

## SJC Limits Protections Of Maternity Leave Act

### **SJC Limits Protections Of Maternity Leave Act: Global NAPs, Inc. v. Awiszus, 457 Mass. 489 (2010)**

In August 2010, the Supreme Judicial Court held that the Massachusetts Maternity Leave Act (“MMLA”) furnishes protection to women on maternity leave for a period of only eight weeks. The MMLA provides that a female employee “absent from such employment for a period not exceeding eight weeks for the purpose of giving birth ... shall be restored to her previous, or a similar, position with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of her leave.” In Global NAPs, Inc. v. Awiszus, the SJC explained that a former employee of Global NAPs, Inc., Sandy Stephens, who was relieved of her employment during her maternity leave, could not maintain a claim under the statute because her maternity leave exceeded eight weeks.

The SJC explained that the statute was clear – MMLA protections are limited to eight weeks *only*. In so doing, the Court also noted that guidelines issued by the Massachusetts Commission Against Discrimination suggesting that the eight week statutory period can be extended are inconsistent with the language of the MMLA and do not have the force of law.

While the decision in Global NAPs limits the protections of the MMLA to the first eight weeks of maternity leave, employees should be aware that they may have additional rights under their employer’s policies, based on other non-MMLA promises made by the employer, and/or under the federal Family and Medical Leave Act, which permits up to twelve weeks of leave. Going forward, this decision should provide some clarity to employers responding to employee requests regarding leave and in defending future claims brought by employees who were terminated or otherwise disciplined for taking extended maternity leave.

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