



National Breastfeeding Month: State and federal workplace protections of pregnant and nursing parents and programs to assist and recognize supportive employer practices

Minnesota Department of Labor and Industry
U.S. Department of Labor
Public Health Law Center
Minnesota Department of Health

Labor standards, wage and hour agencies in Minnesota

Minnesota Department of Labor and Industry, Labor Standards

- 651-284-5075

U.S. Department of Labor, Wage and Hour Division

- 612-370-3341

Minnesota Attorney General's Office

- 651-296-3353

St. Paul, Labor Standards Enforcement and Education Division

- 651-266-8900

Minneapolis, Labor Standards Enforcement Division

- 612-673-3012

Labor and Industry business areas

- Apprenticeship Minnesota
- Youth Skills Training
- Dual-Training Pipeline
- Construction Codes and Licensing Division
- Labor Standards
- Minnesota OSHA (MNOSHA) Compliance
- MNOSHA Workplace Safety Consultation
- Workers' Compensation Division



Labor Standards Division

- Ensures workers are paid fairly, enforce workplace rights and help prevent employment law violations.
- Provide guidance on wage and hour issues, including [earned sick and safe time](#), [child labor](#), [overtime](#), [pregnancy and parental rights](#), [retaliation](#), [worker misclassification](#) and [more](#).



Think about it

How many lakes does Minnesota have?

Agenda

- **Alanna Galloway**
Minnesota Department of Labor and Industry
Topic: Women's Economic Security Act
- **Lynn Williams**
U.S. Department of Labor, Wage and Hour Division
Topic: PUMP Act and break time for nursing mothers under the Fair Labor Standards Act
- **Garin Strobl**
Public Health Law Center
Topic: Implementing workplace lactation accommodation policies: Examples and success stories
- **Holly Glaubit**
Minnesota Department of Health
Topic: Breastfeeding in the workplace
- **Question-and-answer session**



WOMEN'S ECONOMIC SECURITY ACT

Women's Economic Security Act (WESA) August 2026

Alanna Galloway, education and engagement specialist
Labor Standards Division

Women's Economic Security Act (WESA)

- Aims to strengthen workplace protections for women and pregnant or nursing employees
- Applies to all Minnesota workers
 - Regardless of immigration status
 - Workers of all genders
- Designed as a comprehensive worker protection law

Think about it (1 of 4)

Employers are required to provide time and space for an employee to express milk, unless it would cause undue hardship to their business operations.

- True
- False

Nursing accommodations — Minn. Stat. § 181.939, subd. 1

An employer must provide **reasonable** break times each day to an employee who needs to express milk.

- The length of breaks depends on the worker's needs.
- Predictable schedule — to prevent engorgement.
- Following a specific pumping regimen based on advice of lactation specialist to promote milk supply.
- Break times **may** run concurrently with any breaks already provided to employee.



Nursing accommodations — Minn. Stat. § 181.939, subd. 1, continued

The employer must make **reasonable efforts** to provide a **clean, private and secure room** or other location, **in close proximity to the work area**, other than a bathroom or a toilet stall, that is **shielded from view** and free from intrusion from coworkers and the public and that includes **access to an electrical outlet**, where the employee can express milk in privacy.



Hypothetical scenario one — Nursing accommodations (1 of 3)

An employee recently returned to work after maternity leave and needs to express milk for her newborn.

- The employer has a general break policy but does not have specific provisions for nursing workers.
- The employee needs three breaks, but the company's policy only allows for two 10-15-minute breaks during the day. These breaks are strictly monitored.
- The company does not have a statute-compliant room to express milk and offers the employee a bathroom to express breastmilk.
- The employee asked her supervisor to discuss her expression schedule, but he keeps telling her he “will get back to her.”

