



Supporting women in the workplace: Understanding Minnesota's Women's Economic Security Act protections

Labor Standards Division
Wednesday, Mar. 11, 2026

Labor and Industry business areas

- Apprenticeship Minnesota
- Construction Codes and Licensing Division
- Labor Standards
- Minnesota OSHA (MNOSHA) Compliance
- MNOSHA Workplace Safety Consultation
- Projects and planning
- Workers' Compensation Division



Labor standards enforced by DLI

- Minnesota Fair Labor Standards Act
- Women's Economic Security Act
- Child Labor Standards Act
- Minnesota Prevailing Wage Act
- Wage Theft Prevention Act
- Other laws related to employment, wages, conditions, hours.



Think about it (1 of 5)

Test question: Is today Wednesday?



Agenda

- Women's Economic Security Act
 - Sylvie Bisangwa
- Breastfeeding support in the workplace
 - Holly Glaubitz
- Minnesota Paid Leave
 - Dani Hans
- Paid Leave Job protections
 - Alanna Galloway
- Q&A



Think about it (2 of 5)

Is an employer required to allow a parent to express milk at the workplace?



Women's Economic Security Act

Sylvie Bisangwa | Labor Investigator
Labor Standards
MN Department of Labor and Industry

Training topics

- WESA provisions enforced by the Department of Labor and Industry (DLI)
- Real-world examples



WESA provisions enforced by DLI



1. Wage Disclosure Protection (Minnesota Statutes §181.172)
2. Nursing Mothers, Lactating Employees, and Pregnancy Accommodations (Minn. Stat. §181.939)
3. Pregnancy and Parenting Leave (Minn. Stat. §181.941);
4. Reinstatement Following Leave (Minn. Stat. § 181.942); and
5. Employer Notice Requirements (Minn. Stat. §181.939)

Nursing accommodations — Minn. Stat. § 181.939, subd. 1

An employer must provide **reasonable** break times each day to an employee who needs to express milk.

- Exact duration of breaks is subject to the biology of the nursing mother
- Predictable schedule — to prevent engorgement
- Following a specific pumping regimen based on advice of lactation specialist to promote milk supply
- Break times **may** run concurrently with any breaks already provided to employee



Nursing accommodations— Minn. Stat. § 181.939, subd. 1, continued

- The employer must make **reasonable efforts** to provide a **clean, private and secure room** or other location, **in close proximity to the work area**, other than a bathroom or a toilet stall, that is **shielded from view** and free from intrusion from coworkers and the public and that includes **access to an electrical outlet**, where the employee can express milk in privacy. The employer would not be liable if reasonable efforts have been made.
- “An employer shall not retaliate or discriminate against an employee for asserting rights or remedies under this subdivision.”



Statutory-compliant lactation areas



Pregnancy accommodations — Minn. Stat. § 181.939, subd. 2

Pregnancy accommodations

- An employer must provide **reasonable accommodations** to an employee for health conditions related to pregnancy or childbirth upon request, with the advice of a licensed healthcare provider or certified doula, unless the employer demonstrates that the accommodation would impose **an undue hardship** on the operation of the employer's business.
- A pregnant employee is **not required to obtain the advice of a licensed health care provider** or claim undue hardship for the following accommodations:
 1. more frequent or longer restroom, food and water breaks;
 2. seating; and
 3. limits on lifting over 20 pounds.
- The employee and employer shall engage in an **interactive process** with respect to an employee's request for a reasonable accommodation.

Pregnancy accommodations — Minn. Stat. § 181.939, subd. 2, continued

Subd. 2. Pregnancy accommodations.

- An employer **shall not require an employee** to take a leave or **accept an accommodation**.
- An employer shall not **retaliate or discriminate against** an employee for asserting rights or remedies under this subdivision.



Pregnancy accommodations — Minn. Stat. § 181.939, subd. 3

Notice to employees

- An **employer shall inform employees of their rights** under this section:
 - **at the time of hire** and when an employee makes an inquiry about or requests parental leave.
 - Information must be provided in **English and the primary language of the employee** as identified by the employee.
 - An employer that provides an employee handbook to its employees must include in the handbook notice of employee rights and remedies under this section.
- Examples available at dli.mn.gov/newparents.



Pregnancy and parental leave — Minn. Stat. § 181.941, subd. 1

All employees, **regardless of employer size or how long they have been employed**, have a right to **12 weeks** unpaid leave during or following a pregnancy.

The 12 weeks of unpaid leave can be during or following pregnancy for prenatal care, pregnancy or related health conditions, childbirth or adoption or bonding time by a birthing or non-birthing parent.



