



Women's Economic Security Act

Annual Report
December 2025

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Executive summary

The Minnesota Department of Labor and Industry (DLI) is responsible for the enforcement of four provisions of the Women’s Economic Security Act (WESA), passed by the Legislature in 2014 and revised in subsequent years. WESA is a comprehensive employee protection law designed to protect and promote opportunities for women in the workplace. DLI enforces the following provisions of WESA: wage disclosure protection, pregnancy accommodations, pregnancy and parenting leave, and nursing mothers and lactating employees.

DLI also had enforcement authority over the Sick Leave Benefits; Care of Relatives law (M.S. § 181.9413) which was repealed by the Earned Sick and Safe Time (ESST) law (M.S. § 181.9445, et seq.) effective Jan. 1, 2024. ESST, proposed as part of WESA, is also within DLI’s enforcement authority but has separate annual reporting requirements.

DLI enforces employee rights under WESA through investigations of employee complaints, on-site visits to employer establishments and employee/employer outreach about WESA rights and responsibilities.

This report provides DLI investigative data and outcomes related to its enforcement of WESA for the most recent year (September 2024 through August 2025) and since the law’s adoption in spring 2014.

DLI annual WESA investigative summary

September 2024 through August 2025

Complaint type ¹	Complaints filed	Complaints closed	Violations found
Wage Disclosure Protection	1	1	1
Pregnancy Accommodations	36	22	22
Pregnancy and Parenting Leave ²	28	22	22
Nursing Mothers	25	20	20
Retaliation	21	19	19
Employee Notice	12	34	34
Total	123	118	118

Labor Standards received 77 WESA complaints in the prior reporting period, Sept. 1, 2023, through Aug. 31, 2024. In the current period, Sept. 1, 2024, through Aug. 31, 2025, the number of WESA complaints rose to 123, which marks an increase of approximately 59.74%. However, when compared to the period ending August 31, 2023, which saw only 24 total complaints filed, this represents more than a fivefold increase or 412.5% rise in total complaints over a two-year period.

¹ During this reporting period, complaint type encompasses shorter investigations known as inform and educate (I&E). I&Es account for 16 out of the total 123 complaints filed.

² The 28 complaints filed under Pregnancy and Parenting Leave include seven complaints related to the Reinstatement after Leave provisions pursuant to Minn. Stat. 181.942.

DLI cumulative WESA investigative summary

July 2014 through August 2025

Complaint type	Complaints filed	Complaints closed	Violations found
Wage Disclosure Protection	33	28	11
Pregnancy Accommodations	90	77	59
Pregnancy and Parenting Leave	74	67	35
Nursing Mothers	84	78	60
Sick Leave Benefits; Care of Relatives ³	18	16	0
Retaliation	39	35	35
Employee Notice	17	39	39
Total	355	340	239

Intake numbers

The Labor Standards Division's case management system can track intakes by issue. The data provided here shows the number of inquiries DLI received on each of the WESA topics from Sept. 1, 2024, through Aug. 31, 2025. Some of these intakes were questions about the law that DLI staff were able to answer on the spot. Others were complaints of violations that resulted in the investigations listed in the tables above.

Sept. 1, 2024, through Aug. 31, 2025

Topic of inquiry	Number of intakes
Wage Disclosure Protection	18
Pregnancy Accommodations	146
Pregnancy and Parenting Leave	277
Nursing Mothers	143
Retaliation	52
Employee Notice	39
Total WESA Intakes	675

Labor Standards received 700 WESA intakes in the prior reporting period, Sept. 1, 2023, through Aug. 31, 2024. The 675 intakes in this period represent a 3.57% decrease in WESA intakes.

Outreach and referrals

From Sept. 1, 2024, through Aug. 31, 2025, DLI participated in 71 outreach events that included information about WESA, reaching a total of 104,422 participants across Minnesota. These efforts included tabling at community events, presentations and business visits, providing direct engagement with workers, employers and community partners. Among these events were two specialized webinars co-hosted with the U.S. Department of

³ The Sick Leave Benefits; Care for Relatives (M.S. § 181.9413) law was repealed by the earned sick and safe time (ESST) law (M.S. § 181.9445, et seq.) effective Jan. 1, 2024.

