**Massachusetts Pregnant Workers Fairness Act**

The Pregnant Workers Fairness Act, effective on April 1, 2018, expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk. It also describes employers’ obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy related conditions. Employers also have an obligation to accommodate pregnant workers.

UMass Boston is committed to treating all employees and applicants fairly. We encourage all employee and applicants to discuss their needs and have any questions addressed so that the University remains inclusive and welcoming to all.

 Under the Act:

* Upon request for an accommodation, the employer has an obligation to communicate with the employee in order to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an “interactive process,” and it must be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the employer. “Undue hardship” means that providing the accommodation would cause the employer significant difficulty or expense.
* An employer must accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer.
* As with all reasonable accommodations, medical documentation generally is required. No documentation is needed, however, if the accommodation is requested for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; or (iv) private, non-bathroom space for expressing breast milk.
* An employer cannot require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the employer.
* An employer cannot refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
* An employer cannot deny an employment opportunity or take adverse action against an employee because of the employee’s request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.

If you would like to request a reasonable accommodation, or have any questions or concerns about requesting accommodations, please contact ODEI at diversity@umb.edu. For a Request for Accommodation from, please visit: <https://www.umb.edu/editor_uploads/images/odi/Request_for_Accommodation_Form..._11.9.pdf>

* 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.
* 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 notifies the employer of a pregnancy or a pregnancy-related condition, no more than 10 days after such notification.

The Pregnant Workers Fairness Act is enforced by the Massachusetts Commission Against Discrimination (MCAD). Additional information regarding how to file a complaint that the Act has been violated and other related matters may be found on the MCAD website [www.mass.gov/mcad](http://www.mass.gov/mcad).

The foregoing is a synopsis of the requirement under the Act, and both employees and employers are encouraged to read the full text of the law available on the General Court’s website: [https://malegislature.gov/Laws/SessionLaws/Acts/2017/Chapter54.](https://malegislature.gov/Laws/SessionLaws/Acts/2017/Chapter54)

If you have questions about these new requirements, please contact Human Resources Benefits Unit at benefits@umb.edu or by calling 617-287-5150.