



FOR IMMEDIATE RELEASE

Thursday, March 29, 2018

Contact: Sarah Brafman, A Better Balance, 212-430-5982, sbrafman@abetterbalance.org
Olympia Feil, NWLC, 202 588 5180, ofeil@nwlc.org
Aurora Matthews, New Heights Communications, 301-221-7984,
aurora@newheightscommunications.com

WALMART MUST FACE PREGNANCY DISCRIMINATION CLASS ACTION
Judge denies two attempts by Walmart to have the lawsuit tossed

East St. Louis, Illinois— In a victory for the plaintiffs, a federal judge ruled today that a class action lawsuit brought by two former Walmart employees who alleged that they experienced pregnancy discrimination while working at Walmart could proceed to the next stage of litigation. The lawsuit claims the retail giant discriminated against thousands of pregnant women across the country. A Better Balance, the National Women’s Law Center, Mehri & Skalet, and Sedey Harper & Westhoff represent the employees and the proposed class.

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.

In July 2017, Walmart sought to toss the claims levied against them, filing two motions to dismiss and arguing that the employees’ legal claims were not specific enough to be violations of the law and also that the company could not be sued in Illinois. Judge Michael Reagan, Chief Judge of the U.S. District Court of the Southern District of Illinois, dismissed both of Walmart’s motions and found in the employees’ favor on both challenges. The Court determined that the employees had met their burden in detailing their claims of pregnancy discrimination and retaliation, citing details from the complaint, including specific actions that harmed the workers and statistics showing that pregnant workers are treated differently. Moreover, Judge Reagan found that Walmart can be held to account in Illinois, as it is the largest employer in the state, and does more business and collects more taxes there than in nearly any other state.

“We are thrilled with this huge victory for our clients. Judge Reagan saw through Walmart’s transparent attempts to dodge responsibility, and we look forward to holding the company accountable for their unlawful actions of pushing pregnant workers out when they need income

the most,” said Dina Bakst, Co-Founder & Co-President of A Better Balance. “Our clients look forward to telling their stories and ensuring that no pregnant worker is forced to go through what they have at Walmart.”

“This opinion confirms that it’s unacceptable for employers to discriminate against employees for being pregnant or asking for accommodations,” said Sunu Chandy, Legal Director at the National Women’s Law Center. “The court affirmed that employers like Walmart can’t retaliate against their employees who request a pregnancy accommodation or time off for medical reasons, which are indeed protected activities under the law. We are pleased that this opinion allows us to proceed with claims demonstrating how Walmart discriminated against Ms. Borders, Ms. Woolbright and other women in the class. We look forward to working with our co-counsel to continue litigation to achieve improvements for women and their families and compensation for the women who were harmed by Walmart’s discriminatory policies.”

“Walmart must right its wrongs and compensate these employees for their losses,” said Ellen Eardley, a partner at the law firm Mehri & Skalet, PLLC. “It’s time Walmart stops discriminating against its pregnant employees and treating them like second-class citizens.”

###