

Guide to the Massachusetts Pregnant Workers Fairness Act

What the law does:

The Massachusetts Pregnant Workers Fairness Act, effective on April 1, 2018, prohibits employment discrimination based on pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. Specifically, the Act prohibits employers from denying pregnant women and new mothers reasonable accommodation for their pregnancies and any conditions related to their pregnancies, regardless of whether the pregnancies or related conditions constitute disabilities under existing state or federal law.

Employer Obligations

UMMS must reasonably accommodate all pregnant employees. When UMMS is notified of the employee's pregnancy, this notification begins an interactive process with the employee or prospective employee to try to identify a reasonable accommodation, if needed, that enables the employee or prospective employee to perform the essential functions of the position. Also, the Act specifically references an employer's obligation to accommodate employees with a need to express breast milk for a nursing child. <https://www.umassmed.edu/roomreservations/mothers-rooms/>

Reasonable accommodations may include:

- More frequent or longer paid or unpaid breaks
- Time off to attend to a pregnancy complication or to recover from childbirth with or without pay
- Acquisition or modification of equipment
- Temporary transfer to a less strenuous or hazardous position
- Job restructuring
- Private non-bathroom space for expressing breast milk
- Assistance with manual labor
- Modified work schedules

Employee Obligations

An employee should notify her manager of her pregnancy as soon as possible. Similarly, the employee or prospective employee should notify her manager of any pregnancy-related accommodations that are being requested as soon as practically possible.

Certain Documentation Prohibited

Although UMMS may request medical documentation to support the need for an accommodation, the Act specifically prohibits requesting documentation for the following accommodations:

- More frequent restroom, food, or water breaks
- Seating
- Limitation on lifting objects over 20 pounds
- Private non-bathroom space for expressing breast milk

Notice Requirements

UMMS must provide this notice about the Act to all employees, including new employees at the time of hire. This notice can be found at <https://www.umassmed.edu/hr/employee-r/labor-laws/>

UMMS must also provide this notice to any employee who notifies the employer of her pregnancy. This notice must be provided within 10 days of such notification.

Conclusion

Employees or Managers with questions about the Act and its application should be directed to the Human Resources Office of Employee Relations at (508) 856-5260 – Press 5 or you may contact the Employee Relations Consultant assigned to your department.