Labor's Wage and Hour Division, the Public Health Law Center and the Minnesota Department of Health, which brought together health professionals, county health departments and nonprofit organizations to promote awareness of WESA-related rights and workplace protections. In fiscal-year 2025, DLI continued to use legislative funding to support outreach and enforcement activities related to nursing mothers, lactating employees, pregnancy accommodations and paid leave laws, including grants to community partners who reached 426,726 individuals statewide. DLI also maintains active referral relationships with other state agencies impacted by WESA, including a formal referral process with the Minnesota Department of Human Rights for complaints involving pregnancy accommodations or potential sex/pregnancy discrimination.

Introduction

The Minnesota Women's Economic Security Act (WESA) became law on Mother's Day 2014.⁴ It is a combination of 14 provisions designed to address gender equity, create new training and entrepreneurship opportunities for women and prohibit discrimination on the basis of familial status.

WESA includes four workplace protections that are enforced by DLI:

1. Wage Disclosure Protection (M.S. § 181.172);
2. Pregnancy Accommodations (M.S. § 181.939);
3. Pregnancy and Parenting Leave (M.S. § 181.941); and
4. Nursing Mothers and Lactating Employees (M.S. § 181.939).

DLI is authorized to enforce these WESA laws under the commissioner's authority of M.S. § 177.27. DLI may issue an order to an employer requiring it to comply with WESA and to cease and desist from violating the law. DLI can order an employer to pay back-wages, compensatory damages and liquidated damages to an employee who has suffered a wage loss due to a violation of a WESA workplace protection. DLI can order reinstatement of an employee and any other appropriate relief. DLI can also assess a penalty of up to \$10,000 for each violation for willful or repeated activities. In addition, M.S. § 181.944 gives workers the right to sue their employer in district court for violations of WESA. As of July 1, 2019, the Minnesota Attorney General's office also has enforcement authority over all of M.S. Ch. 181, which includes all four of these WESA laws.

Innovations in WESA enforcement and outreach

During this past reporting period, DLI added new and more efficient procedures for investigating WESA intakes and adopted innovative strategies to address systemic noncompliance. DLI began emphasizing informal resolution of cases, using pre-enforcement demand letters and inform and educate processes to resolve many intakes, as well as identifying systemic noncompliance and using strategic enforcement to address larger issues.

As DLI identifies systemic noncompliance, it has shifted some of its approaches to outreach as well. DLI used targeted strategic outreach to resident physicians, as well as working with DLI WESA grantees to reach additional audiences. DLI also used lessons from its own investigations to enhance outreach, specifically

⁴ Minnesota Session Laws 2014; Chapter 239 ([Chapter 239 - MN Laws](#)).

reaching out to third-party administrators and staffing agencies as industries needing additional information and education about WESA.

Informal resolutions

Employers continue to demonstrate gaps in awareness of their responsibilities under WESA. However, after learning about these obligations through DLI's investigative and outreach efforts, many comply willingly and expeditiously. During this reporting period, DLI witnessed an unprecedented increase in the overall volume of WESA-related complaints. Yet, DLI was successful in informally resolving most complaints (94.3%) by educating employers about their legal obligations, resulting in voluntary corrective actions. This 94.3% rate reflects that 116 of the 123 complaints filed during this reporting period were resolved informally.⁵

During this reporting period, 21 out of 118 completed investigations resulted in DLI securing voluntary agreements from employers to pay a total of \$81,574.10 in back-wages, compensatory damages and liquidated damages to 21 affected employees.

This marked efficiency and responsiveness highlight DLI's commitment to protecting Minnesota's workforce by swiftly addressing potential health risks and reinforces the importance of outreach and education to promote compliance and awareness of rights and responsibilities under the law. DLI will strive to continue fostering safer, more supportive work environments that enable pregnant employees and employees who are new parents in Minnesota to maintain their wellbeing while participating in the workforce.

Pre-enforcement demand letters

During this reporting period, DLI instituted the use of pre-enforcement demand letters to alert employers of violations identified during preliminary investigations. These letters detail the form and nature of potential violations, as well as the corrective actions needed for employers to achieve full compliance. DLI issued these letters in cases involving serious violations, particularly when employers appeared to be willfully noncompliant with WESA or when potential violations may have contributed to substantial lost wages for pregnant employees.

