



Workplace Accommodations for Nursing Mothers (HB 1177)

New mothers should not be penalized at work because they want to provide food for their babies. Though some legal protections exist to help new mothers maintain milk supply while away from their children, too many mothers are forced to stop breastfeeding before medical experts recommend and before they and their child are ready to stop.

The health benefits of breastfeeding include reduced infant mortality. The American Academy of Pediatrics recommends that mothers breastfeed exclusively for six months and preferably for a year.

New mothers in Pennsylvania are not meeting this breastfeeding goal. One major reason is the challenge working women face when trying to maintain their milk supply after returning to work, when some employers refuse to accommodate their need to express breast milk. In fact, half of all new mothers report that their employment plans had an impact on their breastfeeding decisions.

In order to develop and maintain her milk supply, a working mother must express milk, or pump, during the workday using a portable breast pump. Every woman is different, but many need to pump two times during an eight-hour shift for 15-20 minutes each time in order to maintain a milk supply.

Without basic workplace protections for new working mothers, some Pennsylvania workers are forced to pump milk in unsanitary places, like toilet stalls and janitors' closets. Some women are also forced to pump in a public location, or not given enough break time to pump.

An employer's refusal to accommodate a woman's need to express milk for her baby can lead to physical pain for the woman and a sharp reduction in her milk supply. Within a few days of being unable to express milk during the workday, she will be unable to provide her child with the benefits of breast milk.

Health Benefits of Breast Milk

Breastfeeding has many health benefits for mothers and babies. These benefits include strengthening the baby's immune system and decreasing the risk of Sudden Infant Death Syndrome.

A working mother cannot achieve the AAP recommendation that she breastfeed exclusively for six months and preferably for a year if her employer refuses to allow her to safely and privately express milk in the workplace.

Current Law Fails to Adequately Protect Nursing Workers

Some working mothers have legal protections if their employer refuses to grant their request for an accommodation, but far too many women fall through gaps in the law.

In 2010, the federal Affordable Care Act (ACA) added important protections to the Fair Labor Standards Act (FLSA), including two guarantees for nursing mothers: that employees will have a sanitary place at work where they can express milk; and that employees receive unpaid break time to pump. ACA/FLSA protections only last for 1 year. An employer must provide the space and unpaid time unless doing so imposes an “undue hardship” on those with fewer than 50 employees.

However, the ACA/FLSA provisions do not apply to everyone. Women who do not receive overtime pay under FLSA — that includes executive, administrative, and professional workers — are not protected by this law. Workers left out of the ACA/FLSA protections do not have a right to express milk in the workplace in Pennsylvania unless they work in Philadelphia, where a local law protects them.

The Workplace Accommodations for Nursing Mothers Act will give employees across the Commonwealth:

- Unpaid break time or the ability use the paid break time they already have;
- A private, clean place to pump;
- Without a one-year limit

Pennsylvania lags behind other states on this issue. The majority of states provide these basic workplace protections for nursing mothers.

To ensure fairness to employers, this bill does not require them to provide space for their employees to pump if doing so would result in an “undue hardship.”

For More Information

For more information about workplace accommodations for nursing mothers, contact Tara Murtha of the Women’s Law Project at tmurtha@womenslawproject.org and 215.928.5766.