



National Breastfeeding Month: State and federal workplace protections of pregnant and nursing parents and programs to assist and recognize supportive employer practices

Minnesota Department of Labor and Industry
U.S. Department of Labor
Public Health Law Center
Minnesota Department of Health

Department of Labor and Industry (DLI) operating areas

*DLI's **mission** is to ensure Minnesota's work and living environments are equitable, healthy and safe.*

*DLI's **vision** is to be a trusted resource and an impartial regulator for employers, employees, property owners and other stakeholders.*

DLI operating areas:

- Workers' Compensation
- Occupational Safety and Health (OSHA)
- Labor Standards
- Apprenticeship Minnesota
- Construction Codes and Licensing
- Minnesota Dual-Training Pipeline
- Youth Skills Training
- Office of Combative Sports
- General Support



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
- Earned Sick and Safe Time Act
- Other laws related to employment, wages, conditions and hours.



Labor standards, wage and hour agencies in Minnesota

Minnesota Department of Labor and Industry, Labor Standards
dli.mn.gov or 651-284-5075

U.S. Department of Labor, Wage and Hour Division
dol.gov/whd or 612-370-3341

Minnesota Attorney General's Office
ag.state.mn.us or 651-296-3353

Saint Paul, Labor Standards Enforcement and Education Division
stpaul.gov/departments/human-rights-equal-economic-opportunity or 651-266-8900

Minneapolis, Labor Standards Enforcement Division
ci.minneapolis.mn.us/civilrights/LaborStandardsEnforcement/ or 612-673-3012

Bloomington, City Attorney's Office
bloomingtonmn.gov/earned-sick-and-safe-leave-essl, essl@bloomingtonmn.gov or 952-563-8753

Agenda

- **Alanna Galloway**
Minnesota Department of Labor and Industry
Topic: Women's Economic Security Act
- **Lynn Williams**
U.S. Department of Labor
Topic: PUMP Act and break time for nursing mothers under the Fair Labor Standards Act
- **Emma Schubert**
Public Health Law Center
Topic: Implementing Workplace Lactation Accommodation Policies: Examples and Success Stories
- **Holly Glaubitz**
Minnesota Department of Health
Topic: Breastfeeding in the workplace
- **Question-and-answer session**



WOMEN'S ECONOMIC SECURITY ACT

Women's Economic Security Act (WESA) August 2025

Alanna Galloway, education and engagement specialist
Labor Standards Division

Women's Economic Security Act (WESA)

- Aims to strengthen workplace protections for women and pregnant or nursing employees
- Applies to all Minnesota workers
 - Regardless of immigration status
 - Workers of all genders
- Designed as a comprehensive worker protection law

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.

- The length of breaks depends on the nursing worker's needs.
- 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.



Hypothetical scenario one — Nursing accommodations (1 of 3)

An employee recently returned to work after maternity leave and needs to express milk for her newborn.

- The employer has a general break policy but does not have specific provisions for nursing workers.
- The employee needs three breaks, but the company's policy only allows for two 10-15-minute breaks during the day. These breaks are strictly monitored.
- The company does not have a statute-compliant room to express milk and offers the employee a bathroom to express breastmilk.
- The employee asked her supervisor to discuss her expression schedule, but he keeps telling her he “will get back to her.”

Hypothetical scenario one — Nursing accommodations (2 of 3)

The employee's supervisor closely monitors the break times of all employees. He notices that the employee is taking longer breaks to express milk and issues her a written warning for "excessive break times."

The supervisor informs the employee that the extra time she spends beyond the allotted 15-minute breaks will be deducted from her pay.

In her next performance review, the employee receives a lower rating due to "frequent extended breaks," which affects her eligibility for a bonus and future promotions.

Take five seconds to decide:

With the information we have, did the employer violate the Women's Economic Security Act?

