



Helping working families make it work.

The Right to Pump at Work

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

- **Time:** 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:** The space must be sanitary, free from intrusion, and “functional” as a space for expressing breastmilk.
 - Cannot be a bathroom
- Breastfeeding employees are covered for up to **one year after the birth of a baby**
- **Employers with fewer than 50 employees may be excused** from this requirement if compliance would impose an undue hardship.

Workers in D.C. and Virginia are also entitled to reasonable accommodations in the workplace related to breastfeeding

- **All D.C. workers are covered** except federal government employees.
- **Virginia workers** must work for an employer with **at least 5 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.
 - Examples of possible accommodations:

- More frequent or longer breaks
 - Temporary transfer to a different position
 - Relocating the employee's work area
 - Providing space (not a bathroom) for expressing milk
- **Employers may request a medical certification**
 - Medical certification should include the beginning date the accommodation is needed, the approximate duration and the reason for the accommodation.
- **Employers** 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?

First Shift Justice Project can advise nursing mothers and/or their medical providers on these issues for free.

Please contact us at (240)241-0897 or intake@firstshift.org.