

# She Says She's Pregnant — Do I Still Have to Hire Her?

By Toni Talbot, SPHR

**Q** *uestion:* I have an open position in my office and just interviewed an applicant who divulged that she is pregnant. She is fully qualified for the job, my staff really likes her, and she

is certainly the top candidate. It's just that I just don't want to hire someone who is pregnant. She'll have to be out a minimum of six weeks when she has the baby, and then I'm sure she'll be off all the time afterward to take care of the baby, etc. If I decide not to hire her, is this discrimination?

**Answer:** You always retain the right to hire whomever you want. You should, however, be aware that when you decline to hire her, she retains the right, as well, to make a claim of discrimination due to her pregnancy as a violation of the Pregnancy Protection Act. If so, you will have to defend yourself against her claim. Based upon what you have told me, you will have some difficulty developing a good defense.

I know you want to hire the best candidate. Let's take a look at the facts of this candidate as you outlined them. You said she is fully qualified, your staff likes her, and she is the top candidate you interviewed. She sounds great. I might suggest yet another reason to hire her: she's honest. Yet look at what her honesty may cost her — namely, the job, because now you don't want to hire her.

At a recent MDA conference, I was asked what a dentist should do about an employee who never revealed during the interview that she was pregnant. She waited to drop this news until after the dentist hired her and she started work. He was upset and felt she was dishonest during the interview and he wanted to know if he could take any action against her for dishonesty. He admitted he didn't ask her if she was pregnant during the interview, but he nonetheless felt she was dishonest by withholding such important information. I asked him: If you knew she was pregnant, would you have hired her? After a bit of contemplation, he admitted he would not have. "That, sir," I said, "is the reason she didn't tell you."

When you make hiring decisions you should always

hire the best candidate. There is never *any* guarantee that you will retain any employee. You can hire your second choice and find that she needs an emergency appendectomy and will be out of work for six weeks. At least now you can plan ahead for the absence.



Consider the positive aspects of hiring an employee you know is pregnant. She knows you took a chance on her by hiring her when she was expecting. One of the most important aspects of management is to develop loyal employees. Knowingly hiring a pregnant woman may result in a strongly loyal employee. Hiring this employee may also develop strong loyalty with other female employees who may empathize with this woman. Your action may show them that you will not use a completely non-job-related factor to make a hiring decision.

Let's face it, we all know that dental offices primarily employ women. Only women can get pregnant, so, sooner, or later you'll be dealing with employees who need time off due to pregnancy or to deal with the needs of their children. Many women go into the dental field because it gives them flexibility to have a career and still provides time to raise children. Rather than fight this fact, why not embrace it?

Create a work place where family comes *first*, especially with the way you treat your employees. This will result in loyal employees who will become your best marketing tool in the community they live and in which you practice. ♦

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