

The U.S. Equal Employment Opportunity Commission

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EEOC Sues John Harvard's Brew House For Pregnancy Discrimination



Charging Party Jennifer James (center) is pictured with her baby. Standing next to her are EEOC Trial Attorney Kam Wong (right) and private counsel James A. Brown (left)

Expecting Mother Forced to Choose Between Parenthood and Livelihood, Suit Says

The U.S. Equal Employment Opportunity Commission (EEOC) today filed a pregnancy discrimination lawsuit in federal district court against John Harvard's Brew House, a restaurant and brewery business operating in nine states with a local branch in Lake Grove, Long Island.

The EEOC's suit, Civil Action No.03- CV-3800, filed in U.S. District Court for the Eastern District of New York, charges that John Harvard's Brew House discriminated against Jennifer James once she informed its management that she was pregnant. Ms. James' career had advanced rapidly from a starting position of Server, to Supervisor, and to Manager-in-training. However, as soon as she informed the company of her pregnancy, her career abruptly ended. She was told to "consider her options." When she insisted on continuing with her pregnancy, her management training was discontinued and she was ultimately terminated from her employment in August 2001.

Remarking on her case, Ms. James said: "I am very appreciative that the EEOC has chosen to file a lawsuit on my behalf to correct a terrible wrong. I was always told how joyous it was to become a mother. Rather than experience joy, I felt only fear, and like a failure, as my career was terminated."

EEOC filed the lawsuit after its efforts to voluntarily conciliate the matter without litigation proved futile. The suit seeks monetary relief, an order requiring the company to implement policies and procedures against discrimination, and a permanent injunction against discrimination. This case was investigated by the Newark Area Office, due to the transfer of files after the destruction of the New York District Office on September 11, 2001.

"The EEOC takes very seriously allegations of pregnancy discrimination," said Katherine Bissell, the EEOC's Regional Attorney in New York. "No employee should ever be forced to choose between parenthood and a livelihood. The EEOC will continue to vigorously pursue such cases."

Spencer H. Lewis, EEOC's New York District Director, added: "Employers should be aware that they cannot discriminate based on pregnancy or sex. Employment decisions motivated by sex based stereotypes cannot be sanctioned."

In addition to enforcing Title VII, as amended, which prohibits employment discrimination based on race, color, religion, sex (including sexual harassment or pregnancy) or national origin and protects employees who complain about such offenses from retaliation, the EEOC enforces the Age Discrimination in Employment Act of 1967, which protects workers age 40 and older from discrimination based on age; the Equal Pay Act of 1963, which prohibits gender-based wage discrimination; the Rehabilitation Act of 1973, which prohibits employment discrimination against people with disabilities in the federal sector; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's web site at www.eeoc.gov.

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