



Portfolio Media, Inc. | 111 West 19th Street, 5th floor | New York, NY 10011 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Trans Man Sues Amazon For Pregnancy Discrimination

By **Alexis Shanes**

Law360 (October 7, 2020, 8:46 PM EDT) -- A transgender New Jersey man is suing Amazon after he claimed the retail giant discriminated against him when he became pregnant, according to a lawsuit filed Monday in New Jersey federal court.

Shaun Simmons, a warehouse employee who had worked for Amazon since early 2015, alleged he was harassed after telling a supervisor he was pregnant and was placed on leave five times when he complained or requested accommodations, according to the lawsuit, which was first filed in New Jersey county court.

The suit also named Mike Menno and Tyler Houpt, Amazon employees to whom Simmons reported while his supervisor was away for training in 2019.

In June 2019, Simmons told Menno he was pregnant. The next day, according to the complaint, one of Simmons' co-workers congratulated him, and he realized Menno had told another employee about his pregnancy instead of keeping the information confidential.

Menno and Houpt began criticizing Simmons' performance, he alleged, "in an effort to demote" him, according to the complaint. Simmons complained to human resources and was sent home on paid leave.

Later, another employee harassed Simmons, saying "aren't you pregnant" as he entered the men's bathroom, he alleged. Simmons again complained. He was again placed on leave.

After returning to work, Simmons requested transfer to a different building away from Menno and Houpt, who he alleged were still trying to get him placed in a low-level role. And he complained to his regular supervisor, who had returned from training, according to the complaint. Instead, he was placed on leave.

When he returned a third time, Simmons was assigned to handling dog food and other heavy items, a lower-grade role than his previous one, according to the complaint. He had never been required to do heavy lifting. As a result of lifting while pregnant, Simmons developed abdominal pain — and was placed on a weeklong leave.

Upon return, Simmons requested accommodations, such as a role that didn't require him to lift heavy items, but was turned down, even after providing paperwork from his physician, according to the complaint. A position he was offered at a different Amazon facility was rescinded.

And he was placed on leave — this time, unpaid — until his child was born. His lawyer, Drake Bearden Jr., told Law360 that Simmons has not yet returned to Amazon.

A spokesperson for Amazon couldn't comment on the litigation but added, "We have been, and continue to be, committed to accommodating all employees to perform their duties in a safe and inclusive workplace."

Simmons seeks punitive damages, back pay and lost benefits, reinstatement, and attorney fees.

This is not the first time Amazon has faced pregnancy discrimination claims. A 2019 CNET

investigation found that at least seven pregnant women who worked in Amazon warehouses were denied accommodations and fired after telling supervisors they were pregnant.

Simmons is represented by Drake Bearden Jr. of Costello & Mains LLC.

Amazon, Menno and Houpt are represented by Emily Desmedt and Tyler Hill of Morgan Lewis & Bockius LLP.

The case is Simmons v. Amazon.com Services Inc. et al., case No. 3:20-cv-13865, in the U.S. District Court for the District of New Jersey.

--Editing by Bruce Goldman.

All Content © 2003-2021, Portfolio Media, Inc.