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October 2007 ▶ Vol. 8, No. 11

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Know Your **RIGHTS**

Advice for pregnant job-hunters

BY ▶ SHARON ANNE WALDROP

Mary Ellen Courville applied for her current job when she was nine months pregnant. She was offered the job two days before her daughter was born. "My employer worked with me to make the transition to a new job with a newborn baby possible. That set a foundation for

my happiness with that employer in the years since," she says.

Some women aren't as fortunate. Marie Ortiz from San Antonio, TX, received a call to interview for a position when she was pregnant. She was asked to allow extra time to meet with two additional people involved in the

hiring process. But when she arrived in maternity clothes, the other two decision makers were suddenly "unavailable" and her time was cut short.

Mary Ellen's job search was successful. Maria's may be viewed as discriminatory, and she is not alone. There were 4,901 pregnancy-discrimination

complaints filed with the U.S. Equal Employment Opportunity Commission (EEOC) in 2006, up 23 percent from 10 years ago.

MUM'S THE WORD

If you need to look for a job, don't let your pregnancy prevent you from responding to help-wanted ads. Henry Perlowski, co-chair of the employment law team at Arnall Golden Gregory, LLP, in Atlanta says that federal law prohibits an employer from discriminating against pregnant job applicants. Yet, you may wonder if you should tell a prospective employer that you are pregnant if it is not yet obvious. What is a woman to do? "She has no legal obligation to bring that to the employer's attention," Perlowski says. Additionally, "If an employer is in an interview with somebody who the interviewer suspects is pregnant, that topic is not appropriate for that interview," he says.

There are other topics that employers may not bring up during an interview. Jill Fisher, Esq., head of the employment law practice group at Philadelphia's Zarwin Baum DeVito Kaplan Schaar Toddy, P.C., offers this list of some interview questions that are against the law:

- Are you planning on becoming pregnant?
- How many children do you have?
- How old are your children?
- What arrangements will you make for childcare?
- Are you married?
- If you have children, have you had to take time off to care for them?
- How much time do you plan to take off for maternity leave? (If the woman is visibly pregnant or offers the information herself.)
- Do you advocate birth control?

WHAT'S FAIR GAME?

An employer is allowed to ask if you can perform the essential functions of the job after describing the duties. If you are able to without medical restrictions, you can honestly answer that you can.

"There may be a period of time where the medical diagnosis changes and the employer would then have to deal with that circumstance to comply with the pregnancy discrimination act," Perlowski says. An example would be temporarily being unable to lift something that weighs 15 pounds and having written restrictions from your doctor that states this.

If a job requires that you travel or work overtime, you can be asked if you are able to do this. Additionally, Fisher says that it is permissible for an employer to say something like "the requirements of a job are to start immediately and not take leave for any reason for the first six months." This may be due to a particular project or replacing someone who is on a leave of absence. Because these are two requirements of the job, questions about them are not discriminatory.

Whether or not you are a parent now or will soon be one is irrelevant to the work you will be performing. A job interview should focus on your skills, qualifications, and why you are the best person for the job. Focus on these things and you will increase your chances at receiving a job offer during your pregnancy. **D**

Sharon Anne Waldrop hired pregnant applicants during her career as a human resources director. Her book, The Everything Human Resource Management Book, will be published in June 2008.



TURN THE TABLES

Brette Sember, attorney and author of *Your Practical Pregnancy Planner: Everything You Need to Know About the Financial and Legal Aspects of Preparing for Your New Baby*, says that whether or not you answer illegal interview questions is up to you, but you don't have to. Here are her tips for avoiding inappropriate questions:

- Change the subject and ask him a question about the job responsibilities.
- Provide an answer without actually answering the question directly.
- Say "I'm not required to answer that" with a tone that is firm, confident, and non-accusatory.

FAILURE-TO-HIRE CLAIMS can be difficult to prove. But if you have reasonable proof that you have been discriminated against because you are pregnant, you may file a complaint with the EEOC within 180 days of being turned down for a job.