



Discrimination Prevention

Case Study: Pregnancy Discrimination

Case of Marine Pilot



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June 2025



Pregnancy Discrimination

Overview

This facilitation guide and accompanying case study have been prepared to assist all leaders who supervise both military and civilian employees. Equal opportunity (EO) and equal employment opportunity (EEO) professionals, practitioners, and leaders can use this guide to review and educate their members on policies, acceptable and unacceptable behaviors, and tactics to eliminate discrimination behaviors involving pregnancy.

Facilitation Guidance

It is highly encouraged to select facilitators such as EO and (EEO) professionals and practitioners to explore the complex dynamics of real-life situations, identify the issues involved, and utilize tools to address those issues. Facilitators must provide a controlled, safe, and non-attributional environment where individuals will be willing to share their perspectives. Throughout this guide, questions are framed to stimulate thoughts on areas to explore and consider in this process and applicable to the specific topic.

Content and Resources

The case synopsis gives insight into the case, key details, and findings. The case study references section provides additional detailed information relevant to the situation. Below this section, there are additional resources on similar cases that support specific aspects of this case and can be used to promote a more in-depth understanding of the dynamic issues related to discrimination and workplace climate.

Facilitation Instructions

1. Before the training:
 - a. Ensure the location and needed resources are prepared.
 - b. Ensure the facilitator is prepared.
 - c. Ensure the audience is prepared.
2. During the training:
 - a. Read the purpose and introduction. Answer any questions from the learners.
 - b. Read the definition of pregnancy discrimination or provide a handout/visual aid of the definition.
 - c. Read the case study.
 - d. Use the group discussion questions to facilitate an open dialogue while encouraging independent responses from everyone.
 - e. Use the individual questions with anticipated responses (AR) as an opportunity to include all members in the discussion.
 - f. Conclude the session by summarizing the case study and the main points discussed during the discussion.
3. After the training:
 - a. Conduct a follow-up assessment to determine the training effectiveness:



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- i. What went right?
 - ii. What went wrong?
 - iii. What could be done better next time?
- b. Share the findings with the leadership and revise future training sessions as needed.
- c. Monitor the organization for progress.

Case Study: Pregnancy Discrimination

Purpose: The purpose of this case study is to provide critical information for:

- Identifying discriminatory behaviors based on pregnancy
- Recognizing the leaders' and individuals' roles in preventing pregnancy discrimination
- Responding to individuals who are being discriminated against based on pregnancy
- Highlighting the role that climate and other factors play in pregnancy discrimination
- Acknowledging how other acceptable types of harassment can often be related to pregnancy discrimination
- Applying actionable techniques at the individual and organizational levels

Introduction

When analyzing a case study, it is crucial to recognize that real-life situations are rarely straightforward. Life is inherently messy, and the complexity of human interactions often means that issues arise from a dynamic interplay of multiple factors. By examining case studies, we can gain a deeper understanding of the challenges that contribute to discrimination based on pregnancy. Additionally, we can explore the leaders' role in perpetuating or addressing these issues and the effectiveness of various prevention techniques in complex, real-world situations.

Case study approaches allow us to explore elements—such as organizational climate, power dynamics, communication breakdowns, and individual behaviors—that intersect and influence one another. Through exploration, we can better appreciate the intricacies of situations, which often involve conflicting interests, ambiguous circumstances, and a range of human emotions. This understanding equips us with the knowledge and tools to foster a stronger, more supportive environment where effective prevention techniques are implemented and sustained.

When a pregnancy discrimination situation presents itself, the cause is rarely clean-cut. In other words, the climate, leadership, and other human behaviors and actions are usually involved in pregnancy discrimination misconduct. For instance, in a situation of pregnancy discrimination, discriminatory behaviors can show themselves before, during, and after someone is pregnant.

Furthermore, the climate likely plays a role in perpetuating the behavior through social acceptance. Equally, leaders who encourage discriminatory behaviors as a tradition or minor



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happenings, fail to treat them with urgency, neglect to enforce appropriate consequences, or look the other way add to their propensity to continue and often increase in severity. Further, discrimination based on pregnancy is grounded in sex-based discrimination and cultural norms of masculinity, which can discourage female personnel or candidates/applicants from entering or remaining in the organization.

Disclaimer:

This training is for awareness and educational purposes only. This case study may evoke feelings or emotions. If anyone experiences any adverse reactions, they should seek professional support. All topics discussed in this session are NOT substitutes for medical advice.