Hypothetical scenario one — Nursing accommodations (2 of 3)

- The employee's supervisor closely monitors the break times of all employees. He notices that the employee is taking longer breaks to express milk and issues her a written warning for "excessive break times."
- The supervisor informs the employee that the extra time she spends beyond the allotted 15-minute breaks will be deducted from her pay.
- In her next performance review, the employee receives a lower rating due to "frequent extended breaks," which affects her eligibility for a bonus and future promotions.
- **Take five seconds to decide:**
 - With the information we have, did the employer violate the Women's Economic Security Act?

Hypothetical scenario one — Nursing accommodations (3 of 3)



This situation is a clear violation of employee's rights under WESA's nursing accommodations provisions as follows:

- Penalizing break time
- Statute-compliant space
- Insufficient break duration
- Negative performance evaluation

Hypothetical scenario two — Nursing accommodations (1 of 3)

- A lactating employee works as a physician's assistant in a busy hospital.
- She recently returned to work after maternity leave.
- The employer's established lactation policy aligns with Minnesota state law.
- The policy states that employees who are nursing can take reasonable break times to express milk in a clean, private and secure non-bathroom space provided by the company.

Hypothetical scenario two — Nursing accommodations (2 of 3)

- The employee works a nine-hour shift, with a one-hour break.
- The employee typically needs to express milk three times during her shift. The employee discussed and agreed to a new schedule with her supervisor.
- The Employer understands that the statute does not define what constitutes “reasonable break time to express,” and therefore, the duration and frequency of time spent on breaks to express are subject to the respective needs of nursing employees, which will vary from one employee to another.
- **Take five minutes to decide:**
 - With the information we have, did the employer violate the Women's Economic Security Act?

Hypothetical scenario two — Statutory compliance (3 of 3)

- The employer provided the employee reasonable break times to express milk based on her biological needs.
- Breaks were predictable and adequate in frequency and duration.
- The lactation room met the statutory requirements for privacy and comfort.
- The employer engaged in an interactive process with the employee and took the necessary steps to ensure that the nursing employee was relieved from her duties regularly so that her expression schedule was not disrupted.



Statute-compliant spaces: Review



- Clean, private, secure
- Shielded from view
- Free from intrusion
- Electrical outlet
- Close proximity to work area

Pregnancy accommodations — Minn. Stat. § 181.939, subd. 2

Pregnancy accommodations

- An employer must provide **reasonable accommodations** to an employee for health conditions related to pregnancy or childbirth upon request, with the advice of a licensed healthcare provider or certified doula, unless the employer demonstrates that the accommodation would impose **an undue hardship** on the operation of the employer's business.
- A pregnant employee is **not required to obtain the advice of a licensed health care provider** for the following accommodations:
 1. more frequent or longer restroom, food and water breaks;
 2. seating; and
 3. limits on lifting over 20 pounds.
- The employee and employer shall engage in an **interactive process** with respect to an employee's request for a reasonable accommodation.
- Employers may not require a pregnant employee accept an accommodation.

Pregnancy accommodations — Minn. Stat. § 181.939, subd. 3

Notice to employees

- An **employer shall inform employees of their rights** under this section:
 - **at the time of hire** and when an employee makes an inquiry about or requests parental leave.
 - Information must be provided in **English and the primary language of the employee** as identified by the employee.
 - An employer that provides an employee handbook to its employees must include in the handbook notice of employee rights and remedies under this section.
- Examples available at dli.mn.gov/newparents.



Pregnancy and parental leave — Minn. Stat. § 181.941, subd. 1

- All employees, regardless of employer size or how long they have been employed, have a right to 12 weeks unpaid leave during or following a pregnancy.
- The 12 weeks of unpaid leave can be during or following pregnancy for pregnancy or related health conditions, childbirth or adoption or bonding time by a birthing or non-birthing parent.



Pregnancy and parental leave — Minn. Stat. § 181.941



An employee's leave shall begin at a time requested by the employee.

- the employer may adopt reasonable policies governing the timing and length of requests of unpaid leave;
- leave must begin within 12 months of birth or adoption of the child; except that when a child stays in the hospital longer than the mother, leave must begin within 12 months after child leaves hospital; and
- employers cannot deduct prenatal appointments from 12 weeks.

