



## Celebrating Women's History Month: The impact of the Women's Economic Security Act on Minnesota workers and employers

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# 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](https://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.



# Breastfeeding support in the workplace

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# 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,  
continued

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 Breastfeeding Friendly Workplace application.](#)

NEW! We've changed the application to make it easier to complete online. Note: you can use the Save & Return feature to get a web address so you can work on the application later.

- Applications are due:

- March 15
- June 15
- Sept. 15
- Dec. 15

Email questions to [health.bfw@state.mn.us](mailto: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  
[mnbreastfeedingcoalition.org](http://mnbreastfeedingcoalition.org)
- Apply for recognition



# WESA History

- Passed in 2014
- Package of 14 laws designed to support women in the workplace
- Informed by the U of M & Women's Foundation Status of Women and Girls in MN report



# Nursing mothers and lactating employees history

- Became law in 1998
- WESA updated in 2014
- Additional nursing mothers' protections added in 2021 and 2023 Sessions



# Nursing mothers and lactating employees history

- Updated nursing mothers' protections:
  - No reduction to compensation for time used for expressing milk.
  - Break times to express milk regardless of the child's age.
  - Requiring lactation spaces be "clean, private, and secure."
  - Employees may take break times to express milk when needed
  - Requiring employers to provide written notice to employees of their right to express milk
  - \$134,000 to DLI annually for outreach and compliance



# Women's Economic Security Act – 2024



[www.dli.mn.gov/wesa](http://www.dli.mn.gov/wesa)



# Resources

- Employee-focused brochures in four languages: Email Melissa Parra-Huizar at [melissa.parra-huizar@state.mn.us](mailto:melissa.parra-huizar@state.mn.us)
- Informational videos in four languages: Visit [dli.mn.gov/newparents](https://dli.mn.gov/newparents), the Women's Economic Security Act webpage
- The *Wage and Hour Bulletin*: Visit [dli.mn.gov/bulletin](https://dli.mn.gov/bulletin)
- DLI's Labor Standards: Contact 651-284-5075 or [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us)

Are you pregnant or  
a new parent?



Learn about your rights  
in the workplace.

# Resources for Minnesota Paid Leave work (DEED)

- Check out FAQs on their website: [paidleave.mn.gov](https://paidleave.mn.gov)
- Sign up for the Paid Leave newsletter: [Minnesota Paid Leave Newsletter](#)
- Direct questions to the Paid Leave contact center: [Paid Family and Medical Leave Question Form](#)
- Register to their upcoming webinars at [Public events / Minnesota Paid Leave](#)