

The Pregnant Worker's Fairness Act

On April 1, 2018, the Pregnant Worker's Fairness Act became effective, amending the current statute prohibiting discrimination in employment.

The Act details an employee's right to be free from discrimination relating to pregnancy or a condition relating to pregnancy. This specifically includes lactation or the need to express breast milk for a nursing child. In addition, the Act provides the right to reasonable accommodations in the workplace for conditions related to pregnancy.

Practically speaking, this means that a pregnant employee has a right to request a reasonable accommodation so that the employee can continue to work. Further, an employer may not take adverse action against an employee who is pregnant and/or an employee who asks for reasonable accommodations due to the employee's pregnancy.

An employer may not refuse to hire a person who is pregnant because of the pregnancy itself or because of a condition related to the person's pregnancy. Likewise, an employer may not deny an employment opportunity to an employee if the denial is based on the request for a reasonable accommodation, or if the employer is aware of the need for that reasonable accommodation.

It is essential that Massachusetts employers understand the Pregnant Worker's Fairness Act and comply with it.

Conversely, if an employee is discriminated against by an employer or prospective employer based on pregnancy or conditions related to pregnancy, that person has 3 years from the alleged violation to bring an action in court.