



Womb to Worksite

Workplace protections for working families including pregnant, postpartum,
and lactating workers

A Toolkit for Union Members and Grievance Handlers

uaw.org/women

Introduction

Retaining working families in the workforce is essential for equity and economic stability, which is why this guide was created—to prevent the frequent violations of women's and worker rights in the workplace that too often force them to leave their jobs.

INTRODUCTION

Every working family deserves a workplace that supports their health, family, and dignity. Whether you're navigating pregnancy, a child care related leave, returning to work postpartum, or advocating for a co-worker's right to express milk at work—federal laws protect these rights.

This toolkit was created to inform working women, working families, and union grievance handlers on pregnancy, postpartum, lactation rights, and child-related leave policies in the workplace. It aims to provide guidance on the protections available to support workers balancing their work responsibilities with the demands of parenthood. This toolkit:

- **Identifies** legal rights under U.S. labor law related to pregnancy, childbirth, lactation, and working while care-giving.
- **Equips** grievance handlers and union leaders to address concerns related to pregnancy, postpartum, and lactation rights.
- **Supports** working families in understanding and utilizing workplace protections to ensure job retention.

Together, we can bridge the divide between federal legal protections and real workplace experiences.

WHY IT MATTERS

Retaining women and working families in the workforce is essential for equity, economic stability, and solidarity. This guide gives tools, applicable scenarios, and the agency to ensure that working families stay and remain in the workplace.

HOW TO USE THIS TOOLKIT

This toolkit is structured around key federal laws that safeguard the rights of working parents, including those who are pregnant, postpartum, or lactating. It is important to note that all of our workplaces are covered under CBA language that ensures compliance with these federal workplace law protections.

Each section includes:

- A link to the federal law
- Plain-language explanation of the law
- What it means for workers and families
- Enforcement guidance for union representatives and grievance handlers

- Workplace scenarios to provide real-world application
- Resources and links for further help

KEY FEDERAL LAWS COVERED

- [Pregnancy Discrimination Act \(PDA\) of 1978](#)
- [Family and Medical Leave Act \(FMLA\) of 1993](#)
- [Break Time for Nursing Mothers \(ACA Amendment to FLSA, 2010\)](#)
- [Providing Urgent Maternal Protections \(PUMP\) for Nursing Mothers Act \(2022\)](#)
- [Fair Labor Standards Act \(FLSA\)](#)

WHO SHOULD USE THIS TOOLKIT

- **Workers:** Use this guide to understand your rights and to prepare for conversations with your supervisor/manager.
- **Grievance Handlers:** Use relevant laws referenced in this guide when addressing workplace violations. Use the enforcement tips to file grievances or escalate issues when necessary. **Always ensure grievances are filed in a timely manner.**
- **Union Leaders:** Use this guide as part of training materials, new member orientation, or workplace wellness initiatives.



PREGNANCY AND PARENTING RELATED RIGHTS

PREGNANCY DISCRIMINATION ACT (PDA) - 1978

Amends Title VII of the Civil Rights Act of 1964.

- Prohibits discrimination on the basis of pregnancy, childbirth, or related medical conditions.
- Treats pregnancy-related conditions the same as any other temporary disability.

The [Pregnancy Discrimination Act \(PDA\)](#) of 1978, an amendment to Title VII of the Civil Rights Act of 1964 - prohibits discrimination on the basis of pregnancy, childbirth, or related medical conditions. It requires employers to treat pregnant workers the same as other employees with similar abilities or inability to work.

WORKPLACE SCENARIOS

Examples of how the PDA applies in real workplace scenarios:

Hiring Discrimination

Illegal: An employer refuses to hire a qualified candidate after learning she is pregnant, claiming she "won't be committed to the job."

Why it's illegal: The PDA prohibits employment decisions based on pregnancy or stereotypes about pregnant workers' abilities.

Firing or Demotion

Illegal: A pregnant employee is demoted or fired after disclosing her pregnancy, even though she is still able to perform her job.

Why it's illegal: Firing or altering job status due to pregnancy is a direct violation of the PDA.

Refusing Reasonable Accommodations

Illegal: A pregnant worker requests a temporary lifting restriction and is denied, while other workers with injuries receive accommodations.

Why it's illegal: If the employer accommodates workers with similar limitations (e.g., temporary disabilities), they must do the same for pregnancy-related needs.

Forcing Unpaid Leave

Illegal: A supervisor tells a pregnant employee she must go on unpaid leave in her third trimester "for her own good," even though she wants and is able to work.

