



the work and family legal center

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## **A Better Balance Files Charge of Discrimination Against National Retailer on Behalf of Expecting Mother Fired After Announcing Pregnancy**

**FOR IMMEDIATE RELEASE**

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**Buffalo, NY-** A Better Balance, a national legal advocacy organization, and the law firm Emery Celli Brinkerhoff & Abady LLP today filed a charge with the federal Equal Employment Opportunity Commission alleging that Savers, a company that operates hundreds of retail stores nationwide, fired Betzaida Cruz Cardona, of Rochester, NY because she was pregnant.

The charge alleges that Savers fired Ms. Cruz, a cashier in the company's Henrietta, New York store, just days after she announced her pregnancy and on the same day that she brought in a doctor's note stating that she could not lift over 25 pounds due to her pregnancy. Savers terminated her even though Ms. Cruz never did heavy lifting in the store, and lifting was not part of her job description. According to the charge, Savers' actions violate federal and state pregnancy and disability anti-discrimination laws.

"I was able and wanted to continue working as a cashier, but as soon as I brought a note saying I was pregnant and shouldn't lift more than 25 pounds, my manager told me I was 'terminated' and should 'stay home and take care of my pregnancy,'" said Ms. Cruz. "I was shocked and scared to death. I needed the income more than ever." Ms. Cruz only brought in the doctor's note because her manager demanded that she bring in a doctor's note proving that she could work. The results of her termination were devastating for Ms. Cruz. She was unable to pay her rent and was forced to leave her home. She is now homeless, living couch to couch, and surviving on public benefits. She is expecting her first child in April.

"Savers policy states it accommodates workers with disabilities, but pregnant workers are treated like second-class citizens," said Dina Bakst, Co-Founder and Co-President of A Better Balance. "Ms. Cruz shouldn't have been punished simply for trying to maintain a healthy pregnancy. Ms. Cruz, and every pregnant worker in New York State, deserves fair and equal treatment under the law. Legislators in Albany can help—they have a bill before them that would clarify employers' obligations to accommodate pregnant workers and prevent more women from losing income at the precise moment they need it most."



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“Ms. Cruz should not have to choose between her job and the livelihood of her family,” said Jessica Neal, spokesperson from the UFCW. “Pregnant workers and working families need the income and stability to support their families. This is just one of the many reasons Ms. Cruz and workers like her are banding together to strengthen and protect their rights on the job. It’s time for Savers and its companies to treat all of its employees with dignity and respect.”

The charge also alleges that Savers, and its subsidiaries, have engaged in a pattern and practice of pregnancy discrimination. Last year, A Better Balance represented another pregnant woman who was similarly pushed out of her job at Unique Thrift (a subsidiary of Savers) when she requested an accommodation. A Better Balance sent a letter explaining the legal violations to Unique Thrift, who then permitted the pregnant woman to return to work with an accommodation and back pay. Her story was widely reported, including in the *New York Times*.

“We are concerned that this is not an isolated incident, and that hundreds of Savers employees nationwide are subject to similar discriminatory conduct,” said Elizabeth S. Saylor, a partner at Emery Celli Brinkerhoff & Abady LLP. “Savers must adopt a new policy that clearly states that it will not discriminate against pregnant employees and will provide accommodations to those who need them,” said Ms. Saylor.

*Note to media: Dina Bakst, Elizabeth Saylor, and Betzaida Cruz Cardona are available for interviews.*

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*A Better Balance is a national legal advocacy organization based in New York dedicated to promoting fairness in the workplace and helping workers meet the conflicting demands of work and family.*