Pregnant Workers Fairness Policy

# Employee Fact Sheet

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## What is the Pregnancy Fairness Policy?

Chapter 54 of the Acts of 2017 amended MGL c. 151B to require employers to provide accommodations to allow pregnant employees or prospective employees or those with conditions related to their pregnancy to perform the essential functions of their jobs. In addition, the law provides that employers may not discriminate against employees or prospective employees who are pregnant or have a condition related to pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child. In order to ensure compliance with the new law, the Commonwealth has revised its “Break time for Nursing Mothers Policy,” originally issued in 2011, to incorporate the additional protections of the new law. Read complete revised [Pregnant Workers Fairness Policy](https://www.mass.gov/doc/pregnant-workers-fairness-policy/download).

## What does the Policy provide?

Upon your request, your Agency (through the ADA Coordinator) will engage in an interactive process to determine whether there is a reasonable accommodation that will allow you to perform the essential functions of your job while you are pregnant or expressing milk for a nursing child. An Agency has a legal obligation to provide you with a reasonable accommodation in these circumstances, and the Agency may deny a request for accommodation only if it can demonstrate that the proposed accommodation would impose an undue hardship on the Agency. Further, an Agency cannot take adverse action against an employee or prospective employee who requests a reasonable accommodation.

## What types of accommodations are available?

An accommodation must be specific to the individual and the individual’s need established in medical documentation. Some examples of reasonable accommodation include more frequent or longer breaks; time off to attend to a pregnancy complication or recover from childbirth; acquisition or modification of equipment or seating; temporary transfer to a less strenuous or hazardous position; job restructuring; light duty; private non-bathroom space for expressing breast milk; assistance with manual labor; or a modified work schedule. No medical documentation is necessary for the following accommodations: more frequent restroom, food or water breaks; special seating; an adjustment of job duties to limit required lifting more than 20 pounds; and use of private, non-bathroom space for expressing breast milk.

## What is considered adverse action?

An action is adverse when it penalizes or punishes an employee for requesting or receiving an accommodation for pregnancy or a related condition. For example, denying an employee a promotion or other employment opportunity because she has requested an accommodation would be a prohibited adverse action. In addition, it is considered an adverse action if an employer forces an employee to accept an accommodation she does not want and that is unnecessary to the performance of the essential functions of her job.

## Whom do I speak to about a reasonable accommodation for pregnancy or a related condition?

[Contact the ADA Coordinator for your agency](https://www.mass.gov/lists/mod-publications-0) – please click on the link and scroll to the document entitled “Contact Information for Executive Branch ADA Coordinators.”

## Whom do I contact to use the private space for expressing breast milk?

Contact your agency’s HR Department. They will be able to share the locations available to you.