Why it's illegal: Employers cannot force leave if the employee is still able to perform the job.

Unequal Access to Benefits

Illegal: A company's health insurance plan covers hospitalization for most conditions but excludes childbirth-related expenses.

Why it's illegal: Pregnancy-related medical expenses must be covered if other medical conditions are.

Negative Performance Reviews or Harassment

Illegal: A pregnant employee begins receiving poor evaluations after announcing her pregnancy, despite consistent past performance. She is also subject to jokes or hostile comments.

Why it's illegal: Retaliation or harassment due to pregnancy is a form of unlawful discrimination under the PDA.

STEPS A GRIEVANCE HANDLER CAN TAKE

If a worker's [Pregnancy Discrimination Act \(PDA\) rights are violated](#), the worker or grievance handler can take several steps to address the violation.

1. Document, Document, Document

Action: The worker should keep detailed notes on the discrimination, including dates, specific events, who was involved, and any communications regarding pregnancy or related medical conditions.

Why: This documentation will serve as crucial evidence if the issue escalates to a formal grievance or legal process.



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PREGNANCY AND PARENTING RELATED RIGHTS

STEPS A GRIEVANCE HANDLER CAN TAKE *CONTINUED*

2. Review the Collective Bargaining Agreement (CBA)

Action: The union grievance handler should review the CBA to ensure the worker's rights related to pregnancy, maternity leave, accommodations, and workplace policies are clearly defined.

Why: The CBA may have additional protections or procedures that are more favorable than the PDA or applicable state laws.

3. Communicate with the Employer

Action: The grievance handler may attempt to resolve the issue by addressing it directly with the employer through an informal conversation or formal letter, stating the violation and requesting a remedy.

Why: Many issues can be resolved at this early stage before escalating to a formal grievance.

4. File a Formal Grievance

Action: If informal communication does not resolve the issue, the union grievance handler can file a formal grievance based on the violation of the PDA or CBA protections. The grievance should be timely and include:

- The worker's personal account and evidence of the discrimination.
- Relevant contract language or legal protections (PDA)
- Desired outcomes (e.g., reinstatement, back pay, accommodations)

Why: Filing a formal grievance begins the process of resolving the issue through union-negotiated mechanisms.

5. Contact the Equal Employment Opportunity Commission (EEOC)

Action: If the employer does not resolve the issue, the worker or grievance handler can file a charge of discrimination with the EEOC or state-level fair employment agency. This must be done within 180 days of the alleged discrimination (or 300 days if a state or local anti-discrimination agency is involved) regardless if a grievance was filed or what step it may be at in the grievance arbitration process.

Why: The EEOC investigates complaints of pregnancy discrimination under the PDA. If they find merit, they may help resolve the issue or issue a Right to Sue notice, which allows the worker to take legal action.

6. File a Complaint with State or Local Agencies

Action: Some states or cities have additional protections or enforcement agencies for pregnancy discrimination. The grievance handler should help the worker file a complaint with these agencies if available.

Why: State or local agencies may provide more specific protections or remedies than federal law.

7. Pursue Legal Action

Action: If the issue remains unresolved after following all internal grievance procedures and filing with the EEOC or state agency, the worker or union grievance handler may pursue a lawsuit in federal or state court. *All internal union processes must be exhausted prior to seeking outside legal action.*

Why: Legal action can provide remedies such as back pay, compensatory damages, and reinstatement, and may also help set a precedent for similar cases.

Additional Support and Resources:

- 1. Legal Assistance:** The worker or union grievance handler should consider consulting with an employment lawyer who specializes in discrimination cases to provide legal advice and support.
- 2. Support Groups:** Workers facing pregnancy discrimination can reach out to support groups and advocacy organizations, such as the National Women's Law Center (NWLC), for additional resources and guidance.
- 3. Union Solidarity:** If pregnancy discrimination is affecting multiple workers, the union grievance handler may consider organizing a collective action to address systemic issues across the workplace.



PREGNANCY AND PARENTING RELATED RIGHTS

Key Points for a Union Grievance Handler:

- Ensure the worker's rights are protected under both the PDA and the CBA.
- Document everything and take timely action to file grievances or complaints.
- Use union resources and solidarity to ensure fair treatment for all workers, especially those experiencing discrimination.

