

## The Massachusetts Pregnant Workers Fairness Act: What Employers Need to Know

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By Peabody & Arnold on September 25, 2017

Effective April 1, 2018, the Massachusetts Pregnant Workers Fairness Act (“PWFA”) imposes new obligations on employers to accommodate an employee’s pregnancy or a condition related to pregnancy. Here’s what Massachusetts employers need to know about the [new law](#):

- Applies to employers with **six (6) or more** employees.
- Adds claims of pregnancy discrimination to the list of Chapter 151B prohibited actions, permitting aggrieved employees to file claims with the Massachusetts Commission Against Discrimination (“MCAD”) and to remove claims from the MCAD to Superior Court.
- Requires covered employers to:
  - Provide a **private, non-bathroom room** for expressing breast milk.
  - Provide **reasonable accommodations** for conditions related to pregnancy.
    - Light duty and schedule modifications are specifically identified as presumptively reasonable.
  - Provide **notice** to all employees of their rights under the PWFA, as well as to:
    - new employees prior to commencement of employment; and
    - any employee who has notified the employer of a pregnancy or a pregnancy-related condition, within ten (10) days of such a notification.

**Employers should begin planning now** to ensure that their organizations are in compliance with the new law ahead of the April 1, 2018 implementation date. The MCAD is developing sample materials for employers regarding PWFA notice provisions and expects those materials to be available by the end of 2017. In the meantime, we suggest the following actions:

- Train managers and Human Resources personnel on the requirements of the PWFA.
- Develop a protocol to provide timely notice to employees of their rights under the PWFA.
- Formulate a checklist to follow once an employee requests PWFA accommodations and train relevant personnel in the new procedures.
- Conduct physical space planning to ensure access to private, non-bathroom space for employees to express breast milk.
- Evaluate and revise employee handbooks to incorporate pregnancy and pregnancy-related conditions as protected categories.

The attorneys in Peabody & Arnold's Employment Law and Litigation Practice are ready to assist your organization as you prepare for these changes. Please [contact us](#) for additional information about the new law and how it may impact your organization.