

Time and Place to Pump at Work: Your Rights

Employees and applicants who need a time and place to pump breastmilk at work have rights under federal laws including the **Fair Labor Standards Act (FLSA)** and the **Pregnant Workers Fairness Act (PWFA)**.

Under the [FLSA](#), nursing employees are entitled to reasonable break time and a private space to pump at work for up to one year after their child's birth. The **Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act)** amended the FLSA to expand these rights to more nursing employees. The FLSA, as amended by the PUMP Act, is enforced by the U.S. Department of Labor's Wage and Hour Division.

Under the [PWFA](#), employers must make changes or adjustments at work (known as "reasonable accommodations") to the known limitations of employees (and applicants) related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions. This includes changes or adjustments at work to allow employees breaks and space for pumping at work. Additionally, under the PWFA employees can also get other pumping-related accommodations. Employers do not have to make the change or adjustment if it causes the employer significant difficulty or expense (known as "undue hardship"). The PWFA is enforced by the Equal Employment Opportunity Commission (EEOC).

An employee may also have rights under [state or local laws](#). Of course, an employer can voluntarily provide more support for pumping than the law requires.

Protections for Time and Space to Pump at Work

	Pregnant Workers Fairness Act (PWFA) and EEOC's PWFA Regulation	FLSA Protections to Pump at Work
Which agency enforces the law?	EEOC Contact the EEOC	Wage and Hour Division How to file a complaint
Is my employer covered by the law?	Generally, the PWFA covers all employers with at least 15 employees, including employment agencies.	Generally, the FLSA covers most private and public employment.
Am I covered by the law?	If an employer is covered, all of the employees and applicants at that employer are covered. You must have a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or a related medical condition. Generally, a lactating employee needing a time and place to pump at work will qualify.	Most employees are covered. Certain employees of airlines are exempt from pump at work protections of the FLSA. Certain employees of railroads and motorcoach carriers are also currently not covered but will be covered with certain exemptions beginning on December 29, 2025.
How long do I qualify for these protections?	No specific time limit. How long you qualify for a reasonable accommodation will depend on your needs. The reasonable accommodation cannot cause an "undue hardship" for the employer.	Up to one year following the birth of your child.
How many pumping breaks can I take each day and how long can each break be?	No specific requirement. The number and length of pumping breaks depends on your needs, which may change over time. The reasonable accommodation cannot cause an "undue hardship" for the employer.	Employers are required to provide a reasonable amount of break time and a space to express milk as frequently as you need.
What type of requirements are there for the space to pump?	No specific requirements. The space depends on your needs. The reasonable accommodation cannot cause an "undue hardship" for the employer. Some examples of possible accommodations are that the space: <ul style="list-style-type: none"> • Be shielded from view • Be free from intrusion from coworkers and the public • Be reasonably close to your work area • Have electricity, seating, and place for the pump • Be reasonably close to running water 	Space must be: <ul style="list-style-type: none"> • Shielded from view • Free from intrusion from coworkers and the public • Not a bathroom • Functional as a space for expressing breast milk • Available whenever you need to pump
How can I get a time and place to pump at work?	Let your employer know that you are nursing and need breaks and a place to pump. There are no required words or forms.	Let your employer know that you are pumping at work and need breaks and a place to pump. There are no required words or forms.
Can my employer require a doctor's note if I request a time and place to pump at work?	Under EEOC's PWFA regulations, an employer may not require that you provide a doctor's note in order to take pump breaks.	No. An employer may not require that you provide a doctor's note in order to take pump breaks.
Are there circumstances when my employer doesn't need to give me time/place to pump?	An employer does not need to provide a reasonable accommodation if it creates an "undue hardship" for the employer.	Employers with fewer than 50 employees are not subject to the FLSA break time and space requirements if compliance would impose an "undue hardship" based on the specific circumstances.
What does "undue hardship" mean?	Undue hardship means significant difficulty or expense in light of the cost and the employer's overall financial resources, type of operation, and impact on the facility's operation.	Undue hardship means an employer must demonstrate significant difficulty or expense of compliance in light of the size, financial resources, nature, and structure of the employer's business.
Am I protected from retaliation if I ask for a time and place to pump at work or if I am pumping at work?	Yes. An employer cannot retaliate against you for exercising your rights, filing a complaint, or cooperating with an investigation.	Yes. An employer cannot retaliate against you for exercising your rights, filing a complaint, or cooperating with an investigation.
What can I do if my employer doesn't give me a time and/or place to pump at work?	While it is not required, you can provide your employer with information about the PWFA like this chart. Contact the EEOC – call the toll-free information line 1-800-668-4000, submit an online inquiry , or contact the office nearest you . For federal employees - contact an EEO Counselor at your agency.	Contact the Wage and Hour Division – call their toll-free help line, 1-866-4-USWAGE (1-866-487-9243), or contact the office nearest you . <ul style="list-style-type: none"> • WHD will work with you to answer your questions and determine whether an investigation is the best course of action.
Complaint Time Limits	You must first file a charge with the EEOC before you can file a job discrimination lawsuit against your employer. There are strict time limits (180 or 300 days after the alleged violation depending on the location) for when a charge of discrimination must be filed with the EEOC. If you are a federal employee, there are strict time limits (45 days) for contacting an EEO Counselor.	There is generally a two-year time limit for FLSA claims. However, the Wage and Hour Division recommends reporting potential violations of the reasonable break time and space requirement as soon as possible to allow the agency to address instances of non-compliance swiftly.

Other Resources

EEOC:

[How to File a Charge of Employment Discrimination | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#)

[What You Should Know About the Pregnant Workers Fairness Act | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#)

[Summary of Key Provisions of EEOC's Final Rule to Implement the Pregnant Workers Fairness Act \(PWFA\) | U.S. Equal Employment Opportunity Commission](#)

DOL:

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

[FLSA Protections to Pump at Work | U.S. Department of Labor \(dol.gov\)](#)

[What to Expect from Your Employer When You're Expecting | U.S. Department of Labor \(dol.gov\)](#)



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR



U.S. Equal Opportunity
Employment Commission