

Alert | Labor & Employment



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April 1 Deadline for Massachusetts Pregnancy Act Requirements

Massachusetts employers are reminded that the provisions of the Massachusetts Pregnant Workers Fairness Act (the PWFA) take effect April 1, 2018.

The PWFA was signed into law in July 2017, and a previous *GT Alert* summarizes the law's major provisions. The PWFA amends the Massachusetts statute prohibiting employment discrimination (MA General Laws Chapter 151B) to expressly prohibit discrimination on the basis of pregnancy or pregnancy-related conditions.

Reasonable Accommodation Obligation

In addition to creating a new protected category under Massachusetts law, the PWFA requires Massachusetts employers to provide reasonable accommodations “for an employee’s pregnancy or any condition related to the employee’s pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child if the employee requests such an accommodation; provided, however, that an employer may deny such an accommodation if the employer can demonstrate that the accommodation would impose an undue hardship.” Under federal law, namely the Americans with Disabilities Act (ADA), an employer is required to accommodate a pregnant employee with a disability, such as complications related to pregnancy. However, the ADA does not require reasonable accommodations for pregnancy itself, which is not defined as a disability under the ADA. Accordingly, the PWFA contains a more expansive reasonable accommodation obligation than what is required under federal law.

Notice Requirements

By April 1, 2018, Massachusetts employers are required to provide written notice to employees regarding the rights provided under the PWFA. The law specifies that the “notice shall be provided in a handbook, pamphlet or other means of notice to all employees.”

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