



## HOLWELL SHUSTER & GOLDBERG AND ACLU FILE GROUNDBREAKING CLAIMS OF SYSTEMIC DISCRIMINATION AGAINST PREGNANT AND BREASTFEEDING EMPLOYEES IN THE AIRLINE INDUSTRY

12.10.2019

**N**ew York—Holwell Shuster & Goldberg LLP, the American Civil Liberties Union, and the ACLU of Colorado today filed two companion lawsuits against Frontier Airlines for its systemic failure to accommodate pregnant and breastfeeding employees. The lawsuits, brought by four Frontier pilots and four Frontier flight attendants, are the first of their kind to be filed against the airline industry.

The lawsuits challenge various discriminatory actions by Frontier, including:

- Forcing both pilots and flight attendants onto unpaid leave before the end of their pregnancies;
- Penalizing flight attendants for absences during their pregnancies;
- Denying pregnant employees temporary ground assignments that have been offered to employees with other medical conditions that render them temporarily unable to fly; and
- Failing to provide accommodations relating to breastfeeding and banning employees from pumping while on duty.

The plaintiffs allege that they have lost income and benefits as a result of being forced onto unpaid leave, in addition to suffering other injuries. Several who have attempted to breastfeed without accommodations have experienced pain, leaking and swollen breasts, infections, and other serious health issues, while others felt they had no choice but to give up breastfeeding altogether.

“Employers cannot force women to choose between performing the jobs they love and caring for themselves and their babies,” said Jayme Jonat, a partner at HSG and a member of the litigation team that brought both cases. “And yet, that’s what Frontier Airlines is asking valuable pilots and flight attendants to do. This systemic discrimination against pregnant and breastfeeding employees is not just unlawful, but shameful.”

“In 2019, all employers in every industry should have commonplace policies in place to accommodate such a predictable occurrence as employee pregnancy, and the airline industry is no exception,” said Galen Sherwin, senior staff attorney, ACLU Women’s Rights Project. “Because Frontier does not accommodate these basic needs, employees who give birth will never have equal opportunities to succeed. It also means the company loses out on some of the best talent. It’s time for Frontier, and the airline industry as a whole, to catch up with the times.”

One action was filed as a class action by four flight attendants on behalf of themselves and others similarly situated. The other was brought by four Frontier pilots. Both lawsuits seek commonsense changes to Frontier's policies, including the adoption of policies making ground positions available during pregnancy or breastfeeding, permitting schedule modifications for breastfeeding employees, providing employees reasonable breaks, and designating private and sanitary locations to pump while on duty.

HSG, the ACLU, and the ACLU of Colorado initially filed charges of discrimination with the EEOC on behalf of the four pilots in 2016, which were joined by similar charges on behalf of the flight attendants a year later. Although the EEOC actively investigated the charges for the past two years, Frontier has refused to cooperate fully with the investigation, prompting the filing of these lawsuits.

Additional HSG lawyers representing the plaintiffs include partner Vincent Levy, counsel Lani Perlman, and associate Nina Kanovitch Schiffer.

## **ATTORNEYS**

Jayne Jonat

Vincent Levy