

Parental Leave in Massachusetts

 mass.gov/service-details/parental-leave-in-massachusetts

Massachusetts Commission Against Discrimination

Parental Leave, formerly called MA Maternity Leave in the Workplace, requires employers to provide eight weeks of unpaid leave to employees for the birth or adoption of their child.

The MA Parental Leave Act applies to employers with six or more employees.

The Law

Massachusetts law requires employers with six or more employees to provide eight weeks of unpaid leave for the purpose of giving birth or for the placement of a child under the age of 18 (or under the age of 23 if the child is mentally or physically disabled) for adoption.

Both women and men are eligible for parental leave.

Employee Rights

The parental leave law is now gender neutral, the law applies to all new parents regardless of gender.

Parental leave applies after you have completed your initial probationary period (set by the terms of employment) but cannot exceed three months.

You must provide at least two weeks' notice of the anticipated date of departure and state your intention to return. However, the law permits you to provide notice as soon as practicable if the delay is for reasons beyond your control.

Employer Responsibilities

Employers must keep a posting in a conspicuous place describing the Parental Leave law's requirements and the employer's policies as to parental leave.

Employees on parental leave for the adoption of a child shall be entitled to the same benefits offered to an employee on leave for the birth of a child.

If two of your employees are give birth to or adopting the same child, the two employees are entitled to an aggregate of 8 weeks of leave.

If you, the employer, provide parental leave for longer than 8 weeks, you must reinstate the employee at the end of the extended leave unless you clearly inform the employee *in writing* before the leave, and before any extension of that leave, that taking longer than 8 weeks of leave shall result in the denial of reinstatement or the loss of other rights and benefits.

You do not need to register or apply for parental leave with the state.

The Commonwealth of Massachusetts does not require individuals to register or apply with the state to benefit from parental leave.

In order to take advantage of protected leave, you must provide at least two weeks' notice of the anticipated date of departure and state your intention to return with the proper administrators at your company or organization. However, the law permits you to provide notice as soon as practicable if the delay is for reasons beyond your control.

Paid Family Medical Leave

The MCAD does not oversee or administer the Paid Family and Medical Leave act.

For more information about paid leave in Massachusetts, please visit the Dept. of Family Medical Leave website: <https://www.mass.gov/orgs/departments-of-family-and-medical-leave>

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