



The Workplace Accommodations for Nursing Mothers Act

House Bill 1685 (Rep. Mary Jo Daley / Rep. Nick Miccarelli)

Studies show new mothers in Pennsylvania do not meet breastfeeding goals recommended by medical experts. One of the main obstacles women face regarding breastfeeding their babies is maintaining their milk supply after returning to work, when some employers refuse to accommodate their need to express breast milk.

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

Some women in Pennsylvania are being 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, 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. Public health experts say promoting and protecting breastfeeding contributes to a reduction in infant mortality. For these reasons, among others, the American Academy of Pediatrics recommends that mothers breastfeed exclusively for six months and preferably for a year. This goal is not possible for a working mother to reach 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 the gaps in the laws.

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 is behind other states on this issue. About half of all states, the District of Columbia, and Puerto Rico provide 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.”

Protecting Nursing Workers is Essential for Workplace Equality for Women

Despite holding public hearings in October of 2015 on the importance of workplace accommodations for nursing mothers in Pennsylvania, the Pennsylvania Legislature has failed to pass the Workplace Accommodations for Nursing Mothers Act, and it has also refused to move bills that would help rectify pay discrimination, raise the minimum wage, and address discrimination against pregnant workers.

The Pennsylvania Legislature’s refusal to support working women harms Pennsylvania’s children and their families.

This effort is supported by the Pennsylvania Campaign for Women’s Health, a group of more than 58 state, local and national organizations working together to improve the health and economic security of women and girls in Pennsylvania.

For more information about the Workplace Accommodations for Nursing Mothers Act or the Pennsylvania Campaign for Women’s Health, contact Tara Murtha of the Women’s Law Project at tmurtha@womenslawproject.org and 215.928.5762.