The primary purpose of this strategy is to speed up informal compliance to meet DLI's mandate to investigate complaints involving nursing mothers, lactating employees and pregnancy accommodations within 10 days of receipt, as well as avoid protracted legal processes via formal enforcement action.

DLI issued a total of 19 pre-enforcement demand letters leading to the eventual resolution of underlying WESA related violations. These letters addressed violations resulting from forcing pregnant employees into an early leave of absence in lieu of accommodation, failure to provide WESA required reasonable accommodations thereby rendering employees unable to continue working, failing to take reasonable steps to provide a clean, private and secure space to lactating employees who need to express milk during their work hours and failing to reinstate employees back to employment following the end of their pregnancy and parenting leave to their same position or one of comparable duties.

⁵ Although DLI closed a total of 118 complaints during this period, two of those required enforcement actions, which were resolved via consent orders and therefore are not counted as informal resolutions. The rest of the complaints (five out of 123) remain open.

Inform and educate (I&E) letters

DLI issued 16 WESA-specific I&E letters in this reporting period. DLI converted two of the I&E matters into investigations due to ongoing violations that the employers would not correct.

I&E letters are structured to specify the areas of suspected WESA noncompliance and to explain to the employer the specific requirements of the law. DLI asks the employer to respond in writing to the I&E letter and provide documents to show compliance. Employers that recognize noncompliance may provide a plan to DLI to come into compliance. After DLI is satisfied an employer either is complying with WESA or has revised its policies to come into compliance, the case is closed.

In this reporting period, the WESA I&E correspondence process was used to achieve the following outcomes:

- educating employers whose Human Resources personnel are headquartered outside of Minnesota about WESA requirements at issue;
- ensuring employers implement WESA notice requirements by including the notice in employee handbooks and providing it in employees' primary languages when relevant;
- encouraging employers to take reasonable steps to designate additional expression spaces to fully meet the needs of lactating employees;
- ensuring employers who publish handbooks of a national application to also maintain Minnesota-specific addenda to address WESA provisions; and
- protecting employees who fear retaliation by allowing them to preserve their anonymity while reporting WESA-related compliance concerns.

Strategic enforcement action

During this reporting period, complaints related to pregnancy and parenting leave increased sharply in comparison to other WESA complaints. Total complaints rose from eight in the previous reporting period (Sept. 2023 to Aug. 2024) to 28, which is a three-and-a-half-fold increase year over year. The number of violations found also grew by 175%, rising from eight to 22. Looking over a two-year span, total complaints have grown more than sixfold compared to the period ending Aug. 31, 2023, when only four complaints were filed.

Recognizing that the healthcare industry accounts for a significant portion of WESA-related complaints, including those relating to pregnancy and parenting leave, DLI took strategic steps when it received a complaint originating from a hospital employee. DLI aimed to address the specific violations but also ensured broader compliance across the network of hospitals and clinics associated with the employer.

Case study: Changes across a health system

DLI investigated Sanford, a health care organization operating 15 hospitals in rural Minnesota and found pregnancy and parenting leave violations when Sanford terminated an employee after she asserted her right to 12 weeks of parental leave. Sanford and DLI entered into a consent order which required Sanford to focus compliance efforts on WESA provisions relating to reasonable workplace accommodations and pregnancy and parental leave throughout all its hospitals and affiliate clinics in Minnesota.

Additionally, the consent order required Sanford to pay back-wages, compensatory damages and liquidated damages, \$40,000 in civil penalties based on DLI finding willful violations of Minnesota Statutes 181.939 and 181.941, with an additional \$160,000 in civil penalties stayed pending compliance with the consent order. All Sanford's Minnesota employee relations staff including Human Resources professionals were required to attend an annual WESA training conducted by DLI for two years. To date, DLI has trained 640 of the organization's staff, including third-party benefit administrator staff.

Because employers often rely on medical notes for guidance, over the course of the preceding reporting period, DLI worked with an obstetrician-gynecologist to create standardized provider letters that explain key parts of WESA. Building on that effort, DLI negotiated with Sanford to implement similar letters in all its facilities across Minnesota.