Hypothetical scenario one — Nursing accommodations (3 of 3)



This situation is a clear violation of employee's rights under WESA's nursing accommodations provisions as follows:

- Penalizing break time
- Statute-compliant space
- Insufficient break duration
- Negative performance evaluation

Hypothetical scenario two — Nursing accommodations (1 of 3)

- A nursing employee works as a physician's assistant in a busy hospital.
- She recently returned to work after maternity leave and is breastfeeding her newborn.
- The employer's established lactation policy aligns with Minnesota state law.
- The policy states that employees who are nursing can take reasonable break times to express milk in a clean, private, and secure non-bathroom space provided by the company.

Hypothetical scenario two — Nursing accommodations (2 of 3)

- The employee works a nine-hour shift, with a one-hour break
- The employee typically needs to express milk three times during her shift. The employee discussed and agreed to a new schedule with her supervisor.
- The Employer understands that the statute does not define what constitutes “**reasonable break time to express**,” and therefore, the duration and frequency of time spent on breaks to express are subject to the respective needs of nursing employees, which will vary from one employee to another.

Take five minutes to decide:

With the information we have, did the employer violate the Women's Economic Security Act?

Hypothetical scenario two — Statutory compliance (3 of 3)

- The employer provided the employee reasonable break times to express milk based on her biological needs.
- Breaks were predictable and adequate in frequency and duration.
- The lactation room met the statutory requirements for privacy and comfort.
- The employer engaged in an interactive process with the employee and took the necessary steps to ensure that the nursing employee was relieved from her duties regularly so that her expression schedule was not disrupted.



Statute-compliant spaces: review



- Clean, private, secure
- Shielded from view
- Free from intrusion
- Electrical outlet
- Close proximity to work area

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** 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
- Employers may not require a pregnant employee accept an accommodation

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 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



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 that 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, at employer's discretion.

Wage disclosure — Minn. Stat. § 181.172, continued

An employer may not:

- Prohibit workers from discussing their own wages as a condition of employment
- Require workers to sign a waiver revoking the right to discuss their wages or working conditions
- Retaliate against workers for discussing their wages or working conditions



WESA provisions enforced by DLI



1. Wage Disclosure Protection (Minn. Stat. §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)

Thank you

Read our [WESA FAQs](#)

Read our [WESA 2024 annual report](#)





USDOL-Wage & Hour Division

PUMP Act & Break Time for Nursing Mothers Under the Fair Labor Standards Act

Lynn Williams
USDOL-WHD
Minneapolis, MN District Office



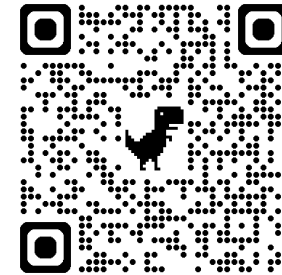
UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION

dol.gov/whd
1-866-487-9243

LAWS ENFORCED BY USDOL-WHD

- **Fair Labor Standards Act**
- **FLSA Nursing Mothers Protections**
- Family and Medical Leave Act
- Davis Bacon and Related Acts
- Service Contract Act
- Migrant and Seasonal Agricultural Worker Protection Act
- Wage Garnishment
- Temporary Worker Programs

USDOL-WHD
Main Page



Break Time for Nursing Mothers



- Section 7 of the FLSA was amended by the Affordable Care Act to provide nursing employees with:
 - Reasonable break **time** to express breast milk
 - A **place**, other than a bathroom, that may be used to express milk
 - For up to 1 year after the child's birth
- Effective March 23, 2010

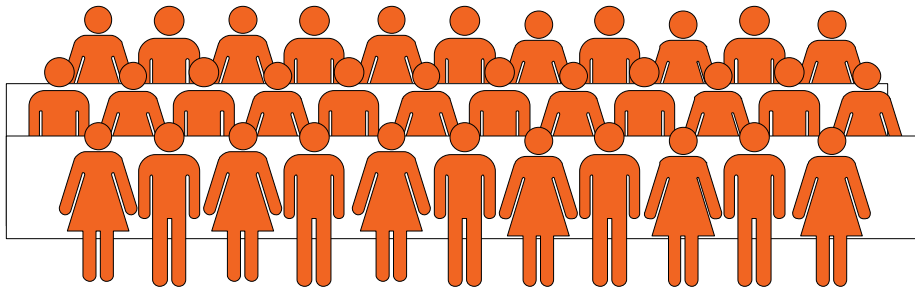
Eligible Employees



- Employees who work for a covered employer
- Employees who are covered on an individual basis