Example Action Plan:

1. **Step 1:** Worker reports pregnancy discrimination to union rep.
2. **Step 2:** Union rep documents events and reviews CBA for relevant protections.
3. **Step 3:** Timely file a formal grievance and request accommodations for the worker.
4. **Step 4:** If no resolution, escalate to EEOC or state agency for investigation.
5. **Last Step:** If needed, file a lawsuit or seek legal action for a more formal resolution.

By following these steps, workers and union grievance handlers can effectively advocate for their rights within the CBA and federal law to ensure that pregnancy-related discrimination is addressed.



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PREGNANCY AND PARENTING RELATED RIGHTS

FAMILY MEDICAL LEAVE ACT - 1993

Provides up to 12 weeks of unpaid, job-protected leave per year for:

- Birth of a child and care for the newborn
- Serious health conditions (including pregnancy-related)
- Applies to employers with 50+ employees and workers who meet eligibility requirements (e.g., 12 months of employment).

The [Family and Medical Leave Act \(FMLA\) of 1993](#) provides essential protections for working women and working families by granting eligible employees the right to take job-protected leave for specific family and medical reasons.

WHAT YOU NEED TO KNOW

Types of Leave Under FMLA:

The FMLA allows employees to take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- Birth and care of a newborn child (including leave for pregnancy and childbirth).
- Adoption or foster care placement.
- Care for a family member (spouse, child, or parent) with a serious health condition.
- Employee's own serious health condition that prevents them from performing their job.
- Qualifying exigency related to a family member's military service (e.g., deployment).
- Care for a service member with a serious injury or illness (military caregiver leave).

To qualify for FMLA leave, an employee must:

- Have worked for the employer for at least 12 months (not necessarily consecutive).
- Have worked at least 1,250 hours during the 12 months prior to the leave.
- Work at a location where the employer has at least 50 employees within a 75-mile radius.

Important Protections and Rights:

Job Protection:

Job Guarantee: Employees taking FMLA leave are entitled to return to their same or equivalent position with the same terms and conditions (e.g., pay, benefits).

Health Benefits: While on leave, employees are entitled to maintain their health insurance coverage as if they were working, on the same terms as if they were still employed.

Unpaid Leave:

Leave is Unpaid: The FMLA allows for unpaid leave; however, employees may choose (or the employer may require) to use accrued paid time off (e.g., sick leave, vacation) during their FMLA leave.

Partial Pay: Employees can use paid leave in combination with FMLA, but the FMLA itself does not mandate paid leave.

Notice and Documentation:

Notice Requirement: Employees must provide at least 30 days' notice when the need for FMLA leave is foreseeable (e.g., for childbirth or scheduled medical treatment).

Certification: Employees may be required to provide medical certification from a healthcare provider to verify the need for FMLA leave due to a serious health condition. Employers may also request recertification periodically.

Return to Work:

Return Rights: After FMLA leave, employees are entitled to return to the same job or an equivalent position (with similar pay, benefits, and working conditions).

Reasonable Accommodations: In some cases, employees with serious health conditions may be entitled to reasonable accommodations upon return to work, such as modified duties or flexible hours.

Common Issues and Challenges:

Pregnancy and FMLA:

Pregnancy as a Covered Condition: Although FMLA does not provide paid leave, it ensures job protection during leave for pregnancy, childbirth, or related medical conditions. This includes leave for prenatal visits, recovery from childbirth, or complications related to pregnancy.

PREGNANCY AND PARENTING RELATED RIGHTS

COMMON ISSUES AND CHALLENGES CONTINUED

• **Paid Leave vs. Unpaid Leave:** FMLA does not require employers to provide paid leave, but employees may use paid sick leave, vacation, or other paid time off during their FMLA leave.

Challenges for Grievance Handlers:

- **Enforcement:** If a worker is wrongfully denied FMLA leave or retaliated against for taking leave, the grievance handler must ensure that the FMLA rights are upheld and seek remedies.
 - This includes timely filing a grievance and, if necessary, contacting the U.S. Department of Labor or filing a lawsuit for FMLA violations.
- **Intermittent Leave:** FMLA allows employees to take intermittent leave for ongoing health conditions, but this can sometimes lead to misunderstandings with employers who prefer continuous leave. Grievance handlers should clarify the rules around intermittent leave.

FMLA and the Workplace:

- **Retaliation is Illegal:** Workers are protected from retaliation or discrimination for exercising their right to take FMLA leave. Grievance handlers should be vigilant in identifying any retaliatory actions (such as demotion, firing, or adverse job actions).
- **Notice and Communication:** Employees should be proactive in communicating their need for leave and keep records of any communication with their employer. Grievance handlers can assist by helping employees understand the notice process and required documentation.

