

Your Quick-Guide to the PUMP Act

WHO AND WHAT DOES THE PUMP ACT PROTECT?

Under the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act (passed in late 2022, and fully enforceable as of April 28, 2023) most employees now have the right to **break time and a private (non-bathroom) space to express breastmilk for their nursing child up to age 1**. This builds on the protections of the Fair Labor Standards Act, covering 9 million additional people. Previously, the law protected hourly workers but left out many office workers, teachers, nurses, and more. Now, those folks are covered, too!

IN PRACTICAL TERMS, THIS MEANS...

- Pumping time is now protected time off for most employees! You get to decide when to pump, for how long, and how often. Your employer is not allowed to tell you to wait or reschedule it.
- Your employer has to arrange other coverage for your pumping breaks or put the work on hold if your physical presence is required. Your employer is not required to pay you for pumping breaks. But if they do not completely relieve you from duty and you work while pumping, they must pay you.
- If you're a remote worker, you are protected too, but only for your right to pump. If you're with the baby and prefer to breastfeed, that time isn't protected (though you can ask for an accommodation).

WHO'S NOT COVERED YET?

Contractors, gig workers, certain airline, railroad, and motorcoach employees, and people whose employers (with less than 50 employees) can make a case that providing time/space for pumping is an undue hardship. But, note that the "undue hardship" defense is a very high bar.

ALSO:

Your state/city laws may actually provide additional rights that go further. In NYC, for instance, employers must provide access to a sink and a fridge. In California, there is no age limit for the baby. In Illinois, employers must pay you for your pumping time even if you're not working.

WHAT IF MY EMPLOYER BREAKS THE RULES OR DOESN'T UNDERSTAND THEM YET?

- "First, give them notice in writing, and BCC your personal email so you have a copy. If they do not correct the violation within 10 days, call a lawyer. Most attorneys will take these cases on contingency, which means you don't pay out of pocket yourself." – Daphne Delvaux, Esq., [The Mamattorney](#).
- "I usually advise going in with a generous interpretation of their violation – let's just assume they were uninformed. You're doing them a service by educating them. And, when you speak up, you're helping not just yourself but every other mom who might not feel like she can."
– Lauren Smith Brody, [The Fifth Trimester](#)

pumpspotting

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CHAMBER OF MOTHERS

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RESOURCES (WITH CLICKABLE LINKS)

[pumpspotting community and support app](#) + [employer benefit solution](#) helping companies create [workplace lactation programs](#). Download [the companion app](#) to get support on your feeding journey and get a [free support template](#) to suggest pumpspotting for Workplace to your employer.

The Chamber of Mothers [instagram](#), [local chapters](#), and [newsletter](#)

[“What to Expect from Your Employer When You’re Expecting”](#) A series of webinars about your rights, created by the Equal Employment Opportunity Commission and the Women’s Bureau at the Dept. of Labor

[The Pregnant Workers Fairness Act](#) (enacted June, 2023): This law may give you the ability to request additional lactation accommodations beyond the PUMP Act.

[Nursing Mothers FAQ](#), [Field Assistance Bulletin](#), [PUMP-specific webinar](#), [Nursing Employees’ Workplace Protections flyer](#), and [fact sheet](#), all from the U.S. Dept. of Labor

[The Mamattorney services and employment rights guide](#), by Daphne Delvaux, Esq. and The Mamattorney’s [free email template for requesting pumping breaks from your employer](#).

[The Fifth Trimester: The Working Mom’s Guide to Style, Sanity, and Success After Baby](#), by Lauren Smith Brody ([1:1 coaching services](#) and [corporate speaking engagements](#) also available)

[The Big Letdown: How Medicine, Big Business, and Feminism Undermine Breastfeeding](#), by Kimberly Seals Allers

[Work, Pump, Repeat: The New Mom’s Survival Guide to Breastfeeding and Going Back to Work](#), by Jessica Shortall

MilkStork’s [blog](#), [shipping/travel products](#), and [Airport Security Guide for Carrying On Breast Milk](#)