

### **The Massachusetts Pregnant Workers Fairness Act**

The Massachusetts Fair Employment Practices Law (FEPL) makes it unlawful to discriminate against an employee based on sex, which has been interpreted to include pregnancy, childbirth, and related medical conditions. The Act covers private employers with six or more employees, all public employers, employment agencies, and labor organizations.

Effective April 1, 2018, the Massachusetts Pregnant Workers Fairness Act clarifies and expands these protections.

The new Act specifically adds language that covers “pregnancy or a condition related to said pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child” to the state FEPL.

The Act also prohibits employers from denying a reasonable accommodation 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 accommodation, unless the employer can demonstrate undue hardship.

Finally, the Act prohibits employers from refusing to hire a person who is pregnant because of the pregnancy (or because of a related condition) provided that the person is capable of performing the essential functions of the position with a reasonable accommodation.

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