

HOUSE 3680:**AN ACT ESTABLISHING THE MASSACHUSETTS
PREGNANT WORKERS FAIRNESS ACT***(summary reflects text as redrafted)***SPONSORS:**

Senators Lovely, Lesser, Lewis, McGee, Boncore, Brady, Rush, Eldridge, Keenan, Creem, Brownsberger, Timilty, DiDomenico, Humason, Jehlen, Montigny, Hinds, Moore, O'Connor Ives, L'Italien, Cyr, Dorcena Forry, Donoghue, Gobi, Pacheco, Barrett, O'Connor & several members of the House of Representatives

**LEGISLATIVE
HISTORY:**

5/8/2017	Reported from the committee on House Ways and Means, pending new draft of H3659
5/10/2017	New draft of H3659, ordered to a third reading, rules suspended, read third, amendment 2 adopted, amendment 3 laid aside on point of order, decision of the Chair sustained on appeal, passed to be engrossed (150 Yeas to 0 Nays)
5/11/2017	Read and referred to the Committee on Senate Ways and Means

EXISTING LAWS**AFFECTED:**

M.G.L. c.151B §4

PROPOSED**LEGISLATION:**

- Codifies the prohibition on employers from discriminating against an employee or a prospective employee due to pregnancy.
- Prohibits an employer from discriminating against an employee or prospective employee due to a condition related to a pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child.
- Prohibits an employer from denying a reasonable accommodation for an employee's pregnancy or condition related to the employee's pregnancy, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer's program, enterprise or business.
- Prohibits an employer from taking adverse action against a pregnant employee who requests or uses a reasonable accommodation.

- Prohibits an employer from denying an employment opportunity to a pregnant employee if the denial is based on the need of the employer to make a reasonable accommodation.
- Prohibits an employer from requiring a pregnant employee to accept an accommodation that the employee chooses not to accept.
- Prohibits an employer from requiring a pregnant employee to take a leave if another reasonable accommodation may be provided.
- Requires, upon request by a pregnant employee, that an employee or prospective employee and the employer engage in a timely, good faith and interactive process to determine an effective reasonable accommodation.
- Permits an employer to request documentation about the need for a reasonable accommodation, unless the accommodation is a request for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting over 20 pounds; or (iv) private non-bathroom space for expressing breast milk.
- Requires an employer to provide written notice of an employee's right to be free of discrimination in relation to pregnancy or a related condition to new employees, current employees, and an employee who notifies their employer of a pregnancy or condition related to the pregnancy.
- Requires the Massachusetts Commission Against Discrimination, subject to appropriation, to develop courses of instruction on an employee's right to be free of discrimination related to pregnancy or a related condition.
- Clarifies that the provisions of this legislation do not preempt, limit, diminish or otherwise affect any other law relating to sex discrimination or pregnancy.

**ESTIMATED
COST:**

The cost of this bill will be borne through current appropriation.

(MK)