



Time and Place to Pump at Work

Study after study shows that breast-feeding can help lead to healthy outcomes for children, and now a new study shows that it saves tremendously on health care costs.¹ Responding to years of research, the new health care reform law (the *Patient Protection and Affordability Care Act*) provides nursing women the right to unpaid time and place to pump breast milk at work. Provision § 4207 of the health care reform package (Reasonable Break Time for Nursing Mothers) was championed by Senator Jeff Merkley of Oregon.

What types of employers are covered?

All employers are covered but those with less than 50 workers do not have to comply if they show that complying with the law would cause “an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer’s business.”

What types of workers are covered?

The law is part of our nation’s minimum wage and overtime laws, so it covers the workers subject to those laws -- so-called “non-exempt workers”. Generally, the law covers hourly workers (many retail workers, factory workers, restaurant workers, and call center workers, for example) and other employees who work on an hourly basis and who are subject to overtime laws.

When does the law go into effect?

This provision went into effect when the new health care reform act became law.

How much time must be given?

The law provides for a *reasonable break time* each time the worker needs to express milk in the first year after the child’s birth.

What type of location must be provided?

The location must be a place *other than a bathroom*. The location must protect the worker from view and be a place where co-workers or the public will not intrude.

What if state laws provide more protection?

State laws that provide more protection to nursing mothers are not affected by this law. It simply sets a federal standard that is a floor.

¹ Melissa Bartick and Arnold Reinhold, *The Burden of Suboptimal Breastfeeding in the United States: A Pediatric Cost*, Pediatrics (published online April 5, 2010).

Who will determine what is a reasonable amount of time and whether the place is sufficient?

The U.S. Department of Labor will have to issue regulations.

Are the pumping breaks paid?

An employer is not required to pay the worker for the time that the worker uses pumping breast milk. Employers that voluntarily provide paid break times to workers for pumping can still continue to do so.

I want to pump at work. How do I make this law work for me?

This is a brand new law and the regulations have not yet been put in place. You can find a copy of the provision here: [link] and you can print it out and let your employer know about it. Remember, it only applies to certain types of workers, so you may want to check here <http://www.dol.gov/compliance/guide/minwage.htm> first and see if you qualify.

The law is enforced by the Department of Labor Wage and Hour Division. You can contact the Wage and Hour Division here http://www.dol.gov/whd/contact_us.htm.

The United States Breastfeeding Committee has a wonderful set of resources for employers, including information on how promoting breast-feeding at work helps an employer's bottom line.

<http://www.usbreastfeeding.org/Workplace/WorkplaceSupport/WorkplaceSupportinHealthCareReform/tabid/175/Default.aspx>

Are there programs that will help me buy or rent a breast milk pump?

Some health insurance plans cover breast pump costs; some require a prescription to do so. Depending on your income, you may qualify for help with pumping supplies from the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)

<http://www.fns.usda.gov/wic/Breastfeeding/breastfeedingmainpage.HTM>.