



And The Fight Continues, ENFORCING THE PUMP ACT

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It has been nearly two and a half years since the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP) was signed by President Biden. You would think that after so much time has passed, that employers would get it right. WRONG!! According to the Reproductive and Maternal Health Compass organization, most employers are not fully compliant with the PUMP Act's requirements. Nearly one in five employers do not offer lactation accommodations for pumping mothers. I am not surprised by this information. Our Women's Committee is continuing to field calls from representatives and our members who are being denied this essential right.

The biggest concern is the failure of the United States Postal Service to provide adequate rooms for pumping moms. Hats off to those facilities who have stepped up and are following the requirements of the US Department of Labor. The DOL requires that the lactation space have a place for the employee to sit, a flat surface other than the floor where the pump can be placed. The employer must also provide employees a safe place to store the expressed milk while at work. The conversations that I have had with our sisters show that the Postal Service is in direct violation of this mandate.

The employers have women utilizing the bathrooms as a place to pump milk. Other deplorable spaces are locker rooms and abandoned office space. The rooms are not clean and sanitized, and the mom has no privacy. In fact, many women are complaining about individuals walking in while they are in the process of pumping. The US Department of Health and Human Services (HHS) has made clear that bathrooms aren't permitted because breast milk is food and should be handled the same way other food is handled. They further explain "No one would be willing to prepare food in a bathroom and that includes breast milk".

Running water should also be provided near the nursing employee. This will allow her the opportunity to wash her hands, and the breast pump parts, and prevent chemical exposure. The usage of special lactation pods would be awesome,

but until that can happen, there should be spaces provided that meet the PUMP Act requirements. Employees should not be degraded or feel forced to quit their job. This defeats the purpose and intent of the PUMP Act. This law provides benefits for both the employer and employee.

The Health Resources and Services Administration and the National Business Group on Health states that employers have a strong return on their investment when supporting breast feeding employees. 92% of breastfeeding employees return to work after childbirth when they are provided lactation support. This is compared to the national average of only a 59% return rate, according to HRSA data. "Lactation accommodations also reduce absenteeism and increases productivity, loyalty, and morale."

To assist and educate the nursing moms in defending the rights given them through the PUMP Act, here's some enforcement information.

- The **Wage and Hour Division (WHD) of the U.S. Department of Labor** administers and enforces the FLSA, including the pumping at work protections. You can call the toll-free information and helpline, at 1-866-4USWAGE (1-866-487-9243)- website address: <http://www.dol.gov/agencies/whd/contact>.
- The USPS also established a policy on accommodating pregnant and nursing mother. It is based on the **Rehabilitation Act of 1973 and the Pregnant Workers Fairness Act (PWFA)**. The Rehabilitation Act requires employers to accommodate pregnancy-related medical restriction if an employee has a qualifying disability. PWFA requires employers to provide reasonable accommodations to employees with known limitations resulting from pregnancy, childbirth or related medical conditions, including lactation.

Hopefully, we will see the needle going in the right direction. Contact your Union representatives for help in navigating this process.