



E-Alert: Massachusetts Pregnant Worker Protection Act Signed into Law

Massachusetts Governor Charlie Baker signed a bill entitled *An Act Establishing the Massachusetts Pregnant Workers Fairness Act* on July 27, 2017. This bill, which takes effect on April 1, 2018, extends protections to pregnant workers, including workplace and hiring discrimination, and reasonable accommodations, such as less strenuous workloads and private nursing space.

What does the bill include?

The new bill aims to close the gaps between federal law and Massachusetts nondiscrimination laws by clearly defining protections for pregnant workers. The current Massachusetts nondiscrimination law will be amended to include “pregnancy or a condition related to pregnancy, including, but not limited to, lactation, or the need to express breast milk for a nursing child” as a protected category.

Employers will be required to provide reasonable accommodations to pregnant employees under the new law, including, for example, more frequent or longer breaks, paid time off after the birth of a child, private spaces for nursing, job restructuring or assistance with manual labor, and modified work schedules. Employers do not have to provide accommodations if the proposed accommodation would “impose an undue hardship on the employer’s program, enterprise, or business.”

The new bill also makes it unlawful for employers to:

- Take adverse action against any employee who requests or uses any reasonable accommodation
- Deny employment opportunities due to pregnancy or pregnancy-related conditions
- Require an employee to accept an accommodation that the employee does not wish to use — if the accommodation is unnecessary to help the employee perform their essential job functions
- Require an employee to take a leave of absence if another reasonable accommodation can be provided instead
- Refuse to hire a person who is pregnant or because of a condition related to her pregnancy, provided that the employer can offer the employee reasonable accommodations

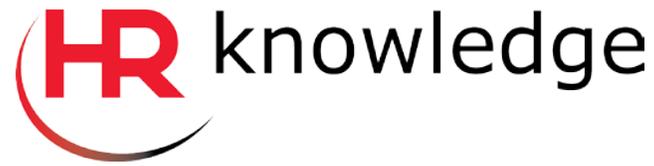
Next steps for employers

Between now and April 1, 2018, when the law goes into effect, we recommend that you:

- Review your organization’s current policies related to nondiscrimination practices and pregnancy and update them to ensure they are compliant with the new regulations.
- Inform your staff of the new law by January 1, 2018, through an announcement about updated policies or by updating your employee handbook.
- Train managers and HR on how to manage accommodation requests.

If you have any questions about the new regulations or need assistance updating policies, please [contact us](#).

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