

EMPLOYMENT LAW ALERT
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MASSACHUSETTS PREGNANT WORKERS FAIRNESS ACT BECOMES LAW

On April 1, 2018, the Pregnant Workers Fairness Act will become effective and require Massachusetts employers to provide reasonable accommodations to pregnant employees. The Act also prohibits employers from taking adverse action against an employee who requests or uses a reasonable accommodation for the employee's pregnancy or pregnancy-related condition, denying an employment opportunity to an employee based on the need to provide such a reasonable accommodation, or refusing to hire an individual because she is pregnant. The Act expands the scope of current law, which protects pregnant employees with a pregnancy-related disability.

Employers must engage in a timely, good faith interactive process with the employee to determine effective reasonable accommodations to enable the employee to perform the essential functions of her job. An employer must provide a reasonable accommodation unless the employer can demonstrate that the accommodation would impose an undue hardship.

The statute expressly provides that reasonable accommodations may include, among other things:

- more frequent or longer breaks;
- time off to recover from childbirth;
- temporary transfer to a less strenuous or hazardous position;
- job restructuring;
- private non-bathroom space to express breast milk; or
- a modified work schedule.

The statute also limits what documentation an employer can require regarding the need for certain accommodations, for example, more frequent restroom or food breaks.

Lastly, employers are required to provide timely written notice to employees of the right to be free from discrimination in relation to pregnancy or a condition related to the employee's pregnancy, including the right to reasonable accommodations.

CONTACT

Please contact a member of our [Employment Law Practice](#) to discuss the impact of this new law on your company's policies and practices as well as steps that should be taken to provide notice to employees prior to the effective date of the law.

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