

LEGAL UPDATE

New Laws Expand Pregnancy and Nursing Accommodations

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

FLSA Break Time and Private Pumping Space

Effective upon enactment, the Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act amends the Fair Labor Standards Act (FLSA) to require employers to provide break time and a private place, other than a bathroom, for all employees (including those who are exempt from FLSA overtime rules) to express breast milk. It also clarifies that these breaks must be paid work time if an employee is not completely relieved of all work duties during them. A hardship exemption is available for employers with fewer than 50 employees.

Effective April 27, 2023, the PUMP Act also allows individuals to obtain damages and other remedies from employers that violate the new mandates.

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.

Important Dates

Dec. 29, 2022

Two new federal laws related to pregnancy, one of which requires break time and nursing space for all employees immediately, were enacted on this date.

April 27, 2023

As of this date, employers may be sued for damages and other remedies under the PUMP Act.

June 27, 2023

The PWFA's extension of ADA accommodations to employees affected by pregnancy and related conditions goes into effect on this date.

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

Provided to you by [Chelko Consulting Group](#)

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