Reinstatement following leave — Minn. Stat. § 181.942



Employees returning from leave are entitled to:

- Reinstatement into **former position or a comparable position** — same pay, hours in addition to any automatic changes to their pay that may have occurred during their leave.
- Retain all accrued benefits including seniority.
- Employee can return on part-time basis, at employer's discretion.

Wage disclosure — Minn. Stat. § 181.172, continued

An employer may not:

- Prohibit workers from discussing their own wages as a condition of employment.
- Require workers to sign a waiver revoking the right to discuss their wages or working conditions.
- Retaliate against workers for discussing their wages or working conditions.



WESA provisions enforced by DLI



1. Wage Disclosure Protection (Minn. Stat. §181.172)
2. Nursing Mothers, Lactating Employees, and Pregnancy Accommodations (Minn. Stat. §181.939)
3. Pregnancy and Parenting Leave (Minn. Stat. §181.941);
4. Reinstatement Following Leave (Minn. Stat. § 181.942); and
5. Employer Notice Requirements (Minn. Stat. §181.939)

Thank you

- Read our [WESA FAQs](#).
- Read our [WESA 2025 annual report](#).



PUMP at Work Protections



Under the Fair Labor Standards Act



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FLSA Pump at Work Protections

The FLSA requires employers to provide reasonable break time and a private place other than a bathroom for an employee to pump breast milk for her nursing child for one year after the child's birth each time such employee has need to pump at work.



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Covered Employees



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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.



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Eligible Employees



Nearly all employees covered by the FLSA are eligible to pump at work.

Employees are eligible to pump at work for one year after their child's birth.

Narrow exemptions may apply for certain employees of small companies and certain transportation employees.



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Enterprise Coverage

All employees of an enterprise are covered under the FLSA if the employer is:

- Engaged in interstate commerce, has at least two employees, and does at least \$500,000 a year in business, or
- Engaged in the operation of a hospital, residential medical or nursing care facilities, schools, preschools, or a public agency.



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Individual Coverage

Individual employees may be covered and entitled to FLSA protections to pump at work if they are engaged in interstate commerce even if the employer is not a covered enterprise.

Interstate commerce includes making out-of-state phone calls, receiving or sending interstate mail or electronic communications, ordering or receiving goods from out-of-state suppliers, handling credit card transactions, and performing accounting or bookkeeping for such activities.

Domestic service workers, such as housekeepers, full-time babysitters, and cooks, are normally covered by the law.



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Break Time Requirements



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Reasonable Break Time



The FLSA requires employers to provide nursing employees:

- Reasonable break time
- Each time such employee has need to pump at work
- For one year after the child's birth

The frequency of breaks needed to pump at work, as well as the duration of each break, will likely vary.



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Reasonable Break Time Examples

- Irina, a shift manager at a fast-food restaurant, takes four 25-minute pump breaks each day when she first returns to work after the birth of her child.
- Lauren, a department store delivery driver with a nine-month-old baby, needs two 30-minute pump breaks each day she works.



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Compensation for Break Time

- As with other breaks under the FLSA, the nursing employee must be completely relieved from duty or the time spent pumping must be counted as hours worked for the purposes of minimum wage and overtime requirements.
- If an employer already provides paid break time and if an employee chooses to use that time to pump, she must be compensated in the same way that other employees are compensated for break time.
- An employer must also pay for pump breaks if required by Federal or State law or municipal ordinance.



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Space Requirements



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Space

Nursing employees must be provided a space that is:

- Shielded from view,
- Free from intrusion from coworkers and the public, and
- May be used to pump breast milk.