Definitions

DoDI 1350.02, Change 1. Effective: December 20, 2022 Prohibited Discrimination (including pregnancy; military only)

“Discrimination, including disparate treatment, of an individual or group on the basis of race, color, national origin, religion, sex (including pregnancy) ... or sexual orientation that is not otherwise authorized by law or regulation and detracts from military readiness.” (Office of the Under Secretary of Defense for Personnel and Readiness, December 2022, p. 38)

DoDD 1440.01, Change 1. Effective: November 21, 2003 Discrimination (civilian-only)

“Illegal treatment of a person or group based on race, color, national origin, religion, sex, age, or disability.” (Department of Defense, November 2003, p. 15)

Policy Relevant to Pregnant Service Members

The DoD modified the official policy regarding pregnant personnel in the 2023 “Changes to Command Notification of Pregnancy Policy.” These changes protect the rights of individual personnel who are pregnant to receive adequate accommodation to protect the unborn child, including being placed in a non-deployable status and being assigned to light duty for those personnel whose military position and job may be considered hazardous to the pregnancy. Protections against discrimination based on pregnancy extend beyond pregnancy, also protecting new mothers who choose to breastfeed their child. The 2016 DoD Memorandum, Department-Wide Policy for Nursing and Lactation Rooms, mandates reasonable accommodations for lactating mothers. These accommodations include private, clean spaces and adequate breaks to express milk. Individual military components also have policies outlining more specific parameters for accommodations.

Case Synopsis

A notably accomplished female Marine pilot found out she was pregnant. She notified her command but chose not to disclose her pregnancy publicly while applying for the appropriate waivers, allowing her to continue to fly. Despite her intention to keep the knowledge of her pregnancy only known to essential personnel, members of her unit found out that someone



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was pregnant. The Marine overheard comments from her peers alleging accusations such as that whoever the pregnant squadron member was, she probably did it to get out of work, specifically deployment. The Marine reported that she felt betrayed and very sad. Other female Service members described similar feelings relating to pregnancy, sharing experiences of felt hatred, guilt, and ostracism based on factors of duty reassignment and maternity leave. Additional comments included reports of similar feelings of fear about being perceived as getting pregnant to get out of deployment or other duties. One male Service member interviewed on this topic noted that for the stereotype to exist, there must be some cases where it is true.

Group Discussion

*Note: These are suggested questions. Potential responses are included below each question.

1. Based on the case synopsis, what actions from these service members constitute pregnancy discrimination?
 - a. Comments about the target's motivations for getting pregnant.
 - b. Ostracism described by other personnel.
2. The foundation of discriminatory behavior described in this case study could be the perception of unfairness. Is it fair for the rest of the unit when a Service member is given limited duty or other accommodations while pregnant?
 - a. Male Service members cannot receive these accommodations.
 - b. Male Service members can also be placed on limited duty or leave for other reasons (e.g., legal matters, illness, injury).
 - c. Females have limited childbearing years, overlapping with eligible Service years.
 - d. For some Service members, gaps between deployments can be short, limiting the opportunity to carry a child to term without disruption in a deployment schedule.
3. In this situation of pregnancy discrimination, what other types of inappropriate behaviors could also occur?
 - a. Discrimination based on pregnancy can overlap with sex-based discrimination because only female personnel can become pregnant.
 - b. Bullying by forcing specific people to perform the duties assigned to the pregnant member (e.g., since you are friends with her, you get all of her work).
4. What were the factors that likely contributed to the climate?
 - a. An increased workload stressed other unit members due to accommodations for pregnant personnel.
 - b. Low understanding and awareness among the predominantly male population for other factors that motivate female personnel to bear a child.
 - c. Lack of awareness on the part of leaders for policy regarding necessary accommodations for pregnant personnel.



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- d. Lack of awareness on the part of leaders for attitudes towards pregnant personnel within the unit.
- 5. What were the points of failure in responding to and preventing the situation?
 - a. Proper procedures of confidentiality were likely not followed, as unit personnel “found out” someone in the unit was pregnant.
 - b. Previous pregnant members experienced similar feelings, which show patterns, trends, and a lack of accountability.
- 6. What are some long-term effects of a case like this on the organization regarding climate, mission productivity, and mental/physical health?
 - a. Climate:
 - i. Loss of trust and morale
 - ii. Perpetuation of stereotypes
 - b. Mission productivity:
 - i. Inhibited ability to accomplish tasks
 - ii. Compromises integrity of the organization
 - iii. Increased attrition rates/limitations to recruitment
 - c. Mental/physical health:
 - i. Increased anxiety/depression and feelings of isolation
 - ii. Low satisfaction with career

Questions

1. What intervention techniques could you use if you overheard comments like those made in the case study (e.g., Female Service members only get pregnant to avoid deployment)?