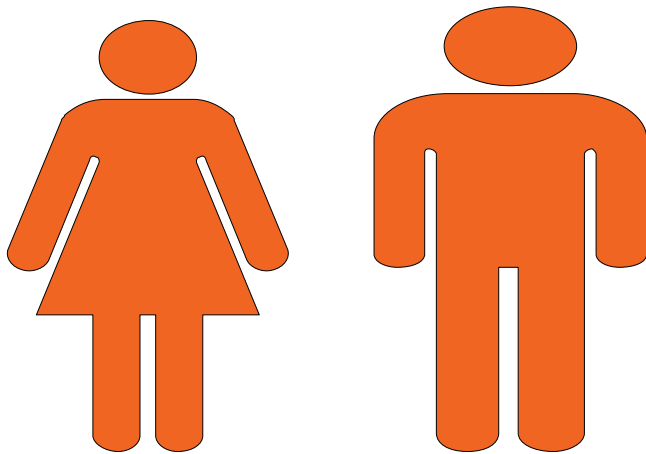
Coverage

Employer Coverage



- Enterprise coverage:
 - At least two (2) employees
 - At least \$500,000 a year in business
- Hospitals, businesses providing medical or nursing care for residents, schools, preschools and government agencies (federal, state, and local)
- If an employer is covered, all the employees of the employer are entitled to FLSA protections

Individual Coverage



- Even if the employer is not a covered enterprise, individual employees may be covered and entitled to FLSA protections if they are engaged in interstate commerce.
- Activities that constitute engaging in interstate commerce may include making telephone calls to other states; typing letters to send to other states; processing credit card transactions; or traveling to other states.
- *Virtually all employees engaged in agriculture are covered by the Act in that they produce goods for interstate commerce.*

Time & Space

Break Time

Reasonable Break Time



- The Affordable Care Act requires employers to provide:
 - “Reasonable break time”
 - “Each time such employee has need to express the milk”
 - For 1 year after the child’s birth.

Compensation for Break Time



- Employers are not required to provide compensated break time.
- As with other breaks under the FLSA, the employee must be **completely relieved from duty**, or the break time must be compensated as work time.
- If an employer already provides paid break time and if an employee **chooses to use that time to express breast milk**, she must be compensated for that time just as other employees would be compensated for break time.

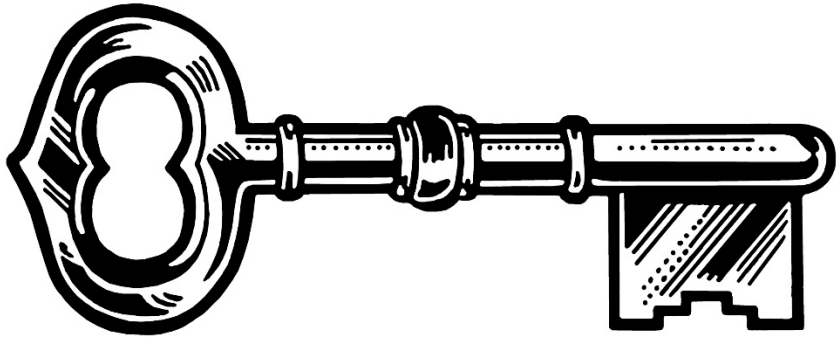
Space

Space Requirements



- An employer shall provide:
 - A place, other than a bathroom.
 - Shielded from view.
 - Free from intrusion from coworkers and the public.
- An employer may temporarily designate a space or make a space available when needed by the employee; the location must be functional as a space for expressing milk.

