



Women's Economic and Security Act – Labor Standards

Minnesota Department of Labor and Industry

Fuad Ali, Labor Standards

Training topics

- What does Labor Standards do
- Nursing mothers and lactating employees
- Pregnancy and parental leave
- Pregnancy accommodation
- Paid Leave
- Resources



Labor Standards enforced by DLI

- Minnesota Fair Labor Standards Act
- Women's Economic Security Act
- Child Labor Standards Act
- Minnesota Prevailing Wage Act
- Wage Theft Prevention Act
- Other laws related to employment, wages, conditions, hours.



Labor Standards services and process

- Investigations
 - Wage claim
 - Inform and educate
 - Investigation
- Education and outreach
 - Technical assistance
 - Training
 - Videos
 - Website and materials



Nursing mothers - Minnesota Statutes § 181.939

- Employers must:
 - provide reasonable break time for nursing mothers to express milk;
 - provide time to express milk regardless of the child's age;
 - provide space other than a bathroom that is clean, private, secure, shielded from view and free from intrusion, and **includes access to an electrical outlet.**



Nursing mothers' protections

- Employers cannot reduce compensation for time used for expressing milk.
- Employers must provide employees break times to express milk regardless of whether the break time would unduly disrupt the employer's operations.
- Ensuring employees can choose when to take break time to express milk, regardless of if the break time aligns with already provided breaks.

Nursing mothers' protections (cont'd)

- Employers must provide a written notice to employees of their right to express milk and receive pregnancy accommodations at the time of hire, or when an employee inquires about or requests parental leave and publish these rights in the employee handbook (sample notice is available at dli.mn.gov/posters).
- Anti-retaliation: Employers are prohibited from retaliating against an employee for asserting rights under this law.

Pregnancy and parental leave

Up to 12 weeks of unpaid leave during or following pregnancy for pregnancy or related health conditions, childbirth or adoption, or bonding time by a birthing or non-birthing parent.

All employees, regardless of employer size or how long they have been employed, have a right to unpaid leave during or following a pregnancy.



Pregnancy and parental leave (cont'd)

Pregnancy and parental leave may be taken for:

- pregnancy or related health conditions, childbirth or adoption, or bonding time by a birthing or non-birthing parent after the birth or adoption of the child.

Many of these leave provisions overlap with the [federal Family and Medical Leave Act](#).



Pregnancy and parental leave (2024 update)

- 2024 legislative session update:
 - Employers must continue to maintain healthcare coverage for employees on pregnancy or parenting leave and any dependents as if the employee is not on leave.
 - Pregnancy or parenting leave must not be reduced by any period of paid or unpaid leave taken for prenatal care appointments.

Pregnancy accommodations

- Employers must provide “reasonable accommodation” to employees with health conditions related to pregnancy or childbirth
- The following are required employer accommodations and no doctor’s note is required to get them:
 - more frequent restroom, food, and water breaks;
 - seating; and
 - limits on lifting over 20 pounds.
- Additional accommodations may be reasonable depending on the situation, including temporary transfer to a less strenuous position



Pregnancy accommodations (cont'd)

- Employer cannot require an employee to take or accept pregnancy accommodations
- Prenatal care appointments may qualify as pregnancy accommodations; employees may use earned sick and safe time for prenatal care appointments
- Employers are prohibited from retaliating against an employee for asserting rights under this law

Paid Leave

Paid Leave is a new program launching for Minnesotans in 2026. It provides paid leave when:

- a serious health condition prevents an employee from working;
- an employee needs time to care for a family member or a new child; and
- an employee needs to tend to certain military-related events or personal safety issues.

Additional information is available on the [Minnesota Department of Employment and Economic Development's website](#).



Paid Leave, continued

DLI will enforce the employment protections in the bill, including:

- employee right to reinstatement after leave;
- employers may not retaliate against an employee for requesting or obtaining benefits;
- employee right to continued insurance during leave; and
- agreements to waive paid family and medical leave rights are void.



