


# WORKPLACE PROTECTION FOR PREGNANT, BREASTFEEDING/CHESTFEEDING PARENTS

	CURRENT FEDERAL LAW	PROPOSED FEDERAL LAW	PROPOSED FEDERAL LAW
	<p><b>Affordable Care Act</b> Signed into law in 2010</p>	<p><b>Pregnant Workers Fairness Act</b> Introduced in the 116th Congress and has passed the House. It was introduced in the Senate, referred to the HELP committee, passed with strong bipartisan support out of committee, and is waiting for a vote by the full Senate</p>	<p><b>PUMP for Nursing Mothers Act</b> Passed in the House of Representatives (HR 3110). Passed from Senate Committee unanimously (S. 1658). Awaiting full Senate vote. (Info below refers to House passed version, HR 3110.)</p>
<b>WHO IS COVERED?</b>	Includes only workers who are eligible for overtime ("non-exempt" employees) and workers expressing milk "for her nursing child." This excludes over 200,000 Michigan employees, such as teachers and registered nurses.	Includes all workers who are pregnant or have conditions relating to pregnancy (including lactation) if their employer has at least 15 employees.	Includes all workers, including those expressing milk following surrogacy, infant loss or adoption.
<b>LEAVE</b>	Does not address	Employers may be required to provide leave as a reasonable accommodation in certain circumstances.	Does not address
<b>STAFF TRAINING ON BREASTFEEDING SUPPORT</b>	Does not address	Does not address	Requires federal Dept of Labor to publish guidance for employers.
<b>TIME</b>	Breaks must be provided as often as needed, and can last a "reasonable" period of time. The Dept. of Labor has noted that the length of reasonable breaks under this law will vary and includes time spent pumping, traveling to lactation space, set up and clean up.	Breaks must be provided as-needed, "when appropriate," as a reasonable accommodation. Specifics of the break will vary based on the person's needs.	Breaks must be provided as often as needed, and can last a "reasonable" period of time. The Dept. of Labor has noted that the length of reasonable breaks under this law will vary and includes time spent pumping, traveling to lactation space, set up and clean up.
<b>SPACE</b>	Space free from intrusion and shielded from view that is not a bathroom.	As-needed, "when appropriate," as a reasonable accommodation. Specifics of the space will vary based on the person's needs.	Space free from intrusion and shielded from view that is not a bathroom.

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	Affordable Care Act	Pregnant Workers Fairness Act	PUMP for Nursing Mothers Act
<b>AGE OF CHILD</b>	Up to 1 year following birth	Not restricted	Up to 2 years
<b>COMPENSATION DURING MILK BREAKS</b>	Breaks may be unpaid, but there may be exceptions in the case of employees who work while pumping or when the breaks would normally be paid.	Lactation breaks for workers who have accommodations may be unpaid, but there may be exceptions in the case of employees who work while pumping or if the breaks would normally be paid.	Breaks may be unpaid, but there may be exceptions in the case of employees who work while pumping or when the breaks would normally be paid. Provides more clarity around the circumstances when breaks must be paid.
<b>ANY EXEMPTION QUALIFICATIONS</b>	Employers with fewer than 50 employees may be exempt if it would cause an undue hardship on the employer to provide the break time or space in that particular circumstance.	Does not apply to workplaces with fewer than 15 employees. Employers covered by this law do not need to provide an accommodation if it would cause them an undue hardship, however, they are still required to engage in a good faith interactive process to determine if there is an accommodation available which would not cause an undue hardship.	Employers with fewer than 50 employees may be exempt if it would cause an undue hardship on the employer to provide the break time or space in that particular circumstance.
<b>REPORTING &amp; PURSUING PENALTIES FOR NON-COMPLIANCE</b>	File a complaint with the Dept. of Labor. Extremely limited ability to get justice in court.	File a complaint with the EEOC or file a lawsuit in court.	File a complaint with the Dept. of Labor or file a lawsuit in court.
<b>OTHER PROVISIONS</b>	 <p><b>Michigan Breastfeeding Network supports the passage of all of the Federal Legislation addressed above, and will continue to advocate for stronger protections for breastfeeding and chestfeeding parents.</b></p>		Requires a study and report to Congress on racial disparities that exist with respect to access to pumping in the workplace and potential solutions.

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## **BENEFITS OF BREASTFEEDING FOR FAMILIES, EMPLOYERS AND SOCIETY:**

Human milk feeding benefits parents, children, families, society, and the environment. It is good for a company's bottom line and drives economic vitality. According to the 2008 U.S. Department of Health and Human Resources Business Case for Breastfeeding, investing in lactation support services in the workplace results in a 3-to-1 return on investment through greater employee retention, increased productivity, lower healthcare costs, and lower employee absenteeism rates due to fewer sick days. In turn, businesses with workplace breastfeeding support enjoy higher retention rates of valued employees who report increased job satisfaction, morale, and company loyalty.

## **ADDITIONAL RESOURCES**

MIBFN Tools: [mibreastfeeding.org/tools](https://mibreastfeeding.org/tools)

MIBFN Policy Priorities: [mibreastfeeding.org/policy-priorities](https://mibreastfeeding.org/policy-priorities)

Center for WorkLife Law: 415-703-8276 or [hotline@worklifelaw.org](mailto:hotline@worklifelaw.org)

**Thanks to the Center for WorkLife Law for  
assistance interpreting the law for this resource.**