

PREGNANT WORKERS FAIRNESS ACT

NOTICE OF RIGHTS TO EMPLOYEES

NORTHEASTERN
UNIVERSITY

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APRIL 1, 2018

OVERVIEW

The Massachusetts Pregnant Workers Fairness Act (the "Act") prohibits discrimination against employees due to pregnancy or a condition related to pregnancy. The Act requires employers to provide reasonable accommodations to employees who are pregnant or who have a condition related to pregnancy, including but not limited to, lactation or the need to express breast milk for a nursing child.

The Act prohibits an employer from:

- A. Taking adverse action against an employee because the employee requests or uses a reasonable accommodation;
- B. Denying an employee an employment opportunity due to the need for a reasonable accommodation of pregnancy or a condition related to pregnancy;
- C. Requiring a pregnant employee or an employee with a condition related to pregnancy to accept a particular accommodation that the employee chooses not to accept, if such accommodation is not necessary for the employee to perform the essential functions of the job;
- D. Requiring a pregnant employee or an employee with a condition related to pregnancy to take a leave if another reasonable accommodation may be provided; and
- E. Refusing to hire a candidate for employment because of the candidate's pregnancy or a condition related to pregnancy, provided that the candidate is capable of performing the essential functions of the position with a reasonable accommodation.

What is a "reasonable accommodation"?

A reasonable accommodation is a modification or adjustment that allows an employee to perform the essential functions of the position but which does not result in an undue hardship to the employer. Reasonable accommodations, depending on the circumstances, may include:

1. More frequent or longer breaks
2. Time off
3. Providing equipment or seating
4. A temporary transfer to a less strenuous or hazardous job
5. Job restructuring
6. Light Duty
7. Private non-bathroom space for expressing breast milk
8. Assistance with manual labor
9. Modified work schedule

An employee must notify the employer of a need for a reasonable accommodation due to pregnancy or a condition related to pregnancy. The employer and employee or prospective employee must then engage in a timely, good faith, and interactive process to determine what reasonable accommodations may be made, absent undue hardship. The employer can require documentation from a health care or rehabilitation professional about the need for an accommodation. An employer will not require such documentation if the employee has requested more frequent restroom, food or water breaks; seating; limits on lifting over 20 pounds; or private, non-bathroom space for expressing breast milk.

NEED HELP OR HAVE MORE QUESTIONS?

- ❖ HUMAN RESOURCES MANAGEMENT
(617) 373-2230
- ❖ OFFICE OF INSTITUTIONAL DIVERSITY AND INCLUSION
(617) 373-2133

WHY AM I RECEIVING THIS NOTICE?

EMPLOYERS MUST PROVIDE WRITTEN NOTICE TO EMPLOYEES NO LATER THAN APRIL 1, 2018 OF THE RIGHT TO BE FREE FROM DISCRIMINATION DUE TO A PREGNANCY OR A CONDITION RELATED TO PREGNANCY, INCLUDING THE RIGHT TO REASONABLE ACCOMODATIONS 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 CONDITION RELATED TO PREGNANCY, NO MORE THAN 10 DAYS AFTER SUCH NOTIFICATION.

If an employee or prospective employee feels that she has been subjected to discrimination based on pregnancy or a pregnancy related condition or has been denied a reasonable accommodation, she may file a complaint with the Office for University Equity and Compliance (OUEC). In addition, a complaint may be filed with the Massachusetts Commission Against Discrimination (MCAD). Filing a complaint with OUEC does not prohibit an employee from filing a complaint with the MCAD.

- ❖ Office for University Equity and Compliance: (617) 373-4644, ouec@northeastern.edu
- ❖ Massachusetts Commission Against Discrimination, (617) 994-6000

Please note: This Act applies to Massachusetts employees.