Resources

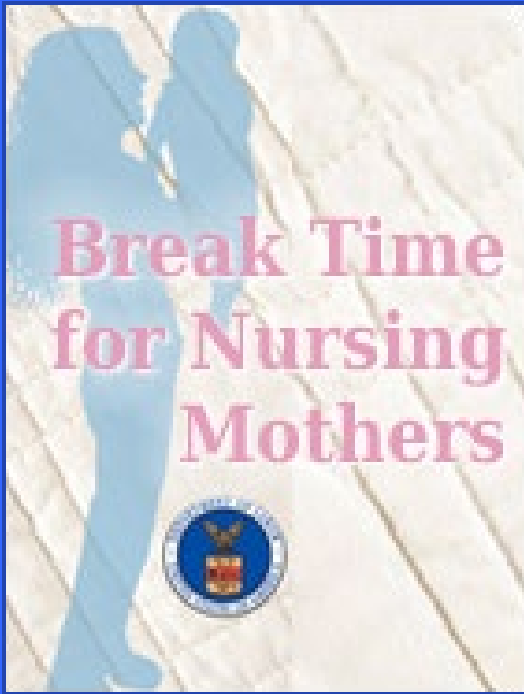
- Employee-focused brochures in four language, email david.skovholt@state.mn.us.
- Informational videos in four languages.
- WESA page: dli.mn.gov/newparents.
- Sign up for [*The Wage and Hour Bulletin*](#).
- Contact DLI's Labor Standards at 651-284-5075 or dli.laborstandards@state.mn.us.

Are you pregnant or a new parent?



Learn about your rights in the workplace.

mn DEPARTMENT OF LABOR AND INDUSTRY



USDOL-Wage & Hour Division

PUMP Act & Break Time for Nursing Mothers Under the Fair Labor Standards Act

Corey Walton
USDOL-WHD
Minneapolis, MN District Office



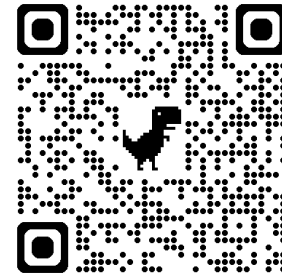
UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION

dol.gov/whd
1-866-487-9243

LAWS ENFORCED BY USDOL-WHD

- **Fair Labor Standards Act**
- **FLSA Nursing Mothers Protections**
- Family and Medical Leave Act
- Davis Bacon and Related Acts
- Service Contract Act
- Migrant and Seasonal Agricultural Worker Protection Act
- Wage Garnishment
- Temporary Worker Programs

USDOL-WHD
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Break Time for Nursing Mothers



- Section 7 of the FLSA was amended by the Affordable Care Act to provide nursing employees with:
 - Reasonable break **time** to express breast milk
 - A **place**, other than a bathroom, that may be used to express milk
 - For up to 1 year after the child's birth
- Effective March 23, 2010

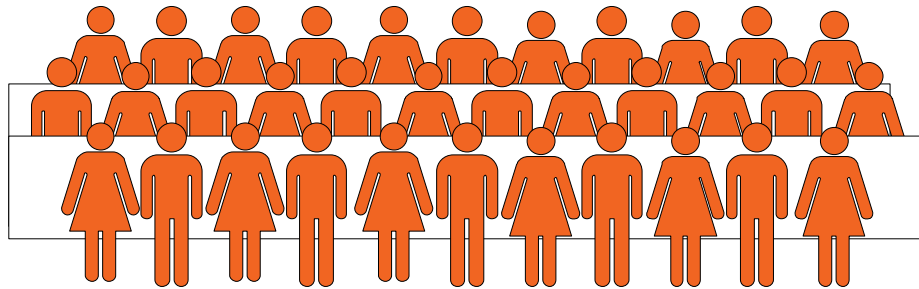
Eligible Employees



- Employees who work for a covered employer
- Employees who are covered on an individual basis

