

Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act

What is the PUMP Act?

On December 29, 2022, President Biden signed the Fiscal Year 2023 Omnibus Spending Bill into law which includes the PUMP for Nursing Mothers Act. This is a new law that makes several important changes and closes loopholes in the Break Time for Nursing Mothers law, which has required since 2010 that employers nationwide provide reasonable break time and a private, non-bathroom space for lactating employees to pump milk during the workday.

What are the available protections under the PUMP Act?

Under the PUMP for Nursing Mothers Act, which updated rules for break time for nursing employees, **employers of ALL sizes** are required to provide a reasonable amount of break time and a clean, private space for lactating employees to express milk for up to one year following the birth of their child. The pumping space cannot be a bathroom. These protections apply regardless of the employee's gender identity.

The PUMP Act:

Expands the legal right to receive pumping breaks and private space to nearly 9 million employees

- This includes teachers, registered nurses, farmworkers, and many others.

Makes it possible for an employee to file a lawsuit against an employer that violates the law

- The law's expanded enforcement provision, which gives a right to file a lawsuit for monetary remedies, included a 120-day delay, making the effective date for that provision April 28, 2023.

Clarifies that pumping time counts as time worked when calculating minimum wage and overtime

- If an employee is not completely relieved from their work duties during the pumping break, they would be eligible.

Clarifies that employers with fewer than 50 employees must provide break time and space

- They may be excused from complying when providing the required break time and space would impose a significant difficulty or expense (called an "undue hardship").

Who is protected under the PUMP Act?

- Nearly all workers now have the right to break time and a private space to express breast milk. This includes teachers, registered nurses, and farmworkers.
- There are some limitations and rules for airline and rail carrier employees.
- See the [U.S. Department of Labor Fair Labor Standards Act web page](#) for comprehensive information and resources about the law.

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What do you do if an employer does not comply with the PUMP Act?

File a complaint with the U.S. Department of Labor Wage and Hour Division (WHD) by calling the toll-free number 1-800-487-9243 or by visiting www.dol.gov/whd

- Callers will be directed to the nearest WHD office for assistance, and WHD will investigate. It is illegal for an employer to fire or discriminate against an employee for filing a complaint.

Contact the free helplines from the Center for WorkLife Law and/or A Better Balance for assistance in understanding their legal rights and options (See Additional Resources below)

- Helpline support is available in English and Spanish, with other languages on request.

Employees may choose to file a lawsuit against their employer

- A lawsuit can be filed right away in the following circumstances:
 - For violations of the *break* time requirement
 - If the employer has indicated it has no intention of providing private *space* for pumping
 - If an employee has been fired for requesting break time or space

To be allowed to file a lawsuit for a violation of the lactation *space* requirement, an employee must notify their employer that an adequate space has not been provided

- Employees must do this 10 or more days before filing a lawsuit in court. Informing an employer that the lactation space is not adequate may give the employer an opportunity to provide what is needed.

What is LDH-OPH-BFH doing?

Lactating employees typically need to express milk using a breast pump 2-3 times during an 8-hour workday or 3-4 times in a 12-hour shift to maintain their milk production and avoid health complications. When a lactating employee misses even one pumping session, this can have negative side effects such as decreased milk supply, discomfort, and a greater risk of infection. Lactation Rooms are available at most state buildings to help Louisiana Department of Health (LDH) lactating employees maintain their milk supply. There are lactation rooms available in Benson Tower and Bienville Building.

The Louisiana Department of Health recognizes that breast milk provides optimal infant nutrition with health [benefits](#) for both infants and nursing parents. The workplace environment has an impact on how long a lactating parent feeds their child breast milk, thus, the [LDH's Employee Lactation Support Policy](#) is in place to help improve initiation and duration of breastfeeding for lactating workers employed by the LDH.

Additional Resources

- The Department of Labor is responsible for the enforcement of the law. Find information and guidance on the [Break Time for Nursing Mothers webpage](#).
- The Office on Women's Health hosts the [Supporting Nursing Moms at Work website](#).
- The Center for WorkLife Law and A Better Balance are nonprofit organizations that host free and confidential legal helplines where an employee can get answers to their questions:
 - Email the Center for WorkLife Law hotline@worklifelaw.org or call (415) 703-8276.
 - Contact A Better Balance by calling 1-833-NEED-ABB or [using the online form](#).