WHAT UNION REPRESENTATIVES AND GRIEVANCE HANDLERS NEED TO KNOW

Collective Bargaining Agreements (CBAs):

- **FMLA and CBAs:** Some CBAs may provide additional leave benefits that go beyond the basic requirements of the FMLA (e.g., paid family leave, more extended leave, job protection).
- **Integration with FMLA:** Grievance handlers should understand how the union's leave provisions may interact with the FMLA. For instance, workers may be eligible for additional paid time off during their FMLA leave under the CBA.

Handling Grievances:

1. **Step 1:** Document the leave request and employer's response.
2. **Step 2:** If the employer denies the leave, a grievance should be filed immediately to ensure FMLA rights are protected.
3. **Step 3:** If an employee experiences retaliation after returning from leave, the grievance handler should investigate the claim and take appropriate action (such as contacting the Department of Labor or pursuing arbitration).

KEY RESOURCES

1. **U.S. Department of Labor (DOL):** Provides detailed guidance on the FMLA, including eligibility, leave types, and rights.
 - [DOL FMLA Information](#)
2. **Family and Medical Leave Act Poster:** Employers must post [this notice](#) in the workplace. It informs employees of their rights under the FMLA.

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor and New Orleans (WHD) enforces the FMLA for most employers.

Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you.
- Your serious medical or physical health condition that makes you unable to work.
- To care for your spouse, child or parent with a serious medical or physical health condition.
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is on active military service.

An eligible employee who is the spouse, child, parent or next of kin of a covered service member with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the service member.

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or as a reduced schedule by working less than full time each day or week. Read Fact Sheet #3086 for more information.

FMLA leave is **paid** leave, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer.
- You have worked for your employer at least 12 months.
- You have at least 1,250 hours of service for your employer during the 12 months before your need for FMLA leave.
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **any** of the following apply:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year.
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title 5 of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave?

Generally, to request FMLA leave you **must**:

- Follow your employer's normal policies for requesting leave.
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You do **not** have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must** also inform your employer if FMLA leave was previously taken or planned for the same reason when requesting additional leave.

Your employer **must** request certification from a health care provider to verify medical leave and may request certification of a qualifying event.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave that meet various conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?

If you are eligible for FMLA leave, your employer **must**:

- Allow you to take job-protected time off work for a qualifying reason.
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a substantially identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your employer **cannot** interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHDC investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer **must** determine whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer **must** notify you in writing:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?

Call 1-866-487-2468 or visit [dol.gov/fmla](#) for more info.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHDC or file a private lawsuit against your employer in court. **Scan the QR code to learn about WHDC complaint process.**



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR



WHDC REV 04/20

The FMLA provides essential job protection and family care benefits for working women and families. Grievance handlers play a crucial role in ensuring workers can access their rights, and are supported when requesting leave for pregnancy, medical issues, or family care. It's vital to know the specifics of the FMLA and how it works in combination with other workplace benefits or union protections.

NURSING MOTHERS AT WORK

BREAK TIME FOR NURSING MOTHERS (Affordable Care Act amendment to FLSA)

Requires employers to provide:

- Reasonable break time to express breast milk for one year after the child's birth
- A private, non-bathroom space to pump

Applies to non-exempt (hourly) workers under the Fair Labor Standards Act.

The [Break Time for Nursing Mothers](#) provision, part of the Affordable Care Act (ACA), amends the Fair Labor Standards Act (FLSA), and provides essential protections for breastfeeding employees. This provision is designed to support working women by ensuring they have the opportunity to express breast milk at work in a private, non-bathroom setting.

Key Points of the Break Time for Nursing Mothers Provision:

Who Is Covered by the Law?

Employees Covered: The law applies to non-exempt employees (i.e., employees entitled to overtime pay under the FLSA) working for employers with fewer than 50 employees (unless it causes undue hardship). It applies to most hourly and salaried workers, including those working part-time, full-time, or on temporary contracts.

Who is NOT Covered:

- Employers with fewer than 50 employees **may** be exempt if compliance would cause them undue hardship.
- Exempt employees (typically high-salary workers, managers, etc.) may not be entitled to the same break time protections under the ACA, though many employers still provide accommodations voluntarily.

What Does the Law Require?

Break Time: Employers are required to provide reasonable break time for nursing mothers to express breast milk. This must be done for up to one year after the child's birth.

