

Judge Upholds Termination Because “Lactation is not Pregnancy”

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A judge in Houston has ruled in favor of an employer who allegedly fired a woman who wanted to use the bathroom to breast-pump.

Case facts are never black and white, and there are always complicating factors. Here, there was apparently some issue as to whether the employee abandoned her job, but the ruling of the judge is still hard to fathom.

The EEOC filed a complaint on behalf of Donnicia Venters against debt collection agency Houston Funding. Venters alleged that the company violated Title VII of the Civil Rights Act. Since only women can currently get pregnant, Title VII makes it illegal to discriminate “because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth” since by definition those issues would only arise as to women.

However, Title VII doesn’t say anything about lactation, so Judge Lynn Hughes found that the lawsuit was not recognized under Title VII and dismissed the lawsuit. Judge Hughes ruled that “firing someone because of lactation or breast-pumping is not sex discrimination.”

The ruling is, of course, utter nonsense. Lactation occurs because of childbirth, and if a mother cannot pump or nurse, she is at risk of mastitis. Thankfully, California already has laws in place to protect a woman’s right to breast-feed and/or pump.

For a more detailed discussion of the case, [go here](#), where you can also listen to a recording of what sounds like the employer talking to Venters, explaining how she has no protections (which, if you believe the judge, turned out to be correct), and how generous they are being by showing that she resigned her job (which, of course, denies her unemployment).