

Key Protections of the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act, the Pregnant Workers Fairness Act, (PWFA) and California's Pregnancy and Lactation Accommodation Laws
(as of June 27, 2023)

- Accommodations during pregnancy and pregnancy-related postpartum conditions:
 - Under both federal and state laws, pregnant and postpartum employees have the right to
 - Note: the California law applies to every employer with five or more employees; for federal PWFA law, it applies to employers with 15 or more employees.
 - Reasonable accommodations to employees and applicants who have known physical or mental limitations related to pregnancy, childbirth, or related medical conditions (PWFA includes “unless the accommodation will cause the employer an undue hardship,” but California law does not permit such exceptions).
 - Employers may not discriminate or retaliate against an employee or applicant for requesting such accommodations.
 - In California, every pregnant employee is covered by Pregnancy Disability Leave (PDL) that provides eligible employees with up to four months (per pregnancy) of unpaid, job-protected leave in the event of a pregnancy, childbirth, abortion, loss of pregnancy, and/or pregnancy-related physical and mental conditions. PDL includes time off needed for prenatal or postnatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, loss or end of pregnancy, or any other related medical condition.
- California accommodation rights during lactation:
 - EVERY employer must provide
 - A reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child each time the employee has a need to express milk. (The PUMP act protections end one year after the child's birth, but California law does not have a time limitation)
 - The use of a room or other location, other than a bathroom, in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk, every time the employee has a need to express milk. If the space has multiple uses, lactation accommodation breaks take precedence over other uses.
 - The space must be safe, clean, and free from hazardous materials.
 - The space must contain: a place to sit; a surface to place a breast pump and personal items; access to electricity (or alternative devices, including but not limited to, extension cords or charging stations) needed to operate an electric or battery-powered breast pump; nearby (not necessarily in the same room) - access to a sink with running water and a refrigerator or employer-supplied cooler suitable for storing milk.
 - For agricultural workers, the lactation space can be inside an air-conditioned vehicle so long as it's private, enclosed and shaded.
 - Additional/clarified protections under the PUMP Act: If the employee is not completely relieved from all work duties, the break must be paid.

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- Employers with fewer than 50 employees may request an undue hardship exemption. However, the employer must still make reasonable efforts to provide a room or other location, other than a toilet stall, near the employee's work area, for the employee to express milk in private.
- Employers must have a policy regarding lactation accommodations including a statement about an employee's right to request lactation accommodations, the process for making an accommodation request, the employer's obligation to respond, and a statement about the employee's right to file a complaint with the Labor Commissioner for violations. The policy shall be included in the employee handbook and be distributed to new employees and when employees make an inquiry about or request parental leave.

Additional Resources

California Breastfeeding Coalition Lactation Rights page: <https://californiabreastfeeding.org/lactation-rights/>

California Work and Family Coalition: <https://www.workfamilyca.org/>

Legal Aid at Work: <https://legalaidatwork.org/our-programs/work-and-family-program/>

Pregnant @ Work (an initiative of the Center for WorkLife Law): <https://pregnantatwork.org/>

A Better Balance: <https://www.abetterbalance.org/>

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