



SETTLEMENT REACHED IN FRONTIER AIRLINES PREGNANCY AND LACTATION DISCRIMINATION LAWSUIT

04.13.2022

New York—The parties announced a settlement today in a case filed by four flight attendants who alleged that Frontier Airlines discriminates against pregnant and lactating employees. As part of the settlement, which does not admit any liability, Frontier Airlines has agreed to several policy changes that will better address the needs of pregnant and lactating flight attendants.

“I’m glad that flight attendants who want to breastfeed will be given the time and space to pump breast milk in a healthy, sanitary way,” said Melissa Hodgkins, a plaintiff in the case. “Future flight attendants won’t have to worry about how they are going to fit in pumping between flights or wonder where they will be able to pump safely. I gave up breastfeeding to provide for my family, and no one should have to make that choice again.”

“We’re proud to be at the forefront of accommodating the needs of pregnant and breastfeeding mothers in the airline industry,” said Jacalyn Peter, vice president, Labor Relations, Frontier Airlines. “Thanks in part to advances in wearable lactation technology, the parties were able to reach an amicable resolution of this case that does not jeopardize public safety.”

“Today’s settlement sends a message to the rest of the airline industry, and to businesses around the country, that providing basic accommodations for breastfeeding workers is both smart and doable,” said Galen Sherwin, senior staff attorney with the American Civil Liberties Union Women’s Rights Project. “Other airlines should follow Frontier’s lead and ensure that their flight crew don’t have to give up breastfeeding in order to keep doing the jobs they love.”

Under the settlement, Frontier Airlines agreed to update and clarify its policies relating to pregnancy and lactation accommodation, including agreements:

- To keep in place recent changes to its policies, including those permitting flight attendants to safely pump during flight with the use of wearable breast pumps.
- To clarify that under Frontier’s Dependability Policy, which governs attendance, FMLA-qualifying absences related to pregnancy are excused and not subject to disciplinary action.
- To provide a regularly-updated list of lactation facilities at Frontier’s base locations to flight attendants who give birth (and direction on where to find information regarding lactation facilities at all other airports to which Frontier flies), and to provide a system to address feedback from flight attendants regarding the adequacy of lactation facilities at base locations.

- To clarify Frontier's policy that it accommodates flight attendants unable to fly due to pregnancy or lactation on the same terms that it accommodates flight attendants with other medical conditions rendering them unable to fly (including by providing medical leave or temporary ground assignments, if such assignments are offered by Frontier).

"Too many workers—overwhelmingly low wage workers and women with babies or small children—have been pushed out of the workforce over the past two years," said Juno Turner, litigation director of Towards Justice. "Now more than ever, employers should be doing everything they can to keep willing workers on the job. This is good not only for workers and their families, but also for businesses like airlines that are struggling to hire and retain a qualified workforce."

"Colorado is best when the businesses that call our state home put their employees first," said Sara Neel, senior staff attorney with the ACLU of Colorado. "We're glad that Frontier has taken these important steps, and grateful to our clients who have made such a difference for current and future employees at Frontier Airlines, and for workers around our state."

The lawsuits were filed by the ACLU, the ACLU of Colorado, Holwell Shuster & Goldberg LLP, and Towards Justice.

This statement is online here. More information about these cases is here.

ATTORNEYS

Richard T. Apiscopa

Christopher Brock

Gregory Dubinsky

Jonathan Jacoby

Jayme Jonat

Manjit Kalirao

Andrew Kaspersen

Paul Kemnitzer

Vincent Levy

Daniel K. Phillips

Karen A. Sebaski