

The PUMP for Nursing Mothers Act: What You Should Know



What is the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act?

The [PUMP for Nursing Mothers Act](#) (“PUMP Act”) is a new law that makes several important changes to the [Break Time for Nursing Mothers law](#), which has required since 2010 that employers nationwide provide reasonable break time and a private, non-bathroom space for lactating employees to pump milk during the workday. The 2022 PUMP Act was passed to close some of the loopholes in the original 2010 law.

What changes were made by the PUMP Act?

The 2022 PUMP Act:

- Almost entirely closes the coverage gap that left 1 in 4 women of childbearing age without federal protection of their right to break time and a private space to pump during the workday. It expands the legal right to receive pumping breaks and private space to nearly 9 million more workers, including teachers, registered nurses, farmworkers, and many others.
- Makes it possible for an employee to file a lawsuit against an employer that violates the law. Before the PUMP Act became law, employees who were harmed when their employer did not provide break time and space were not able to seek a monetary remedy in court.
- Clarifies that pumping time counts as time worked when calculating minimum wage and overtime if an employee is not completely relieved from their work duties during the pumping break.

What rights do lactating employees have under the law?

Under the Break Time for Nursing Mothers law, as updated by the PUMP Act, **employers of ALL sizes** are required to provide a reasonable amount of break time and a clean, private space for lactating workers to express milk for up to one year following the birth of the employee’s child. The pumping space cannot be a bathroom. These protections apply regardless of the employee’s gender.

Employers that have fewer than 50 employees are covered by the law and must provide break time and space; however, they may be excused from complying when providing the required break time and space would impose a significant difficulty or expense (called an “undue hardship”). Undue hardship is extremely rare. In almost all situations, employers with fewer than 50 employees must provide the required break time and space.

Employees may have additional rights to receive break time, space, and modifications at work for lactation under other federal and state laws. See below for where to go for help.

Who is protected by the PUMP Act?

Thanks to the PUMP Act, nearly all workers are now covered by the federal lactation break time and space requirements.

Special rules apply to **certain rail carrier and motorcoach employees**. See below for more information.

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Unfortunately, airline flight crewmembers (**flight attendants and pilots**) remain uncovered by the law. Airline employees who are not crewmembers are covered and have the same right to receive break time and space as employees in other industries. Many crewmembers – as well as workers in all industries - have a right to lactation break time and private space under other federal and state laws or through their employer’s internal policies. They may be able to receive break time and space as a reasonable accommodation under the [Pregnant Workers Fairness Act](#) when that law goes into effect on June 27, 2023. See below for information on where to go for help.

When does the PUMP Act go into effect?

The legislation’s requirement to provide lactation break time and space to previously uncovered workers (teachers, registered nurses, farmworkers, and others) went into effect on December 29, 2022. The law’s expanded enforcement provision, which gives a right to file a lawsuit for monetary remedies, included a 120-day delay, making the effective date for that provision April 28, 2023.

In addition, there is a 3-year delay in the implementation of the protections for certain rail carrier and motorcoach employees. See below for more information about these employees.

What can an employee do if their employer refuses to comply with the law?

If an employer refuses to comply with the law, employees can take action in a number of ways:

1. Employees can file a complaint with the U.S. Department of Labor Wage and Hour Division (WHD) by calling the toll-free number 1-800-487-9243 or by visiting www.dol.gov/whd. An employee will then be directed to the nearest WHD office for assistance, and WHD will investigate. It is illegal for an employer to fire or discriminate against an employee for filing a complaint.
2. Employees may also contact the free helplines from the [Center for WorkLife Law](#) and/or [A Better Balance](#) for assistance in understanding their legal rights and options. (Helpline support is available in English and Spanish, with other languages on request.)
3. Employees may choose to file a lawsuit against their employer.

A lawsuit can be filed right away in the following circumstances:

- For violations of the *break* time requirement.
- If the employer has indicated it has no intention of providing private *space* for pumping.
- If an employee has been fired for requesting break time or space.

It is important to be aware that to be allowed to file a lawsuit for a violation of the lactation *space* requirement, an employee must notify their employer that an adequate space has not been provided. Employees must do this 10 or more days before filing a lawsuit in court. Informing an employer that the lactation space is not adequate may give the employer an opportunity to provide what is needed.

* An employee does not need to file a complaint with the Department of Labor before filing a lawsuit.

What rules apply to rail carriers and motorcoaches?

Rail carriers are covered by the PUMP Act, but there are a few differences in how the law is applied for (1) members or train crews involved in the movement of a locomotive or rolling stock, and (2) rail carrier employees who maintain the right of way. For these employees, the law will go into effect on December 29, 2025. Additionally, for these employees, the rail carrier employer is not required to take actions that would require significant expense (for example, adding an additional train crewmember or removing seats). It is not a “significant expense” to install a

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curtain or other screening device. Rail carrier employers are also not required to take actions that would be unsafe for employees who maintain the right of way.

Motorcoach Service Operators (as that term is defined in the Motorcoach Enhanced Safety Act) are covered by the PUMP Act, but there are a few differences in how the law is applied to employees who are involved in the movement of a motorcoach. For these employees, the law will go into effect on December 29, 2025. Additionally, for these employees, the motorcoach employer is not required to take actions that would require significant expense (for example, removing seats or unscheduled stops). It is not a “significant expense” to install a curtain or other screening protection or to pump during a scheduled stop. Motorcoach employers are also not required to take actions that would create unsafe conditions.

How does the PUMP Act interact with state and local laws?

The PUMP Act protects workers nationwide. State and local laws that provide additional protections remain in effect and are not changed by the PUMP Act.

Where can employees get help and learn more?

Information on the law: The Department of Labor is responsible for the enforcement of the law. Find information and guidance on the [Break Time for Nursing Mothers](#) webpage.

Examples of how to make it work: The Office on Women's Health hosts the [Supporting Nursing Moms at Work](#) website, a searchable resource featuring examples of time and space solutions from businesses across the country.

Help understanding or enforcing the law: A Better Balance and Center for WorkLife Law are nonprofit organizations that host free and confidential legal helplines where an employee can get answers to their questions:

- Contact the Center for WorkLife Law helpline by emailing hotline@worklifelaw.org or calling (415) 703-8276.
- Contact A Better Balance by calling 1-833-NEED-ABB or using the [online form](#).