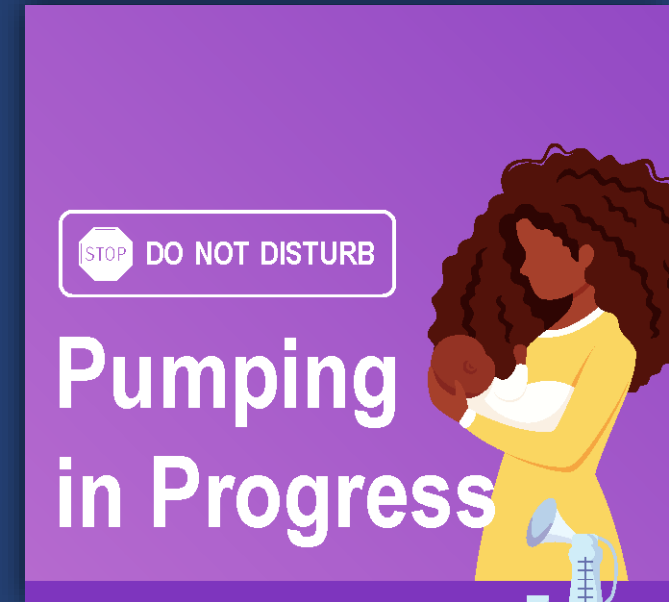
The space cannot be a bathroom.



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Shielded from View / Free from Intrusion

- Employers must ensure the employee's privacy, for example, by displaying a sign when the space is in use or providing a lock on the door.
- Workers who telework must also be free from observation by any employer-provided or required video system, including computer camera, security camera, or web conferencing platform.
- Employees on passenger trains may temporarily obscure the view of recording devices when the train is not moving.



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Functional Space

- The location must be functional as a space for pumping milk.
- An employer may temporarily designate a space or make a space available when needed by the employee.
- Employers should take into consideration the number of nursing employees and their work schedules to determine whether more than one space should be designated or created.



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Exemptions



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Undue Hardship Exemption

An employer that employs fewer than 50 employees is not required to provide break time and space only if it would impose undue hardship.

- The employer must demonstrate that compliance requires significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.
- Not available to employers with 50 or more employees.
- All employees who work for the employer, regardless of work site, are counted.



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Exemption for Crewmembers of Air Carriers



- The FLSA's pump at work protections do not apply to crewmembers of air carriers.
- Crewmember means a person assigned to perform duty in an aircraft during flight time.



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Rail Carriers and Motorcoaches

The FLSA's pump at work protections generally apply to employees of rail carriers or motorcoach services operators as of December 29, 2022.

Coverage for certain employees of rail carriers and motorcoach services operators begins December 29, 2025. These employees include:

- Train crew members involved in the movement of a locomotive or rolling stock or who maintain the right of way of a rail carrier, and
- Employees involved in the movement of a motorcoach.



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Exemptions After Three-Year Delay



Even once protections are applicable to these employees on December 29, 2025, exceptions may apply if an employer demonstrates that compliance requires significant expense or results in unsafe conditions.

Significant expense does not include installing a curtain or other screening protection.



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Interaction with State Laws



- The FLSA's pump at work protections do not preempt a State law or municipal ordinance that provides greater protections to employees than those provided by the FLSA.
- Many states have laws related to pumping milk at work.



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Retaliation



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Prohibited Retaliation

- It is a violation of the FLSA to “discharge or in any other manner discriminate against” any employee because, for instance, she filed a complaint to assert her pump at work rights or cooperated in an investigation regarding these protections.
- Employees are protected regardless of whether the complaint is made orally or in writing.
- Most courts have ruled that internal complaints to an employer are also protected under the FLSA's prohibition on retaliation.



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Remedies

- Employers are liable for appropriate legal or equitable remedies under the FLSA.
- Remedies for retaliation and violations of the reasonable break time and space requirements may include:
 - employment
 - 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
 - punitive damages, where appropriate.



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WHD Enforcement



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Enforcement

An employee may file a complaint with WHD or may file a private cause of action seeking appropriate remedies.

