

MASSACHUSETTS EXPANDS USE OF SICK TIME TO INCLUDE PREGNANCY-RELATED PHYSICAL AND MENTAL HEALTH

Insights

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Massachusetts employees will soon have additional qualifying reasons to use sick leave under the Commonwealth's earned sick leave statute. Under a new law promoting access to midwifery care and out-of-hospital birth options, employees will be able to use earned sick time to address their own physical and mental health needs, and those of their spouse, if the employee or the employee's spouse experiences pregnancy loss or a failed assisted reproduction, adoption or surrogacy, starting November 21. In addition, employees will still be able to use earned sick time to care for their own physical or mental illness, injury, or condition which requires home care, diagnostic, or preventative care, including routine appointments, or that of a child, spouse, parent, or parent of a spouse or to address the psychological, physical, or legal effects of domestic violence.

Other Recent Legislation

This expansion comes on the heels of other federal legislation expanding the rights of pregnant workers and obligations of employers. The PUMP Act is a federal statute that requires an employer to offer break time for nursing employees to pump in private. Employers must provide a private area, other than a bathroom, for an employee to pump breastmilk. The time must be considered "work time" if the employee is working while pumping. [You can read our FAQs here.](#)

The Pregnant Workers Fairness Act is another federal law that requires employers with 15 or more employees to

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consider employee and job applicant accommodation requests related to pregnancy, childbirth, or related medical conditions (including menstruation and abortions) similar to the way you consider accommodation requests related to disabilities under the Americans with Disabilities Act (ADA). [You can read our detailed FAQs here.](#)

In June 2024, the Equal Employment Opportunity Commission, the federal agency charged with regulating the PWFA published a final rule clarifying the Act. [Additional coverage of the final rule can be found here.](#)

Conclusion

We will continue to monitor further developments and provide updates on this and other labor and employment issues affecting Massachusetts employers, so make sure you are subscribed to [Fisher Phillips' Insights](#) to gather the most up-to-date information. If you have questions, please contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [Boston office](#).