This strategy serves a dual purpose: to improve Sanford's own internal practices and increase awareness of WESA's protections across the workforce. When pregnant Sanford employees receive prenatal or related care within the Sanford system, these letters will help make sure that those employees, supervisors and Human Resources staff all receive clear, consistent information about WESA rights, across all 18 Minnesota counties in which Sanford operates in. This strategy also aims to educate all pregnant or nursing patients receiving care at Sanford facilities about their rights under WESA, so they are empowered to assert their rights as pregnant and nursing workers in Minnesota.

Targeted strategic outreach

Resident physicians

During this reporting period, DLI continued to encourage additional healthcare providers to implement standardized medical provider letters that explain key parts of WESA and provide them to nursing or pregnant women. These efforts included a presentation to resident physicians to educate them about WESA-specific provisions and promote the use of template letters. Resident physicians are still in training, therefore, their exposure to standardized letters and WESA in general may help extend the impact of DLI's work to other settings and patients. Feedback from a physician representing a major Minnesota-based health care system confirmed that DLI's approach to standardize doctor letters has been effective, noting that embedding sample language within electronic medical records made it easier for providers to support their patients.

Collaboration with DLI grantees

Building on these targeted outreach efforts, one recipient of a DLI WESA outreach grant, the Wilder African American Babies Coalition, convened a group of approximately 70 healthcare practitioners including lactation specialists, medical doctors, doulas and staff from partner organizations that work closely with families. Through interactive workshops and community-building sessions, the event created space for open discussion, practical learning and collective problem-solving. Participants left with concrete WESA resources, strategies and renewed motivation to better support pregnant, nursing and lactating employees, further extending the reach and impact of DLI's initiatives.

Applying lessons from a DLI investigation to enhance outreach

Outreach to third-party administrator

DLI developed and delivered training designed specifically for third-party administrators (TPAs), which are organizations hired by employers to provide outsourced administrative services and to help ensure compliance with various disability and leave laws.

Through its investigatory work, DLI found that several TPAs handling employment-related accommodations on behalf of Minnesota employers were located outside the state and were unfamiliar with Minnesota's WESA requirements. Because employers often outsource a key element of WESA compliance, specifically, the obligation to engage in an interactive process with respect to an employee's request for reasonable accommodations to these TPAs, it was essential for DLI to include one of the largest TPAs in its outreach efforts.

DLI tailored its training materials to reflect the operations of TPAs, incorporating real-life examples from DLI's files in which a TPA's lack of awareness of specific WESA requirements contributed to a violation. This training was designed not only to raise awareness but also to promote better coordination between employers and TPAs in upholding Minnesota's pregnancy accommodation and leave protections.

DLI plans to continue to take similar measures to inform and educate TPAs, whenever it is found that a TPA has contributed to a related WESA violation.

Outreach to staffing agencies

DLI's investigative work identified staffing agencies as a major player in achieving compliance with WESA. Staffing agencies often act as intermediaries between Minnesota workers and employers in their recruitment and placement processes.

In many cases, staffing agency personnel continue to maintain oversight over employees placed at client work sites. This dynamic frequently gives rise to joint employment relationships, where a worker protected under WESA may have an employment relationship with both the staffing agency and the client employer where they are placed.

Recognizing that this business model creates shared legal obligations and joint liabilities, DLI proactively developed and delivered targeted training materials to a staffing agency with a major presence in the Twin Cities and surrounding areas. These trainings aimed to educate the staffing agency staff on their WESA responsibilities and to influence the compliance practices of their client employers, ensuring that their staff understand their joint obligation to provide legally required accommodations and leave protections. DLI trained a total of 30 of the staffing agency's personnel who operate 15 branches in Minnesota.

WESA laws enforced by DLI

I. Wage Disclosure Protection (M.S. § 181.172)

The Wage Disclosure Protection law prohibits employers from requiring employees not to disclose their own wages or conditions of employment. It also prohibits employers from requiring employees to sign a waiver that purports to deny their right to disclose their wages. Employers cannot take adverse employment action against employees who disclose their own wages or discuss another employee's wages that were voluntarily disclosed by that employee.

Employers that have an employee handbook are required to include notice to their employees of their rights and remedies under the wage disclosure law.

DLI has provided the following sample notice language on its website to assist employers.