- An employee or other party can file a complaint with WHD at any time within a two-year statute of limitations.
- Special notification procedures may apply to filing a private action where an employer has failed to provide an employee with an appropriate space to pump.
- These special procedures do not apply before an employer or other party can file a complaint with WHD



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Resources



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WHD Resources

Additional information about the [FLSA Protections to Pump at Work](https://www.dol.gov/agencies/whd/pump-at-work) can be found at <https://www.dol.gov/agencies/whd/pump-at-work>

- Fact Sheet # 73: FLSA Protections to Pump Breast Milk at Work
- FAQs: FLSA Protections to Pump Breast Milk at Work

[What to Expect from Your Employer When You're Expecting](http://www.dol.gov/agencies/whd/maternal-health)
<http://www.dol.gov/agencies/whd/maternal-health>



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Additional Resources

Supporting Nursing Moms at Work: Employer Solutions

- <http://www.womenshealth.gov/supporting-nursing-moms-work/what-law-says-about-breastfeeding-and-work/what-employers-need-know>

National Conference of State Legislatures Compilation of State Breastfeeding Laws

- <http://www.ncsl.org/health/breastfeeding-state-laws>

Surgeon General's Call to Action to Support Breastfeeding

- <https://www.cdc.gov/breastfeeding/php/resources/surgeon-generals-call-to-action.html?>



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Additional Resources, cont.

EEOC Enforcement Guidance on Disparate Treatment

- <http://www.eeoc.gov/laws/guidance/enforcement-guidance-unlawful-disparate-treatment-workers-caregiving-responsibilities>

OPM Guidance on Nursing Mothers in the Federal Workforce

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

CDC Workplace Lactation Support Program Toolkit

- <https://www.cdc.gov/breastfeeding/index.htm>



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Think about it (2 of 4)

Is a locking door a requirement for privacy according to the FLSA?

- Yes.
- No. A sign indicating the room is in use is sufficient.

Thank you!

Have questions later?

Please call us at 1-866-4US-WAGE
Or go to our website: dol.gov/whd



Follow us on social media:



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WORKPLACE LACTATION ACCOMMODATION POLICIES: EXAMPLES AND SUCCESS STORIES

Garin Strobl and Emma Schubert



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



**DEPARTMENT
OF HEALTH**

Think about it (3 of 4)

How long does the American Academy of Pediatrics recommend a parent breastfeed/chestfeed (alongside formula or solids, if applicable)?

- Three years.
- 18 months.
- Two years.
- Six months.

WORKPLACE LACTATION ACCOMMODATION POLICIES: EXAMPLES AND SUCCESS STORIES

Considerations for Successful Implementation

SPACE

How can I create a supportive lactation space?

COMMUNICATION

How will employees and supervisors know how and when the lactation space will be used?

POLICY

How will supervisors and leadership know what support to provide?

IDENTIFYING AND CREATING A WELCOMING LACTATION SPACE

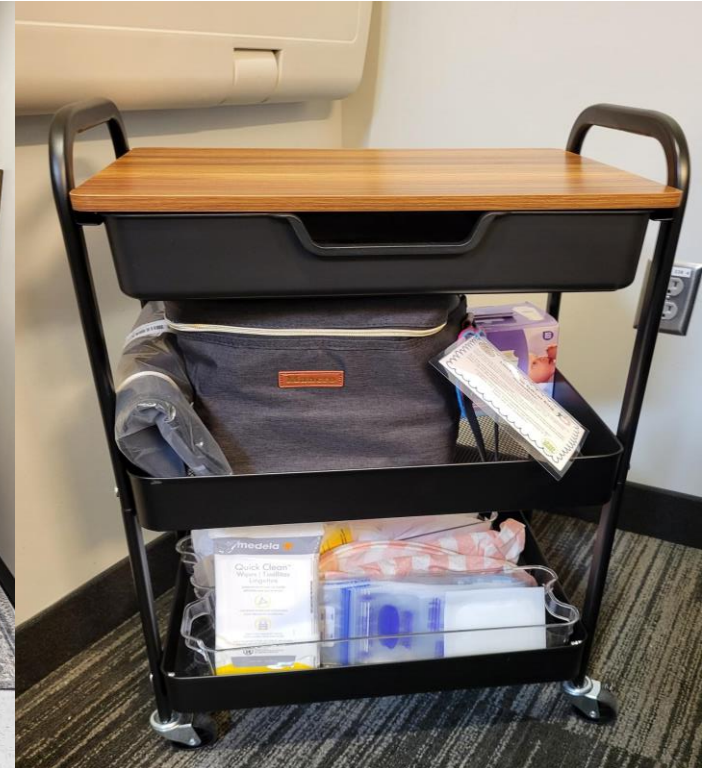
- Creative accommodations to fit different needs
- Centrally located for different team members
- Online reservations for easy scheduling