Private Space: The break time should occur in a private, clean, and shielded area (other than a bathroom) that is not open to the public. This space must be functional and allow for the nursing mother to express milk in privacy and comfort.

Duration and Frequency of Breaks:

Reasonable Break Time: The law does not specify an exact duration for the breaks, as it is expected to vary depending on the needs of the mother and the employer's work environment. However, the breaks should be reasonable and should allow sufficient time for milk expression.

Duration of Protection: The protection for break time lasts for one year after the birth of the child. If the mother continues to breastfeed beyond one year, employers may still be required to accommodate additional break times, depending on workplace policies or state laws.

Key Rights and Protections Under the Break Time for Nursing Mothers Law:

1. No Retaliation for Using Break Time:

Protection from Retaliation: Employees are protected from retaliation or discrimination for taking breaks to express breast milk. Grievance handlers should be aware that any adverse action (e.g., reduced hours, firing, or demotion) taken against an employee for using this break time is a violation of the law.

2. Job and Pay Protection:

Unpaid Breaks: Breaks for nursing mothers are unpaid, unless the employee is already on a paid break (e.g., paid lunch break). However, the employer cannot deny a nursing mother breaks to express milk simply because those breaks are unpaid.

No Reduction in Pay: The law does not require the employer to compensate for the time spent on these breaks, but the employee's pay must not be reduced if the breaks are during paid time.

3. Undue Hardship Exemption:

Exemption for Small Employers: Employers with fewer than 50 employees may be exempt from the requirements if complying would impose an undue hardship. This exemption is assessed on a case-by-case basis and includes factors like the nature of the business and the difficulty of complying.

Challenges for Employers and Workers:

Lack of Awareness:

Employer Knowledge: Not all employers may be aware of their obligations under the Break Time for Nursing Mothers provision, especially small employers who are exempt from some other FLSA provisions. Grievance handlers should be proactive in educating both workers and employers about the law.

Undue Hardship:

Undue Hardship Claims: While the law provides an exemption for employers with fewer than 50 employees, the "undue hardship" exemption is narrow. Grievance handlers should scrutinize any employer claim that providing break time would be an undue hardship, especially since the law encourages reasonable accommodations.

NURSING MOTHERS AT WORK

BREAK TIME FOR NURSING MOTHERS *CONTINUED* (Affordable Care Act amendment to FLSA)

WHAT GRIEVANCE HANDLERS NEED TO KNOW:

1. Action When Rights Are Violated:

Document the Violation: If a worker believes their rights under the Break Time for Nursing Mothers provision are being violated (e.g., if the employer refuses to provide break time or a private space), they should document the incident, including dates, details of any communication, and the nature of the violation.

Communicate with the Employer: A grievance handler should encourage the worker to discuss the issue with their supervisor or HR department. Often, violations can be resolved by addressing the problem directly with the employer.

2. Filing a Grievance:

Filing a Grievance: If the issue is not resolved informally, a formal grievance should be timely filed. In unionized workplaces, grievance handlers should refer to the Collective Bargaining Agreement (CBA) for additional protections, and help the worker file the grievance through the union's established process.

Escalate to the Department of Labor: If informal or internal grievance processes fail, employees can file a complaint with the U.S. Department of Labor's Wage and Hour Division (WHD) for enforcement of the FLSA and the Break Time for Nursing Mothers provision.

3. Follow-Up and Documentation:

Ensure Ongoing Compliance: If a grievance is filed, grievance handlers should monitor the situation to ensure the employer complies with the accommodation requirements. This may include checking whether a private space is being provided or if the employee is receiving the necessary break times.

Key Resources:

1. [U.S. Department of Labor \(DOL\) Wage and Hour Division:](#)

- Provides information about the Break Time for Nursing Mothers provision and how to file a complaint.
- DOL Break Time for Nursing Mothers

2. [National Partnership for Women & Families:](#)

- Provides information and resources on breastfeeding rights and workplace accommodations.
- National Partnership - Breastfeeding and Workplace

3. [Pregnancy Discrimination Act and FLSA Resources:](#)

- Outlines further protections and rights under the law regarding pregnancy, childbirth, and related medical conditions.
- Pregnancy Discrimination Act and FLSA

The Break Time for Nursing Mothers provision of the Affordable Care Act (ACA) ensures important rights for breastfeeding women in the workplace. Grievance handlers should be prepared to educate both workers and employers on these rights, assist with the filing of grievances when necessary, and advocate for the enforcement of these critical protections.