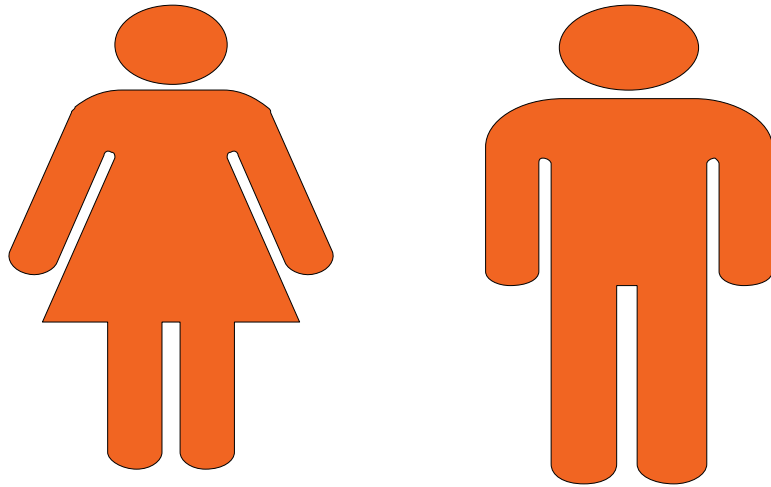
Coverage

Employer Coverage



- Enterprise coverage:
 - At least two (2) employees
 - At least \$500,000 a year in business
- Hospitals, businesses providing medical or nursing care for residents, schools, preschools and government agencies (federal, state, and local)
- If an employer is covered, all the employees of the employer are entitled to FLSA protections

Individual Coverage



- Even if the employer is not a covered enterprise, individual employees may be covered and entitled to FLSA protections if they are engaged in interstate commerce.
- Activities that constitute engaging in interstate commerce may include making telephone calls to other states; typing letters to send to other states; processing credit card transactions; or traveling to other states.
- *Virtually all employees engaged in agriculture are covered by the Act in that they produce goods for interstate commerce.*

Time & Space

Break Time

Reasonable Break Time



- The Affordable Care Act requires employers to provide:
 - “Reasonable break time”
 - “Each time such employee has need to express the milk”
 - For 1 year after the child’s birth.

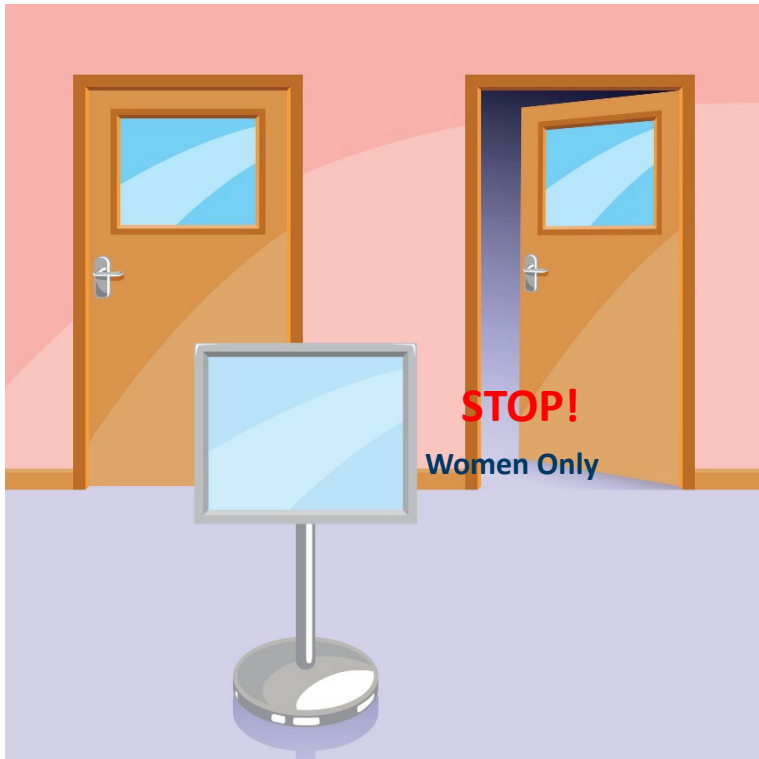
Compensation for Break Time



- Employers are not required to provide compensated break time.
- As with other breaks under the FLSA, the employee must be **completely relieved from duty**, or the break time must be compensated as work time.
- If an employer already provides paid break time and if an employee **chooses to use that time to express breast milk**, she must be compensated for that time just as other employees would be compensated for break time.

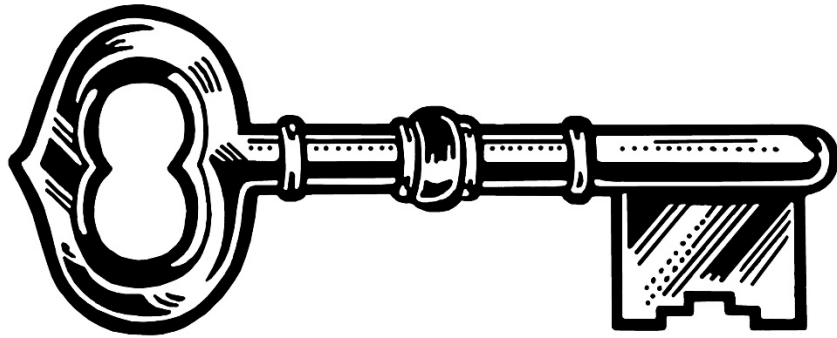
Space

Space Requirements



- An employer shall provide:
 - A place, other than a bathroom.
 - Shielded from view.
 - Free from intrusion from coworkers and the public.
- An employer may temporarily designate a space or make a space available when needed by the employee; the location must be functional as a space for expressing milk.