Metropolitan Council (left)
Green Thumb Industries (right)

IDENTIFYING AND CREATING A WELCOMING LACTATION SPACE

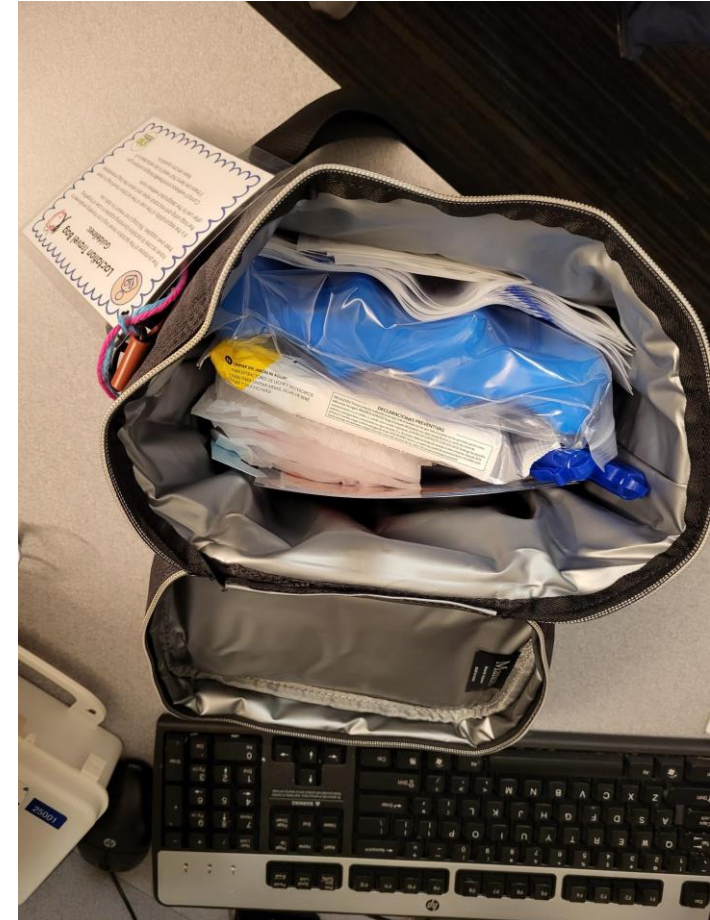
- Comfortable, welcoming space
- Supportive items beyond legal requirements



Brooklyn Center Community Schools (left)
Chisago County (right)

COMMUNICATING LACTATION ACCOMMODATIONS

- Regular check-ins with lactating employees and those returning from parental leave
- Importance of conveying the long-term benefits and using personal stories
- Develop a peer network of lactating employees