Additional Issues to Consider



- Securing space from intrusion
- Space adjacent to restrooms
- Dual use rooms
- Storage of milk and pumps
- Notice

The PUMP Act

On December 29, 2022, the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP for Nursing Mothers Act or PUMP Act) became law, extending right to pump protections to millions of workers and allowing for additional remedies for violations.

- Extended coverage effective as of December 29, 2022.
- Additional remedies available for violations occurring on or after April 28, 2023.

PUMP AT WORK

Under the PUMP for Nursing Mothers Act, most employees have the right to break time and a private space to express breast milk for their nursing child.



**AGRICULTURE
WORKERS**



NURSES



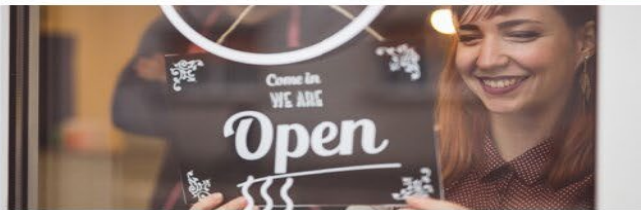
TEACHERS



**TRUCK AND TAXI
DRIVERS**



**HOME CARE
WORKERS**



MANAGERS

#PUMPAct

dol.gov/pump-at-work

@WHD_DOL

Remedies

- Employers are liable for appropriate legal or equitable remedies under the FLSA.
- As of April 28, 2023, remedies for violations of the reasonable break time and space requirements may include
 - ***Reinstatement;***
 - ***Promotion;***
 - ***Payment of wages lost;***
 - ***Compensatory damages;***
 - ***Make-whole relief, such as economic losses that resulted from violations, and punitive damages where appropriate.***
- .

USDOL-WHD Resources

USDOL-WHD NURSING MOTHERS FACT SHEET #73

dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers

USDOL Fact Sheet Index Page

dol.gov/agencies/whd/fact-sheets

USDOL-WHD Family and Medical Leave Act Employer's Guide

dol.gov/sites/dolgov/files/WHD/legacy/files/employerguide.pdf

USDOL-WHD Family and Medical Leave Act Employee's Guide

dol.gov/agencies/whd/fmla/employee-guide

FLSA Protections to Pump at Work Resource Page:

dol.gov/agencies/whd/pump-at-work

DOL-WHD Homepage:

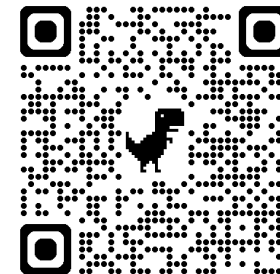
dol.gov/agencies/whd

DOL/WHD Technical Assistance Line: 1-866-487-9243

**Pump Act
Main Page**



**USDOL-WHD
Fact Sheet #73**





IMPLEMENTING WORKPLACE LACTATION ACCOMMODATION POLICIES: EXAMPLES AND SUCCESS STORIES

Garin Strobl and Emma Schubert

THE PUBLIC HEALTH LAW CENTER



IMPLEMENTING LACTATION SUPPORT POLICY AND PRACTICES: CASE STUDIES

Considerations for Successful Implementation

SPACE

How can I create a supportive lactation space?

COMMUNICATION

How will employees and supervisors know when and how to use space and break times?

POLICY

How will supervisors and leadership know what support to provide?

