



*Helping working families make it work.*

## **The Right to Pump at Work**

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### **+ Under federal law all hourly (“non-exempt”) workers have the right to time and space to pump breast milk at work.**

- Time: For up to one year after the child’s birth, nursing mothers are entitled to a reasonable amount of time to pump, as frequently as needed. Unless the employer already provides paid breaks to other employees, the time is unpaid.
- Space: Not a bathroom. The space must be sanitary, free from intrusion, and “functional” as a space for expressing breastmilk.
- Employers with less than 50 employees are excused from this requirement if compliance would impose an undue hardship.

### **+ Under D.C.’s Protecting Pregnant Workers Fairness Act, all nursing mothers are entitled to reasonable accommodations to pump breast milk.**

- All D.C. workers are covered except federal government employees.
- “Reasonable accommodation” is defined broadly to mean any change in the work environment or in the way things are normally done that does not cause undue hardship in the operation of the employer’s business.
- The employer may require medical certification. Medical certification should include the beginning date the accommodation is needed, the approximate duration and the reason for the accommodation.

### **+ What are some examples of reasonable accommodations?**

- More frequent or longer breaks;
- Temporary transfer to a different position;

- Relocating the employee's work area;
- Providing private (non-bathroom) space for expressing breast milk.
- The employer should respond to the request for accommodation in a timely manner, and should participate in good faith in the process of determining a reasonable accommodation with the employee.

## **Workplace Strategies**

- Plan ahead. A nursing mother should not wait until the first day back at work to raise the issue of when and where she will pump. She should initiate the discussion with her supervisor before she goes out on leave to have the baby.
- Remind the employer this is temporary. Most women need accommodations to pump breast milk at work for 9 months or less.
- Alert the employer that the accommodation may need to be adjusted over time. Most nursing mothers need to pump less frequently as their baby grows and as they begin the weaning process.
- Nursing mothers should ask for what they need. A nursing mother who does not ask her employer for what she needs to pump at work or accepts an inadequate accommodation offered by the employer is less likely to meet her breastfeeding goals. She also potentially makes it harder for other nursing mothers in her workplace to exercise their rights.

## **Need legal assistance?**

- This fact sheet is intended to provide general information about legal rights in the workplace. For legal advice, please consult an attorney.
- First Shift Justice Project can advise nursing mothers and/or their medical providers on these issues for free or low-cost. Please contact us at 240-241-0897 or [intake@firstshift.org](mailto:intake@firstshift.org). You may also consult our website: [www.firstshift.org](http://www.firstshift.org).