Ensuring access to proper facilities and break time for nursing mothers is not only a legal obligation but also an important aspect of supporting working women and families.



NURSING MOTHERS AT WORK

PUMP FOR NURSING MOTHERS ACT - 2022

- Expands the 2010 law to cover nearly all workers, including salaried and exempt employees.
- Requires time and space for pumping for one year after the child's birth.
- Strengthens enforcement and remedies for violations.

The [Providing Urgent Maternal Protections \(PUMP\) for Nursing Mothers Act](#), enacted on December 29, 2022, significantly enhances workplace rights for nursing employees.

Impact on Working Women and Families

Support for Breastfeeding: Facilitates continued breastfeeding upon return to work, promoting infant health and maternal well-being.

Workplace Equality: Addresses previous gaps in protections, fostering a more inclusive work environment for nursing mothers.

Key Provisions of the PUMP Act

1. Expanded Coverage to previously Uncovered Workers: The PUMP Act extends protections to nearly 9 million additional employees, including salaried workers, teachers, nurses, and farmworkers, who were not covered under the 2010 Break Time for Nursing Mothers law.

2. Break Time and Private Space Requirements

Break Time: Employers must provide reasonable break time for employees to express breast milk for up to one year after the child's birth.

Private Space:

- **The space provided must be:**
 - o Not a bathroom
 - o Shielded from view
 - o Free from intrusion by coworkers and the public
 - o Available each time the employee needs to express milk

3. Compensation During Breaks

Unpaid Breaks:

Break time for expressing milk is generally unpaid unless:

- The employee is **not completely relieved from duty** during the break.
- The employer provides paid breaks, and the employee uses that time to express milk.

4. Enforcement and Legal Remedies

Effective Dates:

Break Time and Space Requirements: Effective December 29, 2022.

Enforcement Provisions: Effective April 28, 2023, allowing employees to file lawsuits for monetary remedies if their rights are violated.

WHAT GRIEVANCE HANDLERS CAN DO

1. Educate and Inform

Awareness: Ensure employees are informed about their rights under the PUMP Act.

Training: Provide training sessions for management and staff on compliance requirements.

2. Monitor Compliance

Facilities Check: Verify that appropriate private spaces are available and meet the Act's standards.

Policy Review: Assess company policies to ensure alignment with the PUMP Act provisions.

3. Address Violations

Complaint Process: Assist members in filing complaints internally or with the U.S. Department of Labor's Wage and Hour Division if necessary.

Legal Action: Support members in seeking legal remedies if their rights are infringed upon.

KEY RESOURCES

[1. U.S. Department of Labor: PUMP Act Information: DOL](#)

[2. U.S. Breastfeeding Committee: PUMP Act Explained: U.S. Breastfeeding Committee](#)

[3. A Better Balance: PUMP Act Explainer: A Better Balance](#)

[4. Center for American Progress: 5 Facts About PUMP for Nursing Mothers Act](#)

[5. U.S. Department of Labor: Frequently Asked Questions](#)

The PUMP Act represents a significant advancement in supporting nursing mothers in the workplace, ensuring they have the necessary time and private space to express breast milk. Grievance handlers play a crucial role in enforcing these rights and fostering a supportive work environment for all employees.



WORKPLACE ACCOMMODATIONS

AMERICANS WITH DISABILITIES ACT (ADA) - 1990

The Americans with Disabilities Act (ADA) does not consider pregnancy itself a disability, but it **can** protect pregnant workers in specific situations. Here's how it works:

1. Pregnancy Is Not a Disability

- The ADA, which prohibits discrimination based on disability, does not classify normal pregnancy as a disability.
- However, pregnancy-related complications or conditions may qualify as disabilities.

2. Pregnancy-Related Conditions Can Be Covered

- If a pregnant employee develops a condition that substantially limits a major life activity, the ADA requires the employer to provide reasonable accommodations.
- Examples of pregnancy-related conditions that may meet the ADA definition of disability include: cervical insufficiency, anemia, sciatica, pre-eclampsia, gestational diabetes, and depression. Physical or mental conditions exacerbated by pregnancy also may meet the definition of disability.

3. Reasonable Accommodations May Include:

- Modified work schedules or breaks
- Light duty or reduced lifting
- Ability to sit or stand as needed
- Temporary reassignment or remote work
- Leave or time off for treatment or recovery

4. The Employer's Obligation:

- Employers with 15 or more employees must engage in an interactive process to determine reasonable accommodations.
- They are not required to eliminate essential job functions or create a new position, but must explore adjustments unless it poses an undue hardship.
- They are not obligated to provide the employees preferred accommodation, as long as the employer provides an effective accommodation.

