

Notice of MA Pregnant Workers Fairness Act

Town of Uxbridge, 4-1-2018

The Pregnant Workers Fairness Act (the “PWFA”) amends current Massachusetts discrimination in employment law, effective April 1, 2018, to expressly prohibit employment discrimination based on pregnancy and pregnancy-related conditions, as generally described below. The PWFA is enforced by the Massachusetts Commission Against Discrimination (MCAD). Employers are required to provide notice of the PWFA to its employees as indicated in the PWFA.

NOTICE REGARDING THE PWFA

Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions and have an obligation to accommodate pregnant workers.

Upon request for an accommodation, the employer has an obligation to communicate with the employee to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an “interactive process,” and it must be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the employer.

An employer must accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. “Undue hardship” means that providing the accommodation would cause the employer significant difficulty or expense.

An employer cannot require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the employer.

An employer cannot refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant can perform the essential functions of the position with a reasonable accommodation.

An employer cannot deny an employment opportunity or take adverse action against an employee because of the employee’s request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.

An employer cannot require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. An employer, may, however, request medical documentation for other accommodations.

If you have questions or concerns regarding this notice, or about protections against discrimination under the PWFA, please contact Lisa Yaroshefski, Benefits Administrator at 508-278-8600 X2008 or lyaroshefski@uxbridge-ma.gov. For further information, please see the latest MCAD Q&A’s regarding the PWFA here:

<https://www.mass.gov/files/documents/2018/02/26/Pregnant%20Workers%20Fairness%20Act%20Questions%20and%20Answers%202018-02-26.pdf>