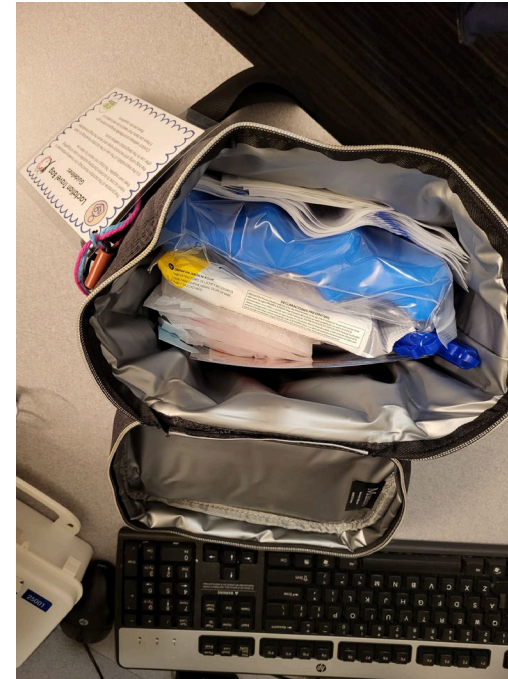
CHISAGO COUNTY (1 OF 3)

A conversation with Liz Stenson, Chisago County SHIP Coordinator



SPACE: “comfortable,
supportive, flexible”

- Private, secure rooms
- Supportive items beyond legal requirements



Chisago County Travel Bag and Supplies Cart

CHISAGO COUNTY (2 OF 3)

A conversation with Liz Stenson, Chisago County SHIP Coordinator



COMMUNICATION: “*a conversation goes a long way*”

- Documents available on website
- Personal relationships between staff and supervisors



Chisago County Wellness Room

CHISAGO COUNTY (3 OF 3)

A conversation with Liz Stenson, Chisago County SHIP Coordinator



POLICY: *“advocate and educate”*

- Employees create lactation schedule and communicate needs to their teams
- Board-approved policy and accompanying resources and trainings for staff education



Chisago County Sheriff's Office
Wellness Room

GREEN THUMB INDUSTRIES (1 OF 3)

A conversation with Melody Bates, Human Resources Business Partner



SPACE *“had to think outside the box”*

- Centrally located for both teams
- Provided shelving for personal items



Green Thumb's
Mamava Pod

GREEN THUMB INDUSTRIES (2 OF 3)

A conversation with Melody Bates, Human Resources Business Partner



COMMUNICATION: *“communication is key”*

- Importance of conveying the long-term benefits and using personal stories
- Regular check-ins with lactating team members
- Peer network



Green Thumb's Cottage Grove location

GREEN THUMB INDUSTRIES (3 OF 3)

A conversation with Melody Bates, Human Resources Business Partner



POLICY: *“guided by empathy, equity, and the belief that supporting caregivers strengthens our workplace community”*

- Built out of a “philosophy of care”
- Prior policy met the legal requirements, but wanted to humanize it



CONTACT US



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linkedin.com/company/public-health-law-center-inc



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.

Next Steps

- 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



Thank you!

Minnesota Paid Leave

Dec. 1, 2025

- Employers must notify workers

Jan. 1, 2026

- Payroll deductions start
- Benefits and leave available to Minnesotans

April 30, 2026

- First quarterly premium due

Visit the [Minnesota Paid Leave site](#) or call 651-556-7777 or 844-556-0444.



Upcoming webinars

Aug. 14, 2025

National Breastfeeding Month: State and federal workplace protections of pregnant and nursing parents and programs to assist and recognize supportive employer practices

Sept. 11, 2025

Labor Standards for young workers and their families in Minnesota: Child labor laws, school activities leave and more

Sept. 23, 2025

Workplace rights and responsibilities in Minnesota

Derechos laborales de los trabajadores en Minnesota: Horas extras, robo de salarios, deducciones y mas

Sept. 25, 2025

Workplace laws for small-business owners: Wage requirements, overtime rules and employee protections

Learn more and register at dli.mn.gov/events.

Q&A Session

- Please use the Q&A function to submit questions
- [post-webinar feedback form](#)



More information

View DLI's [2025 legislative session summary](#)

For more information:

- Visit DLI's website at dli.mn.gov/laborlaw
- Sign up for the "Wage and Hour Bulletin" at dli.mn.gov/bulletin
- Contact DLI's Labor Standards Division at 651-284-5075 or dli.laborstandards@state.mn.us.