

# Massachusetts Senate Passes Pregnant Workers Fairness Act

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The Massachusetts Senate has unanimously voted to pass “[An Act Establishing the Massachusetts Pregnant Workers Fairness Act](#)” (“MPWFA”) in an effort to make sure that pregnant and nursing employees receive the same protections under [Mass. Gen. Laws Chapter 151B](#) as do other protected classes of employees. The bill, which had previously unanimously passed in the [House](#), contains a minor amendment from its House counterpart and will therefore have to be reconciled in the House before being sent to Governor Baker to be signed into law. Once signed, the Act will take effect on April 1, 2018. The Act as passed by the Senate can be found in full in the PDF linked at the [Commonwealth’s website](#).

The MPWFA, as currently composed, would make “pregnancy or a condition related to said pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child” a protected category under Section 4 of Chapter 151B, which previously only protected employees from discrimination on the basis of race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, ancestry, or veteran status. Accordingly, the MPFWA makes it illegal for an employee to discriminate on the basis of pregnancy or a condition related to pregnancy, and also makes it illegal for an employer to deny a reasonable accommodation (such as allowing more frequent meal breaks, bathroom breaks, limits on heavy lifting, private nursing spaces, etc.) for a pregnant or nursing employee.

Moreover, the Act makes it unlawful for employers to:

- Take adverse actions against such employees who make requests for accommodations;
- Deny an employment opportunity if the denial is based on the employer’s need to make an accommodation;
- Require an employee to accept an accommodation that the employee chooses not to accept;
- Require an employee to take leave if another reasonable accommodation may be provided; and

- Refuse to hire a person who is pregnant because of the pregnancy or conditions related thereto (provided that person can perform the essential functions of the job with reasonable accommodation).

Once the Act is signed into law, employers will be required provide written notice of the MPWFA to employees by April 1, 2018.

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