5. Intersection with Other Laws:

- **Title VII + Pregnancy Discrimination Act (PDA):** Prohibits discrimination based on pregnancy itself.
- **Family and Medical Leave Act (FMLA):** Offers job-protected leave for prenatal care, childbirth, and recovery.

- **State Laws:** Many states have stronger protections, including requirements to accommodate pregnancy even without a disability.

EXAMPLE SCENARIO:

A pregnant employee develops gestational diabetes and needs a modified schedule and additional restroom breaks. Under the ADA, the employer must consider and provide reasonable accommodations unless doing so would cause significant difficulty or expense.

KEY RESOURCES

1. [U.S. Equal Employment Opportunity Commission Legal Rights of Pregnant Workers under Federal Law](#)



WORKPLACE ACCOMMODATIONS

PREGNANT WORKERS FAIRNESS ACT (PWFA) - 2022

The [Pregnant Workers Fairness Act \(PWFA\)](#) is a federal law enacted in December 2022 and effective as of June 27, 2023. It mandates that employers provide reasonable accommodations to employees affected by pregnancy, childbirth, or related medical conditions. The law aims to prevent discrimination and ensure that pregnant workers can continue to work safely and effectively.

The PWFA fills these gaps by specifically requiring accommodations for pregnancy-related conditions, even if they do not qualify as disabilities under the ADA.

Key Provisions of the PWFA

1. Who Is Covered

- Applies to employers with 15 or more employees.
- Protects qualified employees and job applicants who can perform essential job functions with or without reasonable accommodations.

2. What Employers Must Do

- Provide reasonable accommodations for known limitations related to pregnancy, childbirth, or related medical conditions, unless doing so would impose an undue hardship on the operation of the business.
- Engage in an interactive process with the employee to determine appropriate accommodations.

3. Prohibited Employer Actions

- Denying employment opportunities based on the need to make reasonable accommodations.
- Requiring an employee to accept an accommodation without a discussion.
- Forcing an employee to take leave if another reasonable accommodation can be provided.
- Taking adverse action against an employee for requesting or using accommodations.

4. Examples of Reasonable Accommodations

- More frequent or longer breaks
- Time off for prenatal appointments
- Modification of work schedules or job duties
- Access to seating or the ability to carry water
- Remote work options, if feasible

HOW THE PWFA DIFFERS FROM OTHER LAWS

- **Pregnancy Discrimination Act (PDA):** Prohibits discrimination based on pregnancy but does not require accommodations.
- **Americans with Disabilities Act (ADA):** Covers pregnancy-related disabilities but not pregnancy itself.
- **Family and Medical Leave Act (FMLA):** Provides for unpaid leave but not workplace accommodations.

EXAMPLE SCENARIO: NO LIGHT DUTY FOR YOU

Maria, a warehouse worker and union member, is in her second trimester of pregnancy. Her doctor has recommended that she avoid lifting more than 15 pounds for the remainder of her pregnancy due to risk of complications. She shares this note with her supervisor and requests temporary reassignment to a light-duty position.

Her supervisor responds: "We only offer light duty to employees injured on the job. If you can't lift, you'll have to take unpaid leave."

Maria wants to keep working and is worried that taking unpaid leave will affect her ability to support her family. She tells her union steward what happened.

- Under the PWFA, the employer must engage in an interactive process to explore accommodations, even if the worker wasn't injured on the job.
- Denying light duty to pregnant workers while offering it to others (e.g., those with workplace injuries) may be discriminatory.
- Forcing leave instead of offering accommodations is prohibited under the PWFA unless no other option exists.

ENFORCEMENT AND COMPLIANCE

- The Equal Employment Opportunity Commission (EEOC) is responsible for enforcing the PWFA.
- Employees who believe their rights under the PWFA have been violated can file a complaint with the EEOC.

To ensure rights are enforced under the Pregnant Workers Fairness Act (PWFA), both members and union reps can take proactive steps to protect, assert, and enforce the law in the workplace.

WORKPLACE ACCOMMODATIONS

PREGNANT FAIR WORKERS ACT (PWFA) - 2022

Continued

For Members

1. Know Your Rights

- Understand that you are entitled to reasonable accommodations for pregnancy, childbirth, or related medical conditions.
- These rights apply even if your condition isn't classified as a disability under the ADA.

