

Employer Alert: New Federal Laws Protect Pregnant Workers and Nursing Mothers

Two new laws, the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act) and the Pregnant Workers Fairness Act (PWFA), have been enacted to protect pregnant and nursing workers and prohibit discrimination based on pregnancy, childbirth, or related medical conditions.

The PUMP Act extends to more nursing employees the right to receive break time to express breast milk and a private place to pump at work for one year after a child's birth. The PUMP Act went into effect on December 29, 2022, but enforcement was delayed until April 28, 2023.

Employers with fewer than 50 employees can rely on the small employer exemption if compliance with the law would cause undue hardship because of significant difficulty or expense.

With some exceptions, the PUMP Act requires employees to provide notice of an alleged violation to the employer and give the employer a 10-day cure period before filing a suit.

The penalties for violations of the Act may include unpaid wages and overtime, liquidated damages and attorneys' fees. Repeat or willful violations may result in a civil penalty of up to \$1,100 per violation.

Meanwhile, the PWFA will require employers to provide reasonable accommodations to pregnant employees who are unable to perform their job duties due to pregnancy, childbirth, or related medical conditions.

The law becomes effective on June 27, 2023, and applies to employers with 15 or more employees. The PWFA, like the Americans with Disabilities Act, requires employers to provide reasonable accommodations unless doing so would impose an undue hardship on the employer.

Tips for Employers

- Ensure that staff are trained in responding to requests for accommodation from pregnant workers.
- Update your break time policies for nursing workers, if necessary.
- Evaluate whether your facilities are compliant.

Related Practices

[Employment Law](#)

[Insurance Defense & Coverage](#)

Related Industries

[Hospitality, Entertainment, and](#)

[Leisure](#)

[Insurance](#)

Attorneys by State

LOUISIANA

[Doris T. Bobadilla](#)

[Wendell Hall](#)

If you have questions about the new laws, contact us. Galloway can answer your questions and assist you in developing compliant policies and practices.

Disclaimer: *This material is provided for informational purposes only. It is not intended to constitute legal advice, nor does it create a client-lawyer relationship between Galloway and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions.*

Doris Bobadilla

dbobadilla@gallowaylawfirm.com

Wendell Hall

whall@gallowaylawfirm.com