Dear *[Insert name of employer/business owner here]*,

I am writing to share information about the PUMP Act and the Pregnant Workers Fairness Act (PWFA), two federal laws that taken together **require employers to provide employees with reasonable break time and a private, non-bathroom space to pump milk,** along with other lactation accommodations.

**The PUMP Act** requires employers to provide employees with the following for up to 1 year after childbirth:

* **A private, non-bathroom space to pump milk**. This space must be free from intrusion by coworkers and the public. It also must be functional for pumping, including a place for the employee to sit and a flat surface to place the pump. If possible, the employer should also give the employee a way to plug in an electric pump, as well as nearby access to refrigeration and clean running water.
* **Reasonable break time to pump, each time the employee needs it.** Break frequency and length must be based on the needs of the employee, and include time to get to/from the pumping space, as well as to set up and clean equipment. Employers may ask hourly employees to clock out during breaks, but may not reduce a salaried employee’s salary because they need pumping breaks.

For employers who have 50+ employees, **compliance with the PUMP Act is absolutely mandatory**. In extremely limited circumstances, employers with fewer than 50 employees are exempt from requirements that would impose an undue hardship (significant difficulty or expense). More information about the PUMP Act is available from the U.S. Government at https://www.dol.gov/agencies/whd/pump-at-work/employer-responsibilities.

**The PWFA** requires employers to provide reasonable accommodations for lactation, as well as other medical conditions related to pregnancy and childbirth. Covered employers must accommodate their lactating employees unless it would be an undue hardship to do so. Lactation accommodations can include but are not limited to:

* Break time and a private, non-bathroom space to pump beyond one year
* Remote work, a flexible schedule, or the ability to directly feed their child
* Uniform adjustments

More information about the PWFA is available from the U.S. Government at [https://www.eeoc.gov/wysk/what-you-should- know-about-pregnant-workers-fairness-act](https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act).

**Under both laws**, employers **must not**:

* **Force an employee to pump on an employer-created schedule** since the timing and duration of pumping breaks should be based on the employee’s physical needs
* **Require an employee to provide medical documentation** proving they need to pump, since lactation is a common condition associated with pregnancy/childbirth
* **Punish or retaliate against an employee for pumping**, such as by disciplining them for not meeting metrics they can’t meet due to pumping breaks

You may have additional obligations to your pregnant and postpartum workers under other laws.

Sincerely,

*[Insert your name here]*

*REMOVE THE FOLLOWING LANGUAGE PRIOR TO SENDING THE LETTER:*

*Note this letter does not represent legal advice nor does using it create an attorney/client relationship with A Better Balance. The PUMP Act and the Pregnant Workers Fairness Act (PWFA) are complex laws and submitting the above request does not guarantee that you are legally entitled to the accommodations you are requesting. For further questions about the PUMP Act, the PWFA, and related federal, state, and local laws, or to discuss possible options regarding legal advice and/or representation, please call our free and confidential legal helpline at 1-833-NEED-ABB.*