



12 Days Of Handbook Updates: The PUMP Act

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This is the second of our 12 Days of Handbook Updates that take you through 12 important topics for employers as we round out the year.

The Providing Urgent Maternal Protections for Nursing Mothers Act, known as the “PUMP Act,” was one of many [pregnancy-focused policies](#) we saw this year. The PUMP Act requires employers to provide employees with reasonable break time to express milk for up to one year after the birth of a child. The PUMP Act also entitles employees to a private space to pump that is free from intrusion.

As you update your handbooks this season and take another look at your lactation space(s), be sure to review the U.S. Department of Labor (DOL) [guidance](#) from early 2023 to ensure your policy and space are compliant with the PUMP Act.

Consider if you are giving your employees a “reasonable” amount of time to pump. The DOL guidance says there is no clear definition of a “reasonable” break time, stating, “The frequency, duration, and timing of breaks needed will vary depending on factors related to the nursing employee and the child.” Are your employees waiting too long to get access to the lactation room? In February, the [DOL announced](#) that a Michigan auto plant was going to give employees more space to nurse after the agency found the car manufacturer was unlawfully “forcing nursing mothers to wait up to 20 minutes for an

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available room[.]”

In addition, check to see if your lactation spaces are “functional.” The DOL says the space must have certain amenities, such as “a place for the nursing employee to sit, and a flat surface, other than the floor, on which to place the pump.” The employee also must have a place to safely store the milk, “such as in an insulated food container, personal cooler, or refrigerator.”

Amenities that are not required but encouraged include access to electricity and access to a sink near the space so employees can wash their hands and clean pump attachments. In July 2023, U.S. Postal Service employees filed a collective action against the USPS for allegedly failing to provide reasonable time to pump and forcing employees to pump in breakrooms and trucks.

Even if you have a lactation policy and space in place, check it twice.