

EMPLOYMENT LAW ALERT
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MASSACHUSETTS PREGNANT WORKERS FAIRNESS ACT TAKES EFFECT

On April 1, 2018, the Pregnant Workers Fairness Act (the Act) will become effective and impact employers in Massachusetts with six or more employees. The Act requires Massachusetts employers to provide reasonable accommodations to pregnant employees and those who are breastfeeding. 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.

WHAT SHOULD EMPLOYERS BE DOING RIGHT NOW TO COMPLY WITH THIS NEW LAW?

1. Make sure your employee handbook, written policies, and employment postings are up to date.
2. Make sure your human resources team and managers are familiar with Pregnant Workers Fairness Act fundamentals:
 - Reasonable accommodations for pregnancy 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; and/or
 - a modified work schedule.
 - Employers are prohibited from requiring documentation of the employee's need for certain pregnancy-related accommodations, including:
 - more frequent restroom, food, or water breaks during pregnancy;
 - seating; and/or
 - limits on lifting over 20 pounds.
 - Time off for recovery may exceed leave under the Massachusetts Parental Leave Act or the Family and Medical Leave Act, depending on individual circumstances.

- Employers must provide private non-bathroom space for nursing mothers to express breast milk and may not require documentation of the employee's need to use this space.

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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