

PUMPING AT WORK: Know Your Rights

Congratulations! You've taken on the important job of nourishing a new human by producing milk with your body! You're also holding down a job (or preparing to go back to work) and need to be able to pump milk while away from your baby. You'll be happy to know that in Minnesota, as a nursing, working parent, you have rights and protections by law designed to support a successful breast/chestfeeding relationship between you and your child.

In Minnesota, You Are Entitled To...

Pumping Breaks

- Your employer must provide unpaid breaks so you can pump.
- You can pump at work as often as you need to.
- Your employer must let you take pumping breaks for as long as you choose to breast/chestfeed.
- Your pumping break time must be "reasonable" - communicate with your employer so they know what's reasonable for you.

A Suitable Place to Pump That...

- Is NOT a bathroom or toilet stall
- Is shielded from view
- Is free from intrusion by coworkers and the public
- Is close to your workspace
- Has access to a functional electrical outlet

These requirements apply to all employers and all employees - it does not matter how long you have worked for that employer. Everyone is entitled to reasonable pumping breaks.

You shouldn't have to choose between going to work and pumping.

"When my employer wouldn't allow me to take the pumping breaks I needed, not only did it affect my physical and mental health, but also the health and well-being of my daughter. All employers should follow the law that is in place for this. I'm glad Gender Justice is here to enforce this."

- Rachel Pierce, Gender Justice Client

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Getting Ready to Go Back to Work Or Running into Trouble?

1. Consult your employee handbook and/or speak to a human resources representative about your employer's lactation policy. If there is no lactation policy, talk to your supervisor. If their policy doesn't include the rights listed above, feel free to share this factsheet with them.
2. Speak to your supervisor about your pumping needs. Remember, everyone's pumping needs are different, and your employer may not be aware of your specific needs.
3. Document all communications regarding your pumping needs at work. If your employer fails to accommodate your needs as required by law, this documentation will help you in filing a complaint and/or a lawsuit.

If Your Pumping Needs Are Not Being Met Call the MN Department of Labor and Industry (DOLI)

- They will help make sure your employer is following the law. They'll take your information and start an investigation into your situation. (This is called filing a complaint.)
- DOLI will investigate your situation within 10 days of the complaint being filed
- Call 651-284-5070 or 800-342-5354 (there currently isn't an online complaint form, so just call!)

This information has been compiled from Minnesota Statute § 181.939.29, U.S.C. § 207, and Federal Register Vol. 25. No. 244 (DOL interpretation of federal nursing break time requirements). It is intended to serve as a guide for nursing parents, but it is not a substitute for Minnesota or federal law.

Gender Justice is a nonprofit legal & policy advocacy organization devoted to addressing the causes and consequences of gender inequality.

Our mission is broader than women's rights, standing alone. We fight any discrimination based on sex, gender, sexual orientation, or gender identity.

CONTACT GENDER JUSTICE FOR FUTHER LEGAL GUIDANCE

Call **(651) 789-2090** or fill out our Legal Assistance form at www.genderjustice.us/legalassistance.

You may be able to sue for your rights, including under federal law. This is especially true if you have experienced harm either to your ability to nurse or to your employment.

Gender Justice may represent you or provide a referral to another attorney.

Gender Justice helped pass the **Women's Economic Security Act (WESA)** in 2014, which guarantees nursing rights for Minnesota workers. We represent clients to help enforce WESA and can also provide referrals and assistance to help you enforce your rights.