Women’s Law Center, Mehri & Skalet, and Sedey Harper & Westhoff filed the complaint on behalf of the employees in the U.S. District Court for the Southern District of Illinois.

In 2013, Talisa Borders became pregnant while working at a Walmart in O’Fallon, Illinois. After requesting to stay off tall ladders and avoid heavy lifting, she was pushed onto unpaid leave. On the other side of the country, in 2013, Otisha Woolbright became pregnant while working at a Walmart in Jacksonville, Florida. She also needed an accommodation for heavy lifting, but Walmart denied her request, and ultimately fired her. These two examples were not isolated incidents. Walmart had a written accommodation policy that explicitly excluded pregnancy while providing accommodations for workers with disabilities and on-the-job injuries.

“Walmart must right its wrongs and fairly compensate the workers it discriminated against,” said Cyrus Mehri, partner at Mehri & Skalet, a D.C.-based law firm. “The Supreme Court’s ruling in *Young v. UPS* made it crystal clear that companies like Walmart cannot treat pregnant employees worse than other employees with similar restrictions. Justice won’t be served until the workers who suffered under this policy are vindicated.”

The complaint states:

*[Walmart’s] policies and practices provide direct evidence of intentional discrimination under the P[regnancy] D[iscrimination] A[ct]. Walmart’s constellation of policies and practices in effect ... constituted a facial and categorical exclusion of pregnant employees from accommodations available to many non-pregnant employees similar in ability or inability to work.*



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The complaint alleges that Walmart’s current policies still discriminate against pregnant workers, despite an amendment in 2014, and the legal organizations are representing clients with pending Equal Employment Opportunities Commission charges alleging ongoing discrimination.

“All I needed was for Walmart to work with me so I could earn an income and stay healthy,” Borders said. “Instead they told me I had no choice but to file for an unpaid leave of absence to keep my job. Then, adding insult to injury, they retaliated against me when I came back to work after having my baby.”

“I saw the unfairness of the policy firsthand. I was denied accommodations for my pregnancy, but then when I hurt myself on the job (because they would not accommodate me), I actually was given a light duty assignment,” Woolbright said. “Pregnant workers should not have to injure themselves at work in order to get accommodations.”

“In 2017, it’s incredible that major companies like Walmart are discriminating against pregnant women—who are simply asking to keep on working and have a healthy pregnancy,” said Dina Bakst, Co-Founder & Co-President of A Better Balance. “Pregnancy discrimination is a huge problem that disproportionately affects low-wage workers, like those at Walmart.”

Added Emily Martin, General Counsel and Vice President for Workplace Justice at the National Women’s Law Center, “The Pregnancy Discrimination Act requires equal treatment—nothing less. We will keep fighting until Walmart and other companies fully obey the law. No woman should have to choose between her job and a healthy pregnancy. Walmart should heed its ‘live better’ slogan by not making life worse for its pregnant employees.”

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