Notice to employees – *Under the Minnesota Wage Disclosure Protection law, you have the right to tell any person the amount of your own wages. Your employer cannot retaliate against you for disclosing your own wages. Your remedies under the Wage Disclosure Protection law are to bring a civil action against your employer and/or file a complaint with the Minnesota Department of Labor and Industry at 651-284-5070 or 800-342-5354.⁶*

In addition to investigating complaints about this issue, Labor Standards Investigators also identify when employers' written policies are in violation of this law. When that occurs, DLI educates the employer and provides DLI's sample written notice to employees about wage disclosure for inclusion in the employer's handbook. From Sept. 1, 2024, through Aug. 31, 2025, DLI found one wage disclosure related violation. Since the law's inception, DLI has received 33 complaints alleging violations of these laws.

II. Pregnancy Accommodations (M.S. § 181.939)

The Pregnancy Accommodations law requires employers to provide reasonable accommodations to employees with health conditions related to pregnancy or childbirth.

Eligibility for pregnancy accommodation protection under WESA changed on July 1, 2023, to allow protections under this law to any pregnant employee who works for an employer with 1 or more employees.

Also, effective July 1, 2023, employers must provide employees notice of pregnancy accommodation rights in employees' primary language at the time of hire and when an employee makes an inquiry about or requests parental leave and in an employee handbook if one is provided. DLI has provided a sample notice in multiple languages, which is available at dli.mn.gov/newparents#resources.

Pregnant employees are entitled to three types of accommodations without having to provide documentation from a licensed health care provider or certified doula or otherwise prove the accommodation is necessary. An employer may not deny any of these accommodations, nor claim they create an undue hardship:

⁶See dli.mn.gov/business/employment-practices/womens-economic-security-act-faqs.

1. more frequent or longer restroom, food and water breaks;
2. seating; and
3. limits on lifting more than 20 pounds.

Employees may, with the advice of a licensed health care provider or certified doula, request the employer provide other reasonable accommodations, such as transfer to a less strenuous position, temporary leave of absence, or modification in work schedule or job assignments. The employer and employee must engage in an interactive process with respect to an employee's request. An employer may deny requested pregnancy accommodations if it can show it would cause the employer an undue hardship. The employer cannot require an employee to take leave or accept pregnancy accommodations the employee does not want. Moreover, employers are prohibited from taking any adverse employment action against an employee for asserting their rights under this segment of WESA.

DLI must conduct an expedited investigation of pregnancy accommodation complaints. DLI is required to contact the employer within two business days and investigate the complaint within 10 days.

From Sept. 1, 2024, through Aug. 31, 2025, DLI received 36 complaints related to the Pregnancy Accommodations law, with 22 resulting in DLI finding violations of the law. The employers in these cases were contacted within two business days and the complaint investigated within 10 days of receiving the complaint, as is required under M.S. § 181.9435.

2025 Pregnancy Accommodations case examples

A pregnant employee, working as a cabinet installer for a mobile home manufacturer, was terminated after disclosing her pregnancy to her employer. The employer cited job performance as the reason for termination after the employee requested reasonable accommodations to adjust her work pace due to her high-risk pregnancy. Following the advice of her medical care provider, the employee requested to limit bending, avoid using a ladder and exercise caution while performing her duties. Some of these accommodations were provided to other employees.

Despite her requests, the employer took no action to accommodate her and instead proceeded with termination. DLI's investigation established that the employee was subject to retaliation and assessed \$5,544 in lost wages, for a period encompassing 42 workdays in which the employee lost income due to the termination. Although DLI is authorized to require employers to reinstate employees following a finding for wrongful termination, in this instance the employee was able to secure employment elsewhere and therefore reinstatement was not sought by DLI. As a condition for resolving the investigation, the employer committed to continuously assess its policies, including its handbook, to ensure up to date information with WESA and remain compliant with WESA going forward.

* * *

In another investigation, a delivery driver, facing a high-risk pregnancy, employed in the package delivery industry, requested reasonable accommodations to not lift more than 10 pounds and to work no more than an eight-hour shift following the advice of her medical care provider. The employer maintained that there were no positions available at the company that could accommodate the employee's restrictions and removed the employee from the schedule with no attempts at accommodating the employee.

