

PUMP Act Changes Protections for Working Mothers

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Congress passed the bipartisan Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act as part of the omnibus budget bill for the fiscal year 2023. The PUMP Act is an extension of the Break Time for Nursing Mothers Act (the pumping break time law), which is part of the Affordable Care Act (ACA). The ACA requires employers to provide reasonable break time to nurse or pump and a private place to pump. Employers must provide “a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.” Also, employers must give “reasonable break time” to their employees to pump for up to one year after the birth of their child. Women whose positions were exempt from overtime were not entitled to these ACA protections; the PUMP Act applies to all working mothers.

In addition, the PUMP Act outlines legal remedies if an employer has violated any aspect of the Act or retaliated against an employee for behaving according to the Act. Employees may immediately file suit if employers ignore the break time requirement or have indicated that they don't intend to provide private space to pump or if they were fired for requesting break time or a private location to pump. As a practical solution, short of court, employees must notify their employers if they have not provided a space to pump, and the employer then has ten (10) days to provide an appropriate space.

Keep in mind the specific requirements and take note that putting an employee into a room with a camera (even if it's turned off) or a private room where she may be viewed through a window or door will not comply with the law. Pumping breaks may be unpaid time and scheduled at employees' regular break time.