

Massachusetts Law Latest To Bolster Protection For Pregnant Employees

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On July 27, Massachusetts Gov. Charlie Baker signed the Pregnant Workers Fairness Act, which amends the state's antidiscrimination law to include pregnancy and pregnancy-related conditions, such as breastfeeding, as protected classes. The new law, which goes into effect on April 1, 2018, also requires employers to provide pregnant employees and new mothers with reasonable accommodations unless such accommodations would cause the employer undue hardship. Potential accommodations identified in the statute include:

- more frequent or longer breaks
- paid or unpaid leave to recover from childbirth
- modification of equipment
- temporary transfer to a different position
- light duty
- a private space that is not a restroom for expressing breast milk
- modified work schedules

With this act, employers may not refuse to hire a pregnant employee, force an employee to take leave when another accommodation would be reasonable, or require a pregnant employee or new mother to accept an unnecessary accommodation. Employees who believe their employers have violated the act may file a complaint with the Massachusetts Commission Against Discrimination. Although only a small number of states have enacted legislation as strong as Massachusetts' to protect the rights of pregnant employees and new mothers, the new law is consistent with other states' recent efforts to protect pregnant employees and new mothers. For example, in 2015, Illinois enacted a similar law that requires reasonable accommodations for pregnant employees and new mothers and amended the Illinois Human Rights Act to include pregnancy as a protected class. We will provide updates as other states pass similar legislation, as the new Massachusetts law could be part of a growing trend.

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