DLI contacted the employer and explained M.S. §181.939, subd. 2 requirements regarding engaging employees in an interactive process with respect to the employee's request for reasonable accommodations. After engaging in a dialogue, the employer was able to transfer the employee into another facility where she was assigned duties that comply with all the reasonable accommodations she needed. Due to the employee's removal from the schedule, the affected employee sustained a loss of 120 hours she could have worked if her employer had transferred the employee earlier. DLI required the employer to issue \$2,850 in lost wages. As a condition for resolving the investigation, employer committed to continuously assess its policies, including its handbook, to ensure up to date information with WESA and to remain compliant with WESA.

III. Pregnancy and Parenting Leave (M.S. § 181.941)

The Pregnancy and Parenting Leave law requires that an employer provide at least 12 weeks of unpaid pregnancy and parenting leave within 12 months of the birth or adoption of a child. Employers are prohibited from taking any adverse employment action against an employee for requesting or obtaining a leave of absence provided in this section.

Eligibility for pregnancy and parenting leave under WESA changed on July 1, 2023, to allow protections under this law to any employee who works for an employer with 1 or more employees, regardless of how long the employee has worked for the employer.

In addition, as of Aug. 1, 2024, the Legislature amended WESA to specifically prohibit employers from reducing time spent on prenatal care appointments from the 12 weeks period provided under this section of the law.

From Sept. 1, 2024, through Aug. 31, 2025, DLI received 28 complaints related to the Pregnancy and Parenting Leave law, with 22 resulting in DLI finding violations of the law.

2025 Pregnancy and Parenting Leave case examples

An employee working in post-acute care services, reported that her employer's failure to pay for its share of her health insurance premiums while on her pregnancy leave led to the termination of her health insurance. The affected employee's family including her newborn and spouse incurred a total of \$15,633.95 in medical expenses that were rejected for payment by the insurance carrier.

DLI's preliminary investigation found that the employer failed to maintain coverage under the employer's group health insurance policy after the employee commenced her pregnancy leave.

DLI communicated with the employer and explained that M.S. 181.941, subd. 4 requires employers to maintain health coverage for employees and their dependents during a leave of absence pursuant to M.S. 181.941, subd. (1).

As a result, the employer reinstated the employee's insurance retroactively from the termination date until the expected return to work date. As a condition for resolving the investigation, employer provided evidence supporting that all the medical expenses incurred were paid.

* * *

In another case, a pregnant vocational nurse employed in the health care industry was denied a request for leave of absence pursuant to M. S. §181.941 in conjunction with the birth of her child. In this case, the employee was referred to a third-party administrator (TPA) contracted by her employer.

The TPA maintained that the employee was only eligible for six weeks of leave and that any further leave must be supported by a letter from the employee's medical care provider. As such, the employee was approved for only six weeks of leave instead of the full 12 weeks she was entitled to under M.S. § 181.941.

DLI reached out to the employer and collaborated with the employer's legal counsel to ensure that all TPAs assigned to the employer's Minnesota-based employees must undergo a DLI training to educate them on WESA requirements. The affected employee was allowed to take 12 weeks of leave.

As a condition for resolving the investigation, DLI required the TPA to participate in a DLI-delivered training. DLI tailored its training materials to reflect the operations of TPAs, incorporating real-life examples from its caseloads in which a similar TPA's lack of awareness of specific WESA requirements contributed to a violation.

IV. Nursing Mothers and Lactating Employees (M.S. § 181.939)

The Nursing Mothers and Lactating Employees law requires employers of any size to provide both a reasonable amount of time and a suitable space for an employee to express milk.

An employer must provide reasonable, paid break times each day to any employee who needs to express milk. Changes to M.S. § 181.939 effective July 1, 2023, eliminate certain exceptions to the law, including eliminating the one-year time limit on expressing milk and the exception allowing an employer to not provide breaks to express milk if doing so would unduly disrupt the employer's operations.

Under the law, employers must provide employees a notice of nursing mothers and lactating employee accommodation rights in the employees' primary language at the time of hire and when an employee makes an inquiry about or requests parental leave and in an employee handbook if one is provided. DLI has provided a sample notice in multiple language at dli.mn.gov/newparents#resources.

An employer must make a reasonable effort to provide a clean, private and secure space to express milk that:

1. is in close proximity to the work area;
2. is a room other than a bathroom or toilet stall;
3. is shielded from view;
4. is free from intrusion from coworkers and the public; and
5. includes access to an electrical outlet.