Chisago County Travel Bag

COMMUNICATING LACTATION ACCOMMODATIONS

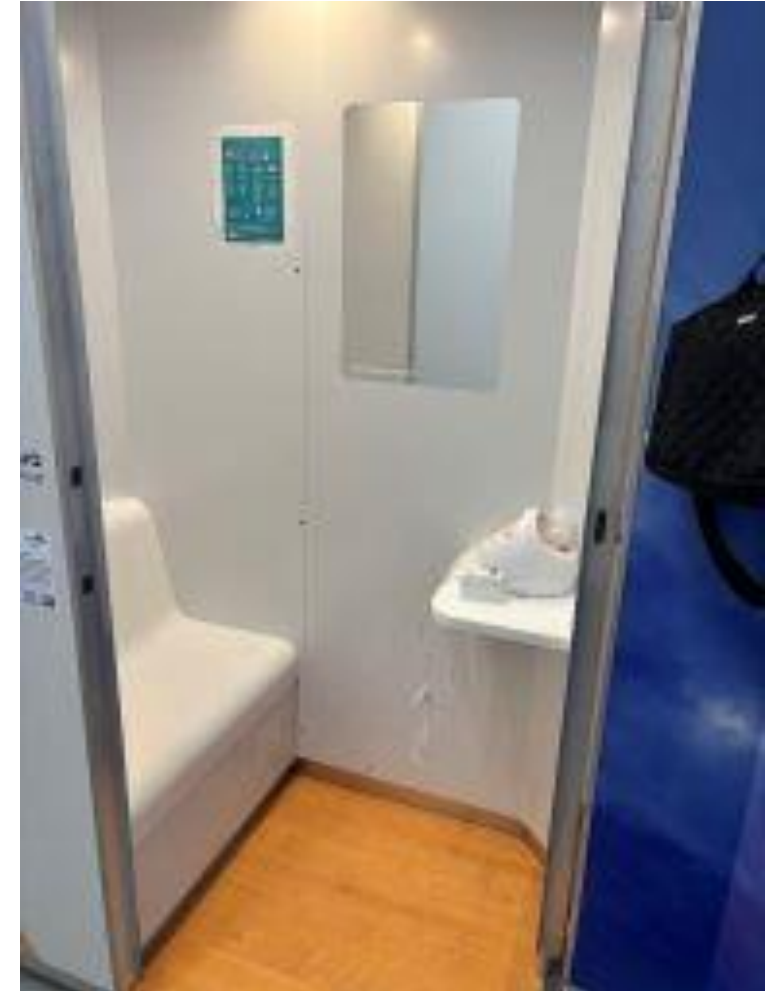
- Digital space reservation system to accommodate unique workflow and schedules
- Wellness Champion Team to guide communication effort
- Continuous training and education



Met Council Lactation Space (left)
Brooklyn Center School District (right)

STRONG WRITTEN POLICY

- Policy effort led by internal working group and supported by BFF criteria
- Training for managers and new hires
- PSE Change approach



Green Thumb Industries Lactation Pod

CONTACT US



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www.publichealthlawcenter.org



facebook.com/publichealthlawcenter



@publichealthlawcenter



linkedin.com/company/public-health-law-center-inc



Breastfeeding support in the workplace

Holly Glaubitz

Workplace wellness coordinator | Minnesota Department of Health

Think about it (4 of 4)

Breastfeeding benefits:

- The breastfeeding parent only
- The baby only
- Both breastfeeding parent and baby

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 more often for non breastfed infants.



94%
retention

Why support breastfeeding in the workplace

Employer of
choice



Breastfeeding Friendly Recognition Program

Purpose of the program

- Increase the number of workplaces supporting breastfeeding families.
- Recognize the importance of employer support.
- Support parents wishing to continue to breastfeed after returning to work.



STEP(s) to becoming BFF



Support



Time



Education



Place

Application Process

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 online Breastfeeding Friendly Workplace application.](#)
 - Applications are due:
 - March 15
 - June 15
 - Sept. 15
 - Dec. 15

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

Next Steps

- 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 mnbreastfeedingcoalition.org.
- Apply for recognition.



Thank You

Learn more

- Stay up to date with the Labor Standards by signing up for the “Wage and Hour Bulletin.”
- To sign up, visit dli.mn.gov/bulletin or scan the QR code.
- Contact Labor Standards at 651-284-5075 or dli.laborstandards@state.mn.us.



Wage and Hour Bulletin



Thank you for your participation

Scan the QR code or visit the [survey page](#) to submit the survey form.



Webinars



Sept. 10: Working while learning: What to know about youth employment during the school year



Sept. 17: Conozca sus derechos laborales: Lo que toda persona trabajadora debe saber



To register, visit dli.mn.gov/events.

Thank you

Contact Labor Standards at

651-284-5075

dli.laborstandards@state.mn.us

dli.mn.gov