Additional Issues to Consider



- Securing space from intrusion
- Space adjacent to restrooms
- Dual use rooms
- Storage of milk and pumps
- Notice

The PUMP Act

On December 29, 2022, the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP for Nursing Mothers Act or PUMP Act) became law, extending right to pump protections to millions of workers and allowing for additional remedies for violations.

- Extended coverage effective as of December 29, 2022.
- Additional remedies available for violations occurring on or after April 28, 2023.

PUMP AT WORK

Under the PUMP for Nursing Mothers Act, most employees have the right to break time and a private space to express breast milk for their nursing child.



**AGRICULTURE
WORKERS**



NURSES



TEACHERS



**TRUCK AND TAXI
DRIVERS**



**HOME CARE
WORKERS**



MANAGERS

#PUMPAct

dol.gov/pump-at-work

@WHD_DOL

Remedies

- Employers are liable for appropriate legal or equitable remedies under the FLSA.
- As of April 28, 2023, remedies for violations of the reasonable break time and space requirements may include
 - ***Reinstatement;***
 - ***Promotion;***
 - ***Payment of wages lost and an equal amount as liquidated damages;***
 - ***Compensatory damages;***
 - ***Make-whole relief, such as economic losses that resulted from violations, and punitive damages where appropriate.***

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USDOL-WHD Resources

USDOL-WHD NURSING MOTHERS FACT SHEET #73

<https://www.dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers>

USDOL Fact Sheet Index Page

<https://www.dol.gov/agencies/whd/fact-sheets>

USDOL-WHD Family and Medical Leave Act Employer's Guide

<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/employerguide.pdf>

USDOL-WHD Family and Medical Leave Act Employee's Guide

<https://www.dol.gov/agencies/whd/fmla/employee-guide>

FLSA Protections to Pump at Work Resource Page:

<https://www.dol.gov/agencies/whd/pump-at-work>

DOL-WHD Homepage:

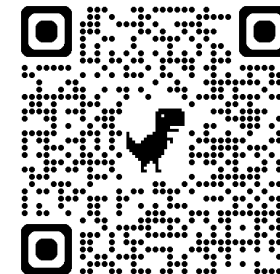
<https://www.dol.gov/agencies/whd>

DOL/WHD Technical Assistance Line: 1-866-487-9243

Pump Act
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USDOL-WHD
Fact Sheet #73





IMPLEMENTING WORKPLACE LACTATION ACCOMMODATION POLICIES: EXAMPLES AND SUCCESS STORIES

Garin Strobl and Emma Schubert



**PUBLIC HEALTH
LAW CENTER**
at Mitchell Hamline School of Law

8/6/2024

The Public Health Law Center



Implementing Lactation Support Policy and Practices: case studies

Considerations for successful implementation:

- **Space:** How can I create a supportive lactation space?
- **Communication:** How will employees and supervisors know when and how to use space and break times?
- **Policy:** How will supervisors and leadership know what support to provide?

Brooklyn Center school district

A conversation with a Brooklyn Center Community Schools HR Generalist



Space “comfortable, warm, where people feel they belong”