DLI must conduct an expedited investigation of nursing mother complaints. DLI is required to contact the employer within two business days and investigate the complaint within 10 days.

Employers cannot reduce an employee's compensation for time taken to express milk. However, the law does not require employers to start paying for current unpaid break time used to express milk, such as a meal break.

Importantly, an employer may not retaliate against an employee for asserting rights or remedies under the Nursing Mothers and Lactating Employees law.

From Sept. 1, 2024, through Aug. 31, 2025, DLI received 84 complaints related to the Nursing Mothers and Lactating Employees law, with 60 resulting in DLI finding violations of the law. The employers in these cases were contacted within two business days and the complaint investigated within 10 days of receiving the complaint, as is required under M. S. § 181.9435.

2025 Nursing Mothers and Lactating Employees case examples

A new mother employed as store manager in the retail industry complained that after returning from maternity leave, her employer failed to make reasonable efforts to provide a clean, private and secure space to express milk as required under M.S. § 181.939. The employee raised concerns multiple times with her employer, however, no reasonable efforts were taken to provide a compliant space across two branches where she worked.

DLI found that the employer violated its obligations under M.S. § 181.939 when the employee was required to express in non-compliant spaces such as multipurpose closet without a lock or electrical outlet and inside a restroom.

DLI negotiated with the employer and entered into an agreement in which the employer acknowledged violating M.S. § 181.939, subd. 1 (b) for a period of 40 days. The employer also failed to issue a written notice informing the employee of her rights under M.S. § 181.939.

DLI required the employer to institute policies to prevent the reoccurrence of similar violations. DLI required the employer to provide evidence it had made reasonable efforts to identify a compliant lactation space. The employer created a portable lactation area comprised of a “pop tent” placed at a corner of a conference room, with a chair and table placed inside and access to an electric outlet. The employer also agreed to pay compensatory damages to the affected employee totaling \$11,539.20.

* * *

A health care support worker in the human services industry reported that her employer refused to accommodate her needs to express milk unless she agreed to be transferred to an overnight shift. Her employer explained that overnight hours are more suitable for taking lactation breaks because most patients are asleep at that time.

DLI contacted the business owner and educated the owner on her obligations under Minn. Stat. § 181.939, subd. 1 (d) regarding the prohibition against penalizing nursing mothers for asserting their rights under the statute. The owner understood her obligations, which in addition to prohibiting her from retaliating against the employee, also requires her to provide reasonable break times to express milk that meet the employee’s needs in terms of duration and frequency.

The owner and the employee agreed on an expression schedule that met the affected employee’s needs, and she was able to continue working her usual schedule.

DLI outreach

DLI's Labor Standards Division responds to over 20,000 inquiries annually from workers, employers and others regarding wage and hour issues, including protections under WESA. In addition to responding to individual questions, Labor Standards leads proactive outreach and education efforts to help both employees and employers understand their rights and responsibilities under these laws.

Labor Standards provides written materials about WESA to employers and employees and maintains a dedicated webpage focused on workplace rights for new and expectant parents. The site includes FAQs, information about the latest updates to workplace protections, videos and brochures in English, Hmong, Somali and Spanish.

To keep employers informed, Labor Standards also distributes a monthly email bulletin covering key topics such as minimum wage, overtime, tips, wage deductions, child labor and WESA requirements.

Labor Standard's outreach efforts are wide ranging and community focused. Staff regularly participate in community expos and tabling events, deliver in-person and virtual presentations and webinars and attend Facebook Live sessions and interviews hosted by partner organizations. Labor Standards also meets with grantees and community-based organizations to share resources and strengthen connections with workers across the state.

From Sept. 1, 2024, through Aug. 31, 2025, DLI participated in 71 outreach events where WESA-related information or training was provided, reaching 104,422 participants across Minnesota. These outreach efforts included tabling at community events and presentations, allowing for direct engagement with workers, employers and community partners. Among these events were two specialized webinars co-hosted with the U.S. Department of Labor's Wage and Hour Division, the Public Health Law Center and the Minnesota Department of Health. These sessions brought together health professionals, county health departments and nonprofit organizations to discuss workplace protections and promote awareness of WESA related rights and resources.

