

Town of Phillipston Pregnant Workers Fairness Policy

Background. The Pregnant Workers Fairness Act amend the current Massachusetts statute prohibiting discrimination in employment, G.L. c 151B, §4. The Act, effective on April 1, 2018, expressly prohibits employment 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.

Policy. The Town of Phillipston complies with the Pregnant Workers Fairness Act (the Act").
Under the Act:

Upon request for an accommodation, the Town of Phillipston will 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 will 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 Town.

The Town of Phillipston will 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. "Undue hardship" means that providing the accommodation would cause the Town significant difficulty or expense.

An employee will not be required 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 Town.

A pregnant job applicant or applicant with a pregnancy-related condition will not be denied employment if the applicant is capable of performing the essential functions of the position with a reasonable accommodation.

An employee will not be denied an employment opportunity or experience adverse action because of the employee's request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.

The Town of Phillipston may request medical documentation for some accommodations but does not require medical documentation 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.

Procedure.

Any employee needing an accommodation for pregnancy or pregnancy-related condition should contact the Selectboard Office for assistance.