

Massachusetts Pregnant Workers Fairness Act Goes Into Effect April 1, 2018

The Massachusetts Pregnant Workers Fairness Act (“MPWFA”) was signed into law in July 2017, and becomes effective April 1, 2018. In addition to adding a new category to the existing Massachusetts anti-discrimination statute, M.G.L. c. 151B, the law also imposes a notification requirement. Massachusetts employers should be aware of and satisfy their obligation to adhere to the statute, and provide employees with notice of their rights under the new law on or before April 1, 2018.

WHAT YOU NEED TO KNOW

The MPWFA covers all employers who have at least six employees, and prohibits discrimination and retaliation against employees or potential hires on the basis of pregnancy and pregnancy-related conditions, such as nursing. In addition, the MPWFA requires employers to provide reasonable accommodations when requested by an employee who is pregnant or has a pregnancy-related condition. These accommodations may include more frequent or longer breaks, private non-bathroom space for expressing breast milk, or job restructuring.

The MPWFA also requires employers to provide written notice to employees of their right to be free from discrimination due to pregnancy or pregnancy-related conditions, and their right to request reasonable accommodations. The Massachusetts Commission Against Discrimination (“MCAD”)—the agency charged with enforcing the law—has provided [Guidance on the MPWFA](#), which summarizes the law and its requirements. The MCAD has indicated that its Guidance may be shared with employees in order to satisfy the MPWFA’s notice requirements.

See the [2017 Choate Alert](#) on the MPWFA for further analysis of the law. The MCAD has provided additional information about the MPWFA in a [Question and Answer document](#).

WHAT YOU NEED TO DO

Employers must provide the notice described above, informing employees of their right to be free from discrimination and to request reasonable accommodations, **no later than April 1, 2018**.

Employers must also provide this notice to new employees at or prior to the start of their employment, and to current employees within 10 days of the employee providing notice of a pregnancy or pregnancy-related condition.

The MPWFA requires written notice to be provided in a handbook, pamphlet, or other means. As noted above, employers may use the MCAD’s Guidance to satisfy the notice requirement.

Finally, employers should ensure that managers and human resources personnel understand the MPWFA and its requirements and are prepared to follow and implement the requirements of this new law beginning April 1st.

FOR MORE INFORMATION

If you have questions about these developments, please contact Greg Keating, chair of the Whistleblower Defense and Labor, Employment and Benefits Practice Groups, or one of the listed attorneys.

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