



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**PERSONNEL DEPARTMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

**To:** All Employees  
**From:** Candace Cooper, Director of Personnel  
**Date:** April 5, 2018  
**Re:** Notification of Employee Rights under MA Pregnant Workers Fairness Act

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The Pregnant Workers Fairness Act (“the Act”) amends the current statute prohibiting discrimination in employment, G.L. c. 151B, §4. The 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 for a nursing child. 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 and have an obligation to accommodate pregnant workers. Some of the Act’s notable clarifications and changes include:

- 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.
- 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. “Undue hardship” means that providing the accommodation would cause the employer significant difficulty or expense.
- 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 require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. An employer, may, however, request medical documentation for other accommodations.

You can find the text of the Massachusetts Pregnant Workers Fairness Act here:  
<https://malegislature.gov/Laws/SessionLaws/Acts/2017/Chapter54>



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The Massachusetts Commission Against Discrimination (MCAD) has issued guidance on the Act, which you can read here:

<https://www.mass.gov/files/documents/2018/01/24/Guidance%20on%20Pregnant%20Workers%20Fairness%20Act%20%202018-01-23.pdf>

The MCAD has also answered some frequently asked questions (FAQ) on the Act which you can read here:

<https://www.mass.gov/files/documents/2018/02/26/Pregnant%20Workers%20Fairness%20Act%20Questions%20and%20Answers%202018-02-26.pdf>

Please do not hesitate to contact Personnel with any questions or requests that you may have regarding the Act.