



# Dena Lockwood Was Fired When She Called in Sick to Care for Her Daughter

Lockwood's Case Sheds Light on the Power of Local Discrimination Laws

By EMILY FRIEDMAN

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Dena Lockwood of Chicago never would have thought that her daughter Lily's nasty case of pinkeye could [cost her a job](#) she'd had for more than two years.

But when Lockwood [called in sick](#) one Friday in 2006, that's exactly what happened, her manager telling her that she was being fired minutes after she'd explained that her 4-year-old's illness required her to stay home for the day.

"I kept asking my manager, 'Why?' and he said it just wasn't working out," said Lockwood, who was working as a sales representative at Chicago-based Professional Neurological Services Ltd. to support her two children. "I told him that he certainly couldn't fire me just because my daughter had pinkeye, and I got no response."

So Lockwood, 39, who said she was "100 percent sure she was being discriminated because she had children," took her case to the Chicago Commission on Human Relations, a city agency that is responsible for [enforcing policies on employee discrimination](#), often for circumstances that are not covered by federal or state laws.

After nearly three years of litigation, the commission ruled in her favor late last year, granting her more than \$215,000 in damages and nearly half that in attorney fees.

"A lot of people have this belief that you can't get this much in damages from administration agencies and that you'd get more in state or federal court," said Ruth Major, Lockwood's attorney.

The commission's review of the case alerted Lockwood to several red flags that she failed to recognize as warning signs of discrimination, she said.

For example, during an interview with the company that eventually hired her, the sales manager asked her whether having children would "prevent her from working 70 hours a week." She responded that it would not.

Lockwood took her case to the city-level Commission, rather than federal court, because Major did not think they would win filing the complaint under federal laws prohibiting discrimination based on gender because the employees at the company were mostly women at the time.

"This case does send a message that administrative agencies will address conduct by employers and

award meaningful damages in areas that [federal law] cannot," Major said.

Lockwood's case is now being lauded by employee rights advocates such as the Center for WorkLife Law at the University of California Hastings College of the Law, who say they hope the verdict will shed light on how effective local laws can be in cases involving family responsibility discrimination, or circumstances when employees are penalized at work because of their care giving duties at home.

Richard Steck, the attorney for Lockwood's employer, did not return messages left by ABCNews.com for comment. But he told the Chicago Tribune that he was planning to appeal the ruling on behalf of his client.

## **Lockwood Says She Was Paid Less Than Single Employees**

While Lockwood's employer told her that her "poor productivity" and "excessive time off" [led to her firing](#), the commission wrote that no such evidence supported such claims.

Among several claims of discrimination, the court documents detail how the company gave Lockwood a salary of \$25,000 a year, \$34,000 less than another employee in the same position who did not have children.

Lockwood eventually argued for a higher salary but still ended up with a smaller paycheck than her single counterparts, which she discovered only during the court proceedings.

Another former employee of the company testified at the hearing that as soon as she announced her pregnancy, she was "demoted, treated with less respect and her opinions ceased to be taken seriously."

After that another parent employee left, Lockwood said, the focus turned to her and she soon found herself being stifled at meetings and not able to get a word in during sales conferences.

"I'd ask questions about when we were getting our commissions and they would just ignore me," Lockwood said of her managers. "Just ignore me, completely."

## **Lockwood's Case Calls Attention to Local Discrimination Laws**

Lockwood's success will hopefully call attention to the other avenues parents can take if they believe they are being discriminated against because of their responsibilities to their families but don't have a case under federal law, said Stephanie Bornstein, the associate director of WorkLife Law.

"The Lockwood case made clear for the first time that employers and employer attorneys need to understand local, city and county laws on the issue of care giver discrimination, many of which go beyond state and federal law," said Bornstein.

Bornstein also co-authored a report that was released in December that found that at least 63 local governments in 22 states have passed anti-discrimination laws to ensure that parents like Lockwood are not discriminated against at work.

Most employers and employees only know about the Family and Medical Leave Act, but small businesses with 50 or fewer employees don't have to abide by the act and employees who are caring for a family member with a "short-term illness" don't qualify for leave under the act either, leaving many employees unclear of where they can take their discrimination complaints, she said.

"These local laws exist and they're serious," Bornstein said. "The goal for the report -- and in including Lockwood's case in the report -- was to let people know that local care giver laws even exist and for employers to know that they're potentially opening themselves up to liability under local laws."

Lockwood said she is happy to be an example for other parents who may find themselves in similar situations, discriminated against but not quite sure where they can succeed judicially.

"It's great, I couldn't have expected this," said Lockwood, adding that she is now working happily in sales for a machine parts company in Chicago. "It's never been about the money, it's about parents being treated equally to people who are non-parents by people who are their employers."

"And it's not just for single parents or female parents, it's about all parents."

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