

Legal Update

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New Laws Expand Pregnancy and Nursing Accommodations

Two new laws that were included in the federal [omnibus spending bill](#), enacted on Dec. 29, 2022, will expand workplace rights for employees affected by pregnancy, childbirth or related conditions starting in 2023.

FLSA Break Time and Private Pumping Space

Effective April 27, 2023, the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act amends the Fair Labor Standards Act (FLSA) to require employers to provide break time and a private place, other than a bathroom, for employees to express breast milk. A hardship exemption is available for employers with fewer than 50 employees.

ADA Accommodations for Pregnancy

Effective June 27, 2023, the Pregnant Workers Fairness Act (PWFA) amends the Americans with Disabilities Act (ADA), which applies to employers with 15 or more employees. Under the PWFA, employers must provide reasonable accommodations to a qualified employee's limitations related to pregnancy, childbirth or related medical conditions unless it would impose an undue hardship on the business. The accommodations must be determined through an informal, interactive process, and employers may not deny opportunities based on the need to make them. The PWFA also prohibits employers from requiring leave if another change can be provided or retaliating against an employee for requesting or using a pregnancy-related accommodation.

Enforcement

Employers that violate the new laws may be ordered to pay actual damages, punitive damages, costs and penalties under the FLSA or Title VII of the Civil Rights Act. The PWFA requires the Equal Employment Opportunity Commission to issue guidance on the new accommodation requirements by June 2024. Employers should mark their calendars to watch for that guidance and become familiar with the new laws in the meantime.



Important Dates

Dec. 29, 2022

Two new federal laws were enacted to extend employment protections to employees affected by pregnancy, childbirth and related conditions.

April 27, 2023

The PUMP Act's expanded FLSA requirements to provide employees with breaks and privacy for expressing breast milk go into effect on this date.

June 27, 2023

The PWFA's extension of ADA accommodation rights to employees affected by pregnancy, childbirth and related conditions goes into effect.

Employers must provide break time and privacy for nursing mothers and accommodations for pregnancy, childbirth and related conditions.