

A REMINDER FOR EMPLOYERS: EXPANDED PROTECTIONS FOR NURSING MOTHERS

In the dynamic landscape of legal regulations, it's crucial for businesses to stay informed about recent legislation to ensure ongoing compliance. As part of our commitment to keeping our clients updated, we want to revisit a significant federal law that came into effect in December 2022 as part of a \$1.7 trillion federal spending package: The Providing Urgent Maternal Protections (“PUMP”) for Nursing Mothers Act. The PUMP Act extends protections to 9 million additional people and allows workers to sue their employer if they are not compliant. The first part of the law, which requires employers to provide lactation break time and space, went into effect on December 29, 2022. The enforcement provision, which allows workers to sue their employers if they're in violation of the law, went into effect on April 28, 2023.

Evolution of Protections:

Previously, the scope of protection under the Break Time for Nursing Mothers Act (2010) was limited, extending primarily to hourly workers eligible for overtime pay, with restricted legal restitution avenues. The PUMP Act extended coverage to encompass salaried professionals like teachers and nurses, expanding protections to a wider array of employees.

New Rights and Amendments:

Under the Fair Labor Standards Act (FLSA), nursing employees are entitled to reasonable break time and a clean, private space, specifically excluding single and multi-user bathrooms, to express breast milk for up to one year after childbirth. Distinct from its predecessor, the PUMP Act amplifies workplace protections, requiring employers to accommodate a broader spectrum of employees, ensuring lactation support for salaried workers and those previously excluded.

Furthermore, time allocated for expressing breast milk must now be recognized as hours worked if conducted simultaneously with regular duties.

Legal Modifications & Exemptions:

The PUMP Act outlines a procedural framework for employees seeking legal redress against non-compliant employers, necessitating initial notification and a compliance window of 10 days. All employers covered by the FLSA, regardless of the size of their business, are required to comply with this provision. Only employers with 50 or fewer workers may demonstrate that the provision would cause undue hardship in complying, which is a challenging standard to meet.

Notably, while certain groups like contract workers, airline pilots, and flight attendants aren't covered, the Pregnant Workers Fairness Act, which was also signed into law in December 2022, mandates "reasonable accommodations" for pregnancy-related conditions, including lactation.

Ensuring Compliance:

To ensure compliance with these legislative amendments, employers are urged to provide private and shielded spaces for pumping, free from intrusion and conducive to privacy. While not mandatory, measures like installing locks or signage further uphold confidentiality and comfort for employees.

Additionally, state laws must continue to be followed by employers if those laws are beyond the federal protection. The Texas Mother-Friendly Worksite designation, implemented in 1995, includes regulations that employers must provide nursing mothers "access nearby to a clean, safe water source and a sink for washing hands and rinsing out any needed breast-pumping equipment; and access to hygienic storage alternatives in the workplace for the mother's breast milk."

Moving Forward:

Staying abreast of legislative changes is a cornerstone of effective business management. By understanding and implementing policy changes based on these December 2022 amendments, employers can foster a workplace environment that upholds the rights and protections of all employees.

As always, please reach out to us if you need help with implementing policy changes or with any questions or concerns.

For More Information

If you have any questions, please contact our HR team at **210-775-6082**, toll-free at **1-888-757-2104**, or HRmanagement@BFGonline.com.



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