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CLIENT ALERT

“PREGNANT WORKERS FAIRNESS ACT” BECOMES LAW IN MASSACHUSETTS

On July 27, 2017, Massachusetts Governor Charlie Baker signed the [Pregnant Workers Fairness Act](#) (“PWFA”) into law. The PWFA requires that employers accommodate pregnant workers and prohibits their termination because of pregnancy. While previously pregnancy protections for workers were not well defined, the new bill amends the current Massachusetts non-discrimination law to specifically include “pregnancy or a condition related to pregnancy, including, but not limited to, lactation, or the need to express breast milk for a nursing child” as a protected category.

Consequently, employers are now required to provide “reasonable accommodations” to pregnant employees under the PWFA. The bill provides a helpful list of some of the accommodations it considers reasonable such as:

- More frequent or longer paid or unpaid breaks;
- Modification of equipment or seating for pregnant employees;
- Paid time off to recover from childbirth; and
- Private non-bathroom space for expressing milk.

The PWFA also prohibits employers from imposing accommodations that employees do not request and prohibits retaliation against those employees who request accommodations for pregnancy.

IMPACT FOR EMPLOYERS

1. The PWFA does not take effect until **April 1, 2018**. As such, employers should update their current non-discrimination practices and policies and review those policies with counsel as necessary to prepare for the rollout of the new law.
2. The PWFA also requires that employers provide notice to their employees of the rights created by the PWFA before January 1, 2018. This notice may be accomplished through an updated employee handbook. Employers are advised to act soon to update their policies to ensure compliance.

For any questions about the PWFA or other employment issues please contact Attorney Paul Holtzman (PHoltzman@kb-law.com) or Attorney Jill Brenner Meixel (JMeixel@kb-law.com) at (617) 482-7211.

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