- Private, secure rooms
- Supportive items beyond legal requirements



Brooklyn Center Community Schools' lactation room

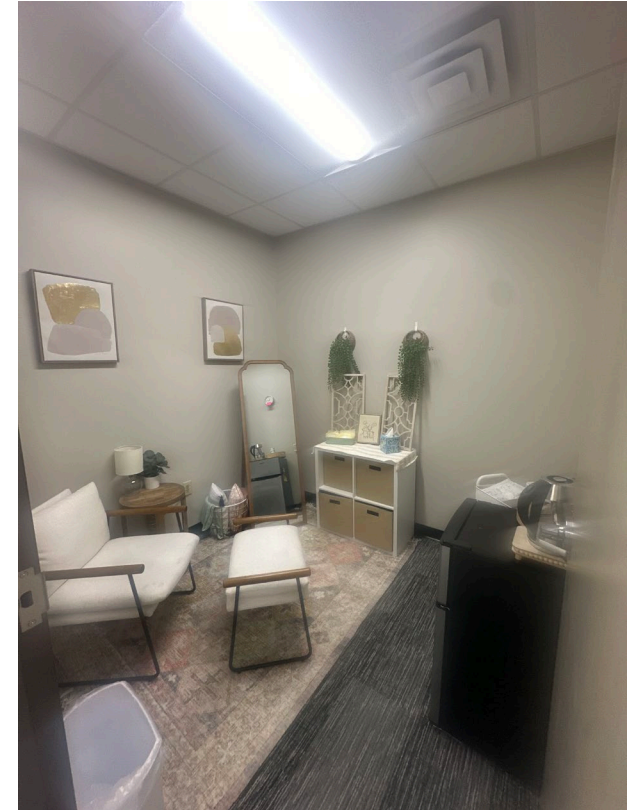
Brooklyn Center school district

A conversation with a Brooklyn Center Community Schools HR Generalist



Communication “a conversation goes a long way”

- Documents available through employee portal
- Personal relationships between staff and supervisors



Brooklyn Center Community Schools' lactation room

Brooklyn Center school district

A conversation with a Brooklyn Center Community Schools HR Generalist



Policy “*stay connected and stay communicative*”

- Employees create lactation schedule and communicate needs to their teams
- Employee handbook guidelines supported by Breastfeeding Friendly Workplaces criteria



Metropolitan council

A conversation with the Met Council Workforce and Equity Program Coordinator

✓ **Space** *“what do our employees want?”*

- Creative accommodations to fit different needs
- Online reservations for supportive scheduling



Metropolitan council

A conversation with the Met Council Workforce and Equity Program Coordinator

✓ **Communication** *“work all the different systems you have”*

- Work with peer champions; provide education
- Proactive check-ins before employee returns to work



Met Council Command Facility
lactation room

Metropolitan council

A conversation with the Met Council Workforce and Equity Program Coordinator



Policy “we want to be leading as a strong employer”

- Led by Lactation Support Team and supported by BFF Workplace Criteria
- Trainings for managers and lactation liaisons



Met Council lactation space
(St. Paul offices)

CONTACT US



651.290.7506



publichealthlawcenter@mitchellhamline.edu



www.publichealthlawcenter.org



[@phealthlawctr](https://twitter.com/phealthlawctr)



facebook.com/publichealthlawcenter



Breastfeeding support in the workplace

Holly Glaubitz

Workplace Wellness Coordinator | Minnesota Department of Health

The benefits of breastfeeding

- For the parent



- For the baby



Breastfeeding recommendations

- American Academy of Pediatrics and the World Health Organization Supports
 - Breastfeeding exclusively for at least six months
 - Babies breastfeed for a minimum of two years with appropriate complimentary foods introduced
 - The longer a parent breastfeeds the more benefits to both parent and baby

Why support breastfeeding in the workplace



- ROI of 3:1
- Healthy baby = employee at work
- Absences to care for sick children occur 2x more often for non breastfed infants



94%
retention

Why support breastfeeding in the workplace

Employer of
choice



Breastfeeding Friendly Workplace Designation

Purpose of the program

- Increase the number of workplaces supporting breastfeeding families
- Recognize the importance of employer support
- Support parents to continue breastfeeding for up to a year and beyond



STEP(s) to becoming BFF



Support



Time



Education



Place

Application Process



Email questions to: health.bfw@state.mn.us.

There is no charge to participate in this program.

- [Use the self-assessment checklist \(PDF\)](#) to review the criteria for Breastfeeding Friendly Workplace recognition and help guide the development of your workplace lactation support program.

- [Complete the Breastfeeding Friendly Workplace application.](#)

NEW! We've changed the application to make it easier to complete online. Note: you can use the Save & Return feature to get a web address so you can work on the application later.

- Applications are due:

- March 15
- June 15
- Sept. 15
- Dec. 15

- Determine if you currently have a policy or guidelines in place
 - If yes, does it need to be updated
 - If no, determine if leadership supportive of implementing a policy
- Use the STEP approach
- Tap into your local breastfeeding coalition if you have one
<https://mnbreastfeedingcoalition.org>
- Apply for recognition



Thank you!