

# PREGNANT WORKERS FAIRNESS ACT



"Ten Schools, Three Districts, One Community of Learners"

Mandated Notice to Employees

April 2, 2018

## THE PUBLIC SCHOOLS OF NORTHBOROUGH AND SOUTHBOROUGH

### Overview

Effective April 1, 2018 Massachusetts has amended current state law against discrimination in employment. M.G.L c. 151B §4, forbids discrimination against employees due to pregnancy or conditions related to pregnancy. In addition, the law requires employers to provide reasonable accommodations to an employee who is pregnant or who has a condition related to pregnancy. This includes but is not limited to, lactation or the need to express breast milk for a nursing child.

The Act prohibits an employer from:

- A. Taking an adverse action against an employee requesting or using a reasonable accommodation, including but not limited to failing to reinstate to an equivalent position with equivalent compensation, benefits and seniority when accommodation for pregnancy or a pregnancy-related condition is no longer needed.
- B. Denying an employee an employment

opportunity due to the need for reasonable accommodation of pregnancy or pregnancy-related condition;

- C. Requiring a pregnant employee or an employee with a pregnancy-related condition to accept an accommodation that the employee chooses not to accept, if such accommodation is not necessary for the employee to perform essential job functions;
- D. Requiring a pregnant employee or an employee with a pregnancy-related condition to take a leave if another reasonable accommodation may be provided, without undue hardship on the employer's program, enterprise or business; and
- E. Refusing to hire a candidate for employment because of the candidate's

pregnancy or pregnancy-related condition, provided that the candidate is capable of performing essential job functions with or without reasonable accommodation not imposing an undue hardship on the employer's program, enterprise or business.

### What is "reasonable accommodation"?

A reasonable accommodation is a modification or adjustment that allows an employee to perform the "essential functions" of the employee's position. Some examples of reasonable accommodation are:

- 1. More frequent or longer breaks
- 2. Time Off
- 3. Providing equipment or seating
- 4. A temporary transfer to a less strenuous or hazardous job
- 5. Job Restructuring

- 6. Light Duty
- 7. Private space for expressing breast milk
- 8. Assistance with manual labor
- 9. Modified work schedule

An employee must notify the employer of a need for a reasonable accommodation due to pregnancy or pregnancy-related condition. The request can be either verbal or in writing. The employer must then engage in a timely, good faith, interactive "process to determine what reasonable accommoda-

tion may be made, absent undue hardship. This process must include discussion (s) between employer and employee with respect to the requested accommodation and the employer can require documentation from a healthcare professional that explains what the employee needs. It is up to the employee and employer to discuss how the accommodation related to the essential functions of the job.

### Why am I receiving this notice?

Employers must provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy, in a handbook, pamphlet, or other means on notice no later than April 1, 2018.

Employers must also provide written notice of employees' rights under the Act: (1) to new employees' at or prior to the start of employment; and (2) to an employee who notified the employer of a pregnancy or pregnancy-related condition, no more than 10 days after such notification.

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MA Commission Against Discrimination

774-510-5801  
www.mass.gov/mcad

Equal Employment Opportunity Commission

800-669-4000  
www.eeoc.gov

MIIA Employment Assistance Program

800-451-1834  
www.emiia.org