

Pregnant Workers Fairness Act

Sponsored By:

Senator Joan B. Lovely, Representative Ellen Story and Representative Dave Rogers
House Docket 736

Bill Summary

Section 1. Amends the Unlawful Practices section of the antidiscrimination statute, section 4 of Chapter 151B of the General Laws, to include pregnancy, childbirth, or a related condition, including the need to express breast milk for a nursing child.

Section 2. Adds subsection to section 4 of Chapter 151B, prohibiting employers to deny reasonable accommodations for any condition of a job applicant or employee related to pregnancy, childbirth, or related conditions if the employee or applicant so requests, unless the employer can demonstrate the accommodation would impose an undue hardship to the employer. It shall also be an unlawful practice under this subsection to:

- Take adverse action against an employee who requests or uses an accommodation, relating to pregnancy or childbirth, such as failing to reinstate the employee to her original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other applicable service credits when her need for reasonable accommodations ceases.
- Deny employment opportunities to a job applicant or employee, if such denial is based on the need of the employer to make reasonable accommodations to known conditions related to pregnancy or childbirth of the applicant or employee.
- Require a job applicant or employee affected by pregnancy or childbirth to accept an accommodation that such applicant or employee chooses not to accept.
- Require an employee to take paid or unpaid leave related to the pregnancy or childbirth if another reasonable accommodation can be provided without undue hardship to the employer.
- Make pre-employment inquiry of any condition of a job applicant related to pregnancy, childbirth, or a related condition.

The fact that the employer provides a similar accommodation to other classes of employees who need it creates a rebuttable presumption that the accommodation does not impose an undue hardship on the employer.

The employer shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations.

Written notice of the rights, including the right to reasonable accommodations, in relation to pregnancy or related conditions, must be conspicuously posted in an area accessible to employees and provided to new employees when they are hired, including current employees within four months of this bill's effective date, and pregnant employees within ten days of announcing a pregnancy to the employer.

Courses of instruction and ongoing public education will be developed by the Massachusetts Commission Against Discrimination.