

**Town of Milford, MA**  
**PREGNANT WORKERS FAIRNESS ACT**

G.L. c.151B, §4

**Issue Date: October 1, 2018**

**Effective Date: October 1, 2018**

**Policy Statement:**

**The Town of Milford's Pregnant Workers Fairness Act Policy applies to all Article 2 employees, employees-at-will, contractual and non-contractual employees, and to employees in a collective bargaining unit so long as consistent with the collective bargaining agreement. Nothing contained in this written policy contradicts or supersedes any contradictory provision of any Milford Collective Bargaining Agreement or any Milford employment contract. To the extent any contradictory terms exist, the contract terms shall apply.**

**Policy Description:**

The Pregnant Workers Fairness Act ("the Act") amends the current statute prohibiting discrimination in employment, G.L. c.151B, §4, enforced by the Massachusetts Commission Against Discrimination (MCAD). The Act expressly prohibits employment discrimination in the Town of Milford 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 Town's obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, the Town 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.

Under the Act, the Town will make reasonable accommodations for 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 Town. "Undue hardship" means that providing the accommodation would cause the Town significant difficulty or expense.

Employees seeking pregnancy-related accommodations should make a request to Human Resources. Once an employee requests an accommodation, the Town and the employee will engage in an interactive process to determine the feasibility of a requested accommodation. A reasonable accommodation is one 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.

The Town will not:

- 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.
- 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.
- 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.
- 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.

The Town will 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.

If you believe you have been discriminated against on the basis of pregnancy or a pregnancy-related condition, you may file a formal complaint with the MCAD. You may also have the right to file a complaint with the Equal Employment Opportunity Commission if the conduct violates the Pregnancy Discrimination Act, which amended Title VII of the Civil Rights Act of 1964. Both agencies require the formal complaint to be filed within 300 days of the discriminatory act.

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION Offices

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