2. Communicate Early

- Notify your employer of your condition and request accommodations as early as possible.
- Use clear, documented communication (email is best) when making requests.

3. Propose Reasonable Accommodations

- Offer solutions that allow you to perform your job safely (e.g., more breaks, light duty, work-from-home, modified schedules).
- The law requires employers to engage in an interactive process with you.

4. Document Everything

- Keep records of all communications, doctor's notes, and any denial or delay in accommodations.
- Note any changes in treatment or retaliation after you request accommodations.

5. File a Complaint if Needed

- You can file a charge with the EEOC within 180 or 300 days, depending on your state.
- Seek support from a union rep, legal aid group, or employment lawyer.

For Grievance Handlers and Union Reps

1. Educate the Workforce

- Host trainings or share resources to inform members about their PWFA rights.
- Include PWFA protections in new hire orientations and member updates.

2. Encourage Early Reporting

- Urge members to speak up early if they need accommodations.
- Help create a workplace culture where requesting support is normalized, not penalized.

3. Monitor for Violations

- Watch for red flags like denial of leave, forced unpaid leave, retaliation, or refusal to modify duties.
- Track patterns of discrimination or harmful policies (e.g., "no light duty" rules).

4. Support the Interactive Process

- Help members craft and submit requests for accommodations.
- Accompany them in meetings or advocate during the interactive process.

5. File Grievances or Legal Complaints

- Use contract language or grievance procedures to challenge employer non-compliance.
- Refer to legal support (EEOC, state agencies, or labor attorneys) when needed.

6. Push for Contractual Protections

- Bargain for stronger protections than PWFA provides—like paid parental leave, light duty provisions, or clear accommodation procedures

KEY RESOURCES

1. The [EEOC PWFA Page](#)
2. National Women's Law Center provide resources to help workers understand their rights: Know Your Rights: [Pregnant Workers Fairness Act](#)
3. A Better Balance offers a free legal helpline, know-your-rights materials, and policy advocacy: abetterbalance.org



Union Steward Training on PWFA Rights

The UAW Women's Department offers a union steward training titled: Protecting Pregnant Workers: What Union Stewards Need to Know About the PWFA.

Contact the Women's Department via email at uawwomensdept1955@uaw.net to request a training.

ABOUT US



The mission of the UAW International Women's Department is to work to alleviate the inequities created by race and class while continuing to address gender injustice as it relates to discrimination in hiring, pay, promotion, training, seniority protection, and retention in the workplace.

**CONTACT US VIA E-MAIL:
WOMENSDEPT1955@UAW.NET**

RESOURCES

[Pregnancy Discrimination Act \(PDA\) of 1978](#)

[Pregnancy Discrimination Act Fact Sheet](#)

[Family and Medical Leave Act \(FMLA\) of 1993](#)

[U.S. Department of Labor \(DOL\) FMLA Information](#)

[FMLA Poster](#)

[Break Time for Nursing Mothers](#)

[U.S. Department of Labor \(DOL\) Wage and Hour Division](#)

[National Partnership for Women & Families](#)

[Pregnancy Discrimination Act and FLSA Resources](#)

[U.S. Department of Labor - PUMP Act Information](#)

[U.S. Breastfeeding Committee - PUMP Act Explained](#)

[A Better Balance](#)

[A Better Balance - PUMP Act Explainer](#)

[Center for American Progress - 5 Facts About PUMP for Nursing Mothers Act](#)

[U.S. Department of Labor \(DOL\) - Frequently Asked Questions](#)

[Americans with Disabilities Act \(ADA\) of 1990](#)

[U.S. Equal Employment Opportunity Commission - Legal Rights of Pregnant Workers under Federal Law](#)

[Pregnant Workers Fairness Act \(PWFA\) of 2022](#)

[EEOC PWFA Page](#)

[National Women's Law Center - Know Your Rights: Pregnant Workers Fairness Act](#)

DISCLAIMER: Please note that federal workplace protections and benefits are subject to change. Laws and policies that impact workers' rights, including those related to pregnancy, lactation, family leave, and wage protections can evolve through new legislation, regulatory changes, agency enforcement priorities, and court decisions. These changes may be especially dynamic under the current federal administration. We strongly recommend that you consult with your union, legal experts, relevant government agencies, or trusted policy organizations to obtain the most current information and guidance applicable to their specific situations.