Pregnancy and parental leave — Minn. Stat. § 181.941, subd. 2



An employee's leave shall begin at a time requested by the employee.

- the employer may adopt reasonable policies governing the timing and length of requests of unpaid leave;
- leave must begin within 12 months of birth or adoption of the child;
- except when a child stays in the hospital longer than the mother — leave must begin within 12 months after child leaves hospital; and
- employers cannot deduct prenatal appointments from 12 weeks.

Reinstatement following leave — Minn. Stat. § 181.942



Employees returning from leave are entitled to:

- Reinstatement into **former position or a comparable position** — same pay, hours in addition to any automatic changes to their pay that may have occurred during their leave.
- Retain all accrued benefits including seniority.
- Employee can return on part-time basis, but this is not an obligation — employers are required to reinstate the employee into the same or similar position prior to leave.
 - Returning part time, which some new mothers want to do when reentering the workforce, is at the employer's discretion.

Real-world example one

- A therapist reported that her employer refused to honor her rights to pregnancy leave, insisting that she provide a doctor's note to substantiate her need for leave.
- After she submitted a note from her medical provider indicating the necessity for six to eight weeks of leave following childbirth, the employer still denied her request, citing staffing needs and the inability to guarantee that her position would be available after her leave.
- The employer was unaware that an employee must be reinstated to their former position or a comparable position following the end of their pregnancy leave, with the same number of hours and pay.
- **Resolution:** After DLI informed the employer of its obligations under WESA, the employer granted the employee the requested leave in accordance with WESA.

Real-world example two

- A health care support worker reported being forced into an early leave of absence instead of her employer giving her reasonable accommodations supported by a note from her medical provider. Accommodations included:
 - More frequent water and bathroom breaks;
 - sitting at regular intervals;
 - and not assisting with emergencies such as CPR, which required kneeling and lifting.
- **Resolution:** DLI informed the employer about its obligations under WESA. The employer then coordinated with other staff to assist the affected employee with lifting patients and supported the employee's need to sit and take breaks as required.
- DLI found that the employee could have performed all essential job duties if her accommodations had been provided in a timely manner.
- The employer was required to pay the employee back wages to reimburse her for lost wages when the employer gave her leave instead of the accommodations.

Think about it (3 of 5)

How can employers support employees who are lactating?



Breastfeeding support in the workplace

Holly Glaubitz

Workplace Wellness Coordinator | Minnesota Department of Health

The benefits of breastfeeding

- For the parent



- For the baby



Breastfeeding recommendations

- American Academy of Pediatrics and the World Health Organization Supports
 - Breastfeeding exclusively for at least six months
 - Babies breastfeed for a minimum of two years with appropriate complimentary foods introduced
 - The longer a parent breastfeeds the more benefits to both parent and baby

Why support breastfeeding in the workplace



- ROI of 3:1
- Healthy baby = employee at work
- Absences to care for sick children occur 2x more often for non breastfed infants



94%
retention

Why support
breastfeeding in
the workplace

Employer of
choice



Breastfeeding Friendly Workplace Designation

Purpose of the program

- Increase the number of workplaces supporting breastfeeding families
- Recognize the importance of employer support
- Support parents wishing to continue to breastfeed after returning to work



STEP(s) to becoming BFF



Support



Time



Education



Place

Application Process

There is no charge to participate in this program.

- [Use the self-assessment checklist \(PDF\)](#) to review the criteria for Breastfeeding Friendly Workplace recognition and help guide the development of your workplace lactation support program.
- [Complete the on line Breastfeeding Friendly Workplace application.](#)
 - Applications are due:
 - March 15
 - June 15
 - Sept. 15
 - Dec. 15

Email questions to: health.bfw@state.mn.us.

- Determine if you currently have a policy or guidelines in place
 - If yes, does it need to be updated
 - If no, determine if leadership supportive of implementing a policy
- Use the STEP approach
- Tap into your local breastfeeding coalition if you have one
<https://mnbreastfeedingcoalition.org>
- Apply for recognition

Think about it (4 of 5)

Who is covered under Paid Leave?



Introduction to Paid Leave

How it works and what you need to know

March 2026

The Paid Leave law

- Minnesota Paid Leave was enacted in 2023 and launched **Jan. 1, 2026**.
- The law provides **payments and job protections** from the state to individuals who need time off to care for themselves or their loved ones.
- Minnesota Paid Leave will be **funded by premiums** split between employees and employers.
- Paid Leave will **send payments directly** to Minnesotans on leave.



Am I covered by Minnesota Paid Leave?