Additionally, DLI updated and distributed multilingual brochures (English, Spanish, Somali and Hmong) outlining WESA rights for pregnant and new parents. A total of 13,162 brochures were distributed to over 60 community health and outreach locations, including:

- 9,670 in English
- 2,284 in Spanish
- 794 in Somali
- 414 in Hmong

Distribution sites included WIC offices, OB-GYN clinics, hospitals, public health departments and culturally specific organizations across Minnesota. Locations spanned urban and rural areas, including St. Paul, Minneapolis, Duluth, Rochester, Mankato, Bemidji, Worthington and more.

DLI also maintained online materials relating to WESA. The pregnant workers and new parents page received 20,153 visits between Sept. 1, 2024 and Aug. 31, 2025. DLI produced informational videos in English, Hmong, Somali and Spanish explaining WESA rights and responsibilities. These videos were viewed almost 400 times this past year.

DLI's monthly email newsletter, the "Wage and Hour Bulletin," covers various topics throughout the year and the March 2025 edition, which focused on WESA, was distributed to approximately 47,824 subscribers."

Additional information and FAQs about WESA are available at dli.mn.gov/business/employment-practices/womens-economic-security-act-faqs and at dli.mn.gov/newparents.

DLI has developed a series of workplace fact sheets for employers and employees that are available online.

- Wage disclosure: dli.mn.gov/sites/default/files/pdf/wage_disclosure.pdf
- Pregnancy and parenting leave, pregnancy accommodations and nursing mothers: dli.mn.gov/sites/default/files/pdf/WESA_poster.pdf
- Pregnancy and parenting leave: dli.mn.gov/sites/default/files/pdf/parental_leave.pdf
- Earned sick and safe time: dli.mn.gov/sites/default/files/pdf/sick_leave.pdf

DLI referrals

Minnesota Department of Employment and Economic Development

DLI refers questions related to workforce development to the Department of Employment and Economic Development (DEED). Specifically, DEED administers a WESA grant program to assist women in obtaining employment in high-wage and high-demand occupations.

DLI also refers questions related to unemployment insurance to DEED. Under WESA, employees may be eligible for unemployment benefits if they quit their job because of abuse, sexual assault or stalking.

Minnesota Department of Human Rights

DLI refers questions related to equal pay certificates to the Minnesota Department of Human Rights (MDHR). Businesses contracting with Minnesota state agencies must have an Equal Pay Certificate issued by MDHR if the contract exceeds \$500,000 and the business has 40 or more full-time employees.

DLI also refers questions related to the Familial Status Protected Class law to MDHR. Under WESA, “familial status” was added to the list of protected classes against whom labor organizations, employers and employment agencies cannot discriminate. Familial status is defined in the Minnesota Human Rights Act as a: (1) parent, guardian or designee of a parent or guardian who lives with at least one minor; or (2) a person who is pregnant or is in the process of securing legal custody of a minor.⁷

In addition to taking pregnancy accommodation complaints, DLI refers possible cases of pregnancy discrimination directly to MDHR.

Minnesota Department of Health

DLI refers employers to MDH’s Breastfeeding Friendly Workplaces Program, a voluntary recognition program for workplaces that have demonstrated their commitment to supporting breastfeeding mothers by creating a workplace lactation support program health.state.mn.us/people/breastfeeding/recognition/index.html.

⁷Minnesota Statutes § 363A.03, subd. 18 (revisor.mn.gov/statutes/?id=363A.03).

Conclusion

From July 2014 through August 2025, DLI completed 340 investigations of alleged violations of the four WESA provisions within its legal authority. In the current period, Sept. 1, 2024, through Aug. 31, 2025, the number of WESA complaints rose to 123, which marks an increase of approximately 59.74 % and is the highest number of WESA complaints filed in a single year. DLI was successful in informally resolving 116 out of 123 filed complaints (94.3%) by educating employers about their legal obligations, resulting in voluntary corrective actions. After completing preliminary investigations into two separate complaints, DLI entered into a consent order with employer to resolve violations. In sum, DLI completed 118 investigations in this reporting period. In 21 investigations out of the 118, DLI secured voluntary agreements from employers to pay a total of \$81,574.10 in back-wages, compensatory damages and liquidated damages to 21 affected employees.

Through continued outreach and engagement about WESA to employers and workers, DLI is committed to raising awareness and helping employers remain or come into compliance with these important workplace protections.

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