Responses to listen for:

- a. Speak up to challenge stereotypes and advocate for Service members who become pregnant as it is right for them.
- b. Alert the commander about the prevalence of stereotypes relating to pregnant personnel.

2. What mitigating techniques could help support a climate and group cohesion in a situation like what is described in the case study?

Responses to listen for:

- a. Leaders should be aware of how the added workload can cause stress and feelings of overwork.
- b. Direct change and take steps to ensure fair distribution, appropriate downtime, and resources for destressing.

3. What role would a leader have in preventing pregnancy discrimination or a similar situation?



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Responses to listen for:

- a. Leaders are responsible for knowing the attitudes of personnel within their units and should address areas of potential or existing conflict.
 - b. Leaders should take appropriate steps to model and promote support for pregnant personnel and other unit members who may be affected.
 - c. Leaders should take reports of discrimination seriously, responding with urgency and consistency to appropriately support targets and hold perpetrators accountable.
4. How would you respond if you were a leader in this situation and were aware of similar attitudes and behaviors towards pregnant personnel?

Responses to listen for:

- a. I might hold a meeting to discuss perspectives and aim to clarify all misunderstandings.
 - b. Help unit members empathize with factors related to family planning.
 - c. Be a role model by maintaining an awareness of policies relating to accommodations for pregnant Service members.
 - d. Responding consistently and appropriately.
5. Do you feel comfortable expressing concerns regarding pregnancy discrimination in your organization? Why? What factors help you to feel comfortable expressing your concerns?

Responses to listen for (Service members may have differing perspectives):

- a. Yes. The policy protects against discrimination based on pregnancy. I trust my leaders to respond appropriately.
 - b. No. Expressing concerns or reporting them goes against the accepted attitudes within my organization, and I might be retaliated against for speaking up.
 - c. No. I am a female Service member of childbearing age, and I fear that speaking up might make it seem like I am only looking out for my future interests or experiences.
6. Based on your experiences and perspectives, what are your feelings toward Service members who become pregnant while on active duty?

Responses to listen for (Service members may have differing perspectives):



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Possible View	Counter View
a. Service members have a right to make choices for their individual and family lives; everyone is responsible for caring for themselves.	Greater steps should be taken to ensure workloads are fair for others, regardless of the individual choices of specific Service members.
b. Service members who choose to bear a child deserve support; after all, if I were sick or injured, I would want the same kind of consideration.	Female Service members should choose either having a career or a family because they cannot have it all or expect others to facilitate their personal decisions.
c. Pregnancy is a natural part of life, and it is everyone's responsibility to support pregnant women.	Female Service members should not work in roles of essential mission-critical functioning in case they get pregnant.
d. Leaders should ensure that downtime and recognition are given to those who continue to support the mission's needs when some individuals may need to take on lesser duties because of pregnancy, other factors, injury, or family issues.	Leaders should ensure that no one has to pick up extra work when a Service member is pregnant and needs accommodations.

Conclusion

During this discussion, we explored discrimination based on pregnancy. As indicated in the case study, the climate and the leaders' involvement can significantly affect the likelihood and severity of such behaviors. Likewise, it is essential to note that unfavorable behaviors are likely to persist if perpetrators do not think their actions are wrong because they are accepted within the climate or do not believe they will be held accountable for them.

Leaders need to be self-reflective and conscious of subordinates' behaviors to actively promote awareness and accountability for creating a team that embraces the responsibility of caring for one another and discourages discrimination based on pregnancy. Acknowledging, discussing, and providing training on the ill effects of discriminatory behaviors brings awareness into the workplace for appropriate behavior responses and prevention methods. Everyone wants to feel appreciated, valued, and safe in their organization.



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References

*Note: Each reference below contains pieces of this story. Please review them to ensure you have the full perspective.

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Department of Defense. (2003, November 21). The DoD Civilian Equal Employment Opportunity (EEO) Program. DoD Directive 1440.1, May 21, 1987; Incorporating Change 3, April 17, 1992; Certified Current as of November 21, 2003

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Handout

1. What intervention techniques could you use if you overheard comments like those made in the case study (e.g., Female Service members only get pregnant to avoid deployment)?
2. What mitigating techniques could help support a climate and group cohesion in a situation like what is described in the case study?
3. What role would a leader have in preventing pregnancy discrimination or a similar situation?
4. How would you respond if you were a leader in this situation and were aware of similar attitudes and behaviors towards pregnant personnel?
5. Do you feel comfortable expressing concerns regarding pregnancy discrimination in your organization? Why? What factors help you to feel comfortable expressing your concerns?
6. Based on your experiences and perspectives, what are your feelings toward Service members who become pregnant while on active duty?