Most workers are covered, including:

- Full-time, part-time workers
- Most seasonal workers
- Owner-officers who take a paycheck
- Agricultural and temporary workers
- Religious and nonprofit workers
- Student workers
- Employed family members
- First responders
- Elected or appointed officials

Not covered, can opt in:

- Independent contractors
- Self-employed individuals
- Tribal Nations and workers

Not covered, cannot opt in:

- Federal government workers
- Exempt seasonal hospitality workers
- Railroad employees

How much leave can I take?

Medical Leave

1-12 Weeks



Medical Leave to care for your own serious health condition

Family Leave

1-12 Weeks



Bonding Leave to bond with a child within 12 months of:

- Birth
- Adoption
- Foster placement



Military Family Leave because a family member is on active duty or has been notified of an impending call or order to active duty in the Armed Forces



Caring Leave to care for a family member with a serious health condition



Safety Leave to respond to domestic abuse, sexual assault, or stalking involving you or a family member

Maximum of 20 weeks combined in one benefit year if someone qualifies for both Medical and Family Leave.

Qualifying conditions must last more than seven days and be certified by a healthcare provider or service provider.

Get in touch

Visit the Paid Leave website to:

- Review the steps you can take to get ready
- Check out frequently asked questions
- Estimate premiums and payments with our calculators
- Sign up to receive Paid Leave updates
- Call or send us questions



Think about it (5 of 5)

Can an employee agree to waive their rights to paid leave?



Job protections under Minnesota Paid Leave

Alanna Galloway | Education & Engagement Specialist
Labor Standards

DLI enforces Paid Leave job protections

- Retaliation and interference prohibited
- Waiver of rights to benefits or leave are void
- Assignment of employee benefits is prohibited
- Continuation of insurance coverage required
- Reinstatement to the same or similar position required
- What Paid Leave premiums can employer charge to an employee

Learn more

- Stay up to date with the Labor Standards by signing up for the “Wage and Hour Bulletin.”
- To sign up, visit dli.mn.gov/bulletin or scan the QR code.



Wage and Hour Bulletin



Resources

- DLI's WESA page: <https://www.dli.mn.gov/WESA-FAQS>
 - FAQs, Annual report, sample employee notice, fact sheet, workplace poster, informational videos
- Call Labor Standards at 651-284-5075 or email dli.laborstandards@state.mn.us



The screenshot shows a web browser window displaying the Minnesota Department of Labor Standards website. The page title is "EARNED SICK AND SAFE TIME". The left sidebar contains a navigation menu with the following items: APPRENTICESHIP AND DUAL TRAINING, CODES AND LAWS, CONSTRUCTION, CONTRACTOR REGISTRATION, ELECTRICAL CONTRACTORS, ELEVATOR CONTRACTORS, and EMPLOYMENT PRACTICES. Under EMPLOYMENT PRACTICES, there are links for "Age, hours restrictions", "Brochures and fact sheets about labor standards", and "Child labor laws". The main content area features three images: a family of four outdoors, a woman wearing a blue surgical mask, and a healthcare worker in blue scrubs and a mask examining a baby. Below the images, the text states: "Effective Jan. 1, 2024, Minnesota's earned sick and safe time law requires employers to provide paid leave to employees who work in the state. Minnesota's current sick and safe leave law remains in effect until Dec. 31, 2023 and will be replaced by the new earned sick and safe time law on Jan. 1, 2024." Below this text is a section titled "What is sick and safe time?" followed by the beginning of a paragraph: "Sick and safe time is paid leave employers must provide to employees in". At the bottom right, there is a red button with white text that reads "MINNESOTA PAID FAMILY AND MEDICAL LEAVE ►".

Additional resources

- FAQs on job protections under Paid Leave law: dli.mn.gov/paid-leave-protections
- FAQs on ESST: dli.mn.gov/sick-leave-FAQs
- Unpaid pregnancy and parental leave information: dli.mn.gov/parental-leave
- This [chart](#) compares the following programs and laws:
 - Minnesota Paid Leave (paid)
 - Minnesota Pregnancy and Parental Leave (unpaid)
 - Family and Medical Leave Act (unpaid)
 - ESST (paid)

Thank you for your participation

Scan the QR code or [visit the form online](#).

Questions can be submitted to the Q&A which can be found on the bar across the top of your screen



Upcoming webinars



April 15

Employee or independent contractor? Understanding worker misclassification



April 22

Prevailing wage on public projects: What workers and employers need to know



To register, visit dli.mn.gov/events.

Thank you

Contact Labor Standards at 651-284-5075 or dli.laborstandards@state.mn.us.