

SUPREME COURT OF FLORIDA

Peguy Delva v. The Continental Group, Inc.

137 So. 3d 371 (Fla. 2014) · No. SC12-2315 · Decided April 17, 2014

SUMMARY

The Florida Supreme Court held that discrimination based on pregnancy is sex discrimination prohibited by the Florida Civil Rights Act of 1992. The Court quashed the Third District Court of Appeal’s decision dismissing Peguy Delva’s complaint, approved the result in *Carsillo v. City of Lake Worth*, and remanded with directions to reinstate the complaint. The Court did not decide the merits of Delva’s employment discrimination claim.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Pariente, J.; Quince, J.; Canady, J.; Labarga, J.; Perry, J.; Lewis, J.; Polston, C.J.
JURISDICTION	Florida
DECIDED	April 17, 2014
DOCKET	SC12-2315
DISPOSITION	quashed
PROCEDURAL POSTURE	Florida Supreme Court review of a certified direct conflict between the Third and Fourth District Courts of Appeal concerning whether the Florida Civil Rights Act prohibits pregnancy discrimination as sex discrimination.
STANDARD OF REVIEW	De novo review of the pure question of statutory interpretation.
PRECEDENTIAL VALUE	Published Florida Supreme Court precedent; binding statewide authority.
PARTIES	Peguy Delva v. The Continental Group, Inc.

TOPICS

- pregnancy discrimination
- employment discrimination
- statutory interpretation
- appellate jurisdiction
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether section 760.10 of the Florida Civil Rights Act of 1992, which prohibits employment discrimination because of an individual's sex, encompasses discrimination based on pregnancy.
2. Whether Delva's complaint stated a cause of action for sex discrimination under the Florida Civil Rights Act.

HOLDINGS

1. Discrimination based on pregnancy is subsumed within the Florida Civil Rights Act's prohibition against employment discrimination because of an individual's sex.
2. Delva stated a cause of action for sex discrimination under the FCRA by alleging that adverse employment actions were taken because of her pregnancy, so her complaint should not have been dismissed.

KEY QUOTATIONS

"We determine that the statutory phrase making it an "unlawful employment practice for an employer . . . to discriminate . . . because of . . . sex," as used in the FCRA, includes discrimination based on pregnancy, which is a natural condition and primary characteristic unique to the female sex." (137 So. 3d at 371)

"Accordingly, we hold that Peguy Delva stated a cause of action for sex discrimination under the FCRA when she alleged that adverse employment actions were taken as a result of her pregnancy, and her complaint therefore should not have been dismissed." (137 So. 3d at 375)

FACTUAL BACKGROUND

Peguy Delva worked as a front desk manager at a residential property managed by The Continental Group, Inc. After she disclosed that she was pregnant, she alleged that Continental subjected her work to heightened scrutiny, denied requested shift changes and extra shifts despite company policy, refused to let her cover other employees' shifts, and stopped scheduling her after she returned from maternity leave. She brought an action under the Florida Civil Rights Act alleging pregnancy-based employment discrimination.

PROCEDURAL HISTORY

Peguy Delva sued her former employer under section 760.10 of the Florida Civil Rights Act, alleging adverse employment actions because of her pregnancy. The trial court dismissed the complaint for failure to state a cause of action. The Third District Court of Appeal affirmed and certified conflict with *Carsillo v. City of Lake Worth*, in which the Fourth District held that the Act prohibits pregnancy discrimination. The Florida Supreme Court accepted jurisdiction, quashed the Third District's decision, approved the result in *Carsillo*, and remanded with directions to reinstate the complaint.

DISPOSITION

quashed

REMAND INSTRUCTIONS

Remand to the trial court with directions to reinstate Delva's complaint.

CASES CITED

- Delva v. Continental Group, Inc., 96 So. 3d 956 (Fla. 3d DCA 2012)
- Carsillo v. City of Lake Worth, 995 So. 2d 1118 (Fla. 4th DCA 2008)
- O'Loughlin v. Pinchback, 579 So. 2d 788 (Fla. 1st DCA 1991)
- Gen. Elec. Co. v. Gilbert, 429 U.S. 125 (1976)
- Maggio v. Fla. Dep't of Labor & Emp't Sec., 899 So. 2d 1074 (Fla. 2005)
- Trinidad v. Fla. Peninsula Ins. Co., 121 So. 3d 433 (Fla. 2013)
- Woodham v. Blue Cross & Blue Shield of Fla., Inc., 829 So. 2d 891 (Fla. 2002)
- Mass. Elec. Co. v. Mass. Comm'n Against Discrimination, 375 N.E.2d 1192 (Mass. 1978)
- Minn. Mining & Mfg. Co. v. State, 289 N.W.2d 396 (Minn. 1979)
- Boone v. Total Renal Labs., Inc., 565 F. Supp. 2d 1323 (M.D. Fla. 2008)
- Jolley v. Phillips Educ. Grp. of Central Fla., Inc., No. 95-147-CIV-ORL-22, 1996 WL 529202 (M.D. Fla. July 3, 1996)
- Wright v. Sandestin Invs., LLC, 914 F. Supp. 2d 1273 (N.D. Fla. 2012)