



Legislation Summary:

An Act establishing the Massachusetts pregnant workers fairness act

Initial bill number: [S1023/H1038](#) (Bill numbers will change as legislation proceeds.)

Sponsors: Sen. Joan Lovely, Rep. David Rogers

This bill would add pregnancy as a 'protected' category under the antidiscrimination law, including under protected activities the need to express breast milk for a nursing child. The protection is limited to the employment relationship (e.g., it does not apply to housing).

In particular, the bill establishes that it is an unlawful practice for an employer to deny reasonable accommodations for pregnancy or any condition of an employee related to pregnancy if the employee so requests, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer's program, enterprise or business. A 'reasonable accommodation' includes such things as more frequent or longer paid or unpaid breaks, time off to recover from childbirth with or without pay, acquisition or modification of equipment, seating, and the temporary transfer to a less strenuous or hazardous position. In making a determination of undue hardship, factors to be considered include things such as the nature and cost of the accommodation needed, the overall financial resources of the employer, and the overall size of the business.