

Royal Newsletter

Summer 2017

Volume 6, Issue 3

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Reminder

We can provide you with our diversity certifications to demonstrate that you do business with a certified woman-owned company.

Check Out Our Blog

[Women In Labor](#)

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Firm News

This summer we are happy to announce the addition of Associate Anthony R. Huntley.

Anthony received his Bachelor of Science degree in Business Administration with a concentration in management from the State University at Buffalo. He earned his Juris Doctor from Western New England University School of Law, where he served as a member of the Student Academic Affairs Committee as well as President of the Student Bar Association.

Please join us in welcoming Anthony to our team!

Upcoming Seminars

Pregnant Workers Fairness Act

- *Royal, P.C., 270 Pleasant Street, Northampton, MA
Thursday, September 7th, 8:00 am – 9:15 am*

Employment Practices Liability Insurance

- *Hosted by the Greater Westfield Chamber of Commerce – Worcester, MA
Friday, September 15th, 8:30am – 10:00am*

The Family and Medical Leave Act

- *Hosted by the Greater Westfield Chamber of Commerce – Worcester, MA
Friday, October 6th, 8:30am – 10:00am*

For more information about all of our upcoming seminars, please visit

www.TheRoyalLawFirm.com/event

To register for any Royal seminar, please contact Heather Loges at (413) 586-2288 or HLoges@TheRoyalLawFirm.com.

Employment Law Notes

Massachusetts Supreme Judicial Court Rules that Former Employee Can Proceed with Medicinal Marijuana Discrimination Lawsuit

On July 17, 2017, the Massachusetts Supreme Judicial Court (“SJC”) ruled that an employee can proceed with her disability discrimination lawsuit against her former employer where the employee was terminated based upon her use of medicinal marijuana. The former employee (Plaintiff), Cristina Barbuto, was hired for an entry level position at Advantage Sales and Marketing, LLC (Defendant) in late summer 2014. After the Plaintiff was hired, the Defendant advised her that she needed to take a mandatory drug test. She then informed her supervisor that she would test positive for marijuana, and further explained that she suffered from a medical condition for which her doctor had provided written certification; this certification allowed her to use marijuana for medicinal purposes under Massachusetts law. The Defendant then terminated the Plaintiff’s employment, stating that it followed federal, not Massachusetts law. Importantly, federal law considers marijuana to be an illegal drug, while Massachusetts laws recognize legal uses for marijuana. The SJC ruled that an employee’s use of medical marijuana under the facts of the case is not facially unreasonable as an accommodation for her handicap and allows the Plaintiff to continue with her suit based upon a disability discrimination theory.

Governor Baker Signs Pregnant Workers Fairness Act

On July 27, 2017, Governor Baker signed the bill into law. This adds new amendments to the Mass. Anti-Discrimination Law (M.G.L. c. 151B), which will create new protections for pregnant employees working in the Commonwealth. Like the existing provisions of M.G.L. c. 151B, the new amendments address the different employment policies and practices which run afoul of the law. While the new amendments create greater protections for pregnant workers, they also create new and greater responsibilities on employers. Prior to these amendments, pregnancy discrimination was considered a facet of sex or gender discrimination, and employers were not required to provide reasonable accommodations unless the employee suffered from a pregnancy-related disability. Employers are now required to provide reasonable accommodations to employees with healthy, complication-free pregnancies. These accommodations include private non-bathroom space for expressing breast-milk, longer and/or more frequent breaks, temporary transfer to less strenuous assignments or light duty, modified work schedules or “job restructuring”. Employers would also be required to engage in an interactive process to determine what other accommodations may be reasonable under the specific circumstances. Royal strongly encourages you to consider implementing new policies and practices before the new amendments go into effect on April 1, 2018.

If you have any questions about these laws or how to bring your organization into compliance with them, please contact any of our attorneys.

Please visit our blog at www.TheRoyalLawFirm.com/news/women-labor/

