



e-Alert

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e-Alert: Two New Protections for Pregnant and Nursing Workers

Background

In the last few days of 2022, President Biden signed into law two new laws, the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act) and Pregnant Workers Fairness Act (PWFA). These new laws expand upon current federal protections for pregnant and nursing workers.

Summary

Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act)

The PUMP Act took effect immediately which requires that employers provide reasonable break time for a nursing mother for up to one year after the child's birth. This Act does not apply to employers with less than 50 employees if the requirements of this Act impose undue hardship. Additionally, employers must provide a private space for lactation, other than a bathroom. While lactation-related breaks are not required to be paid for nonexempt workers, the PUMP Act points out that if the employee is not completely

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relieved from their work duties, or is interrupted during their break, then the entire break period must be paid.

Pregnant Workers Fairness Act (PWFA)

The PWFA requires employers to provide reasonable accommodations for medical conditions related to pregnancy and childbirth. This legal obligation goes into effect in June 2023 and impacts employers with 15 or more employees. The PWFA is like the Americans with Disabilities Act (ADA), which provides employers with a legal obligation to reasonably accommodate individuals to perform the essential functions of their job, barring undue hardship. Previously, under federal law, most courts determined that pregnancy was not considered a disability entitled to a reasonable accommodation under the ADA. Some examples of a reasonable accommodation include restroom breaks, providing a leave of absence, different office equipment, such as stool, or removing lifting responsibilities.

Employer Next Steps

- Many states impose similar obligations; therefore, employers must apply the law that is most generous to the employee.
- Employers that do not have policies in place that address lactation and pregnancy accommodation, now is a good time to consider adopting these.
- Employers may want to consider training their managers and supervisors on these protections, so they may respond to these requests appropriately.
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your policy, please [email us](#).

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