

# PWFA & PUMP Act

## KEY FACTS AND KEY DIFFERENCES

Effective in 2023, the Pregnant Workers Fairness Act (PWFA) and the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act grant federal workplace protections to expecting or recent mothers. Organizations should ensure their intra-office communication policies; job descriptions; best practices regarding accommodations; and people manager training are compliant with these and all federal, state and local laws.



### | PWFA

- Amends **Title VII of the Civil Rights Act** (Title VII)
- Is enforced by the **Equal Employment Opportunity Commission** (EEOC)
- Applies to employers with **15 or more employees**

**What duties did the PWFA create for employers and HR professionals?** The PWFA grants pregnant employees and applicants access to reasonable accommodations for their “known limitations,” which are the physical or mental conditions related to, affected by or arising out of pregnancy, childbirth or related medical conditions. The PWFA borrows language and concepts from other laws within Title VII and the Americans with Disabilities Act (ADA) to allow employers to build on existing policies. Under the PWFA, an employer must accommodate a worker’s inability to perform an essential function of their position (with or without a reasonable accommodation) as a result of a known limitation if the employer can reasonably accommodate that inability, it is “temporary” and the essential function can be performed “in the near future.” An employer may deny a requested accommodation if it would cause an “undue hardship” to business operations, which is determined on a case-by-case basis.

**When must an employer take action to comply?** Much like the ADA, the eligible employee or applicant must first request a reasonable accommodation directly or through a representative by communicating with a supervisor, manager, one who regularly directs their work or HR personnel, or by following applicable employer policies. According to EEOC regulatory guidance, the request does not have to be in writing and the worker does not need to use a specific form or wording, but they must connect the need for the change with the limitation.

Although the employer must assess whether a requested modification is reasonable, the EEOC has identified instances in which certain straightforward and simple modifications will virtually always be considered reasonable. A request for accommodation can initiate an informal, interactive process that may involve requesting reasonable documentation confirming the condition’s relevance and need for workplace adjustments. However, there are instances when it is not considered “reasonable” to request documentation, such as when the known limitation and adjustment or change are “obvious” and the employee provides self-confirmation. The EEOC has issued its final rule and interpretative guidance to help organizations implement the PWFA.

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## KEY FACTS AND KEY DIFFERENCES

### I PUMP Act

- Amends the **Fair Labor Standards Act (FLSA)**
- Is enforced by the **Wage and Hour Division** of the Department of Labor
- Applies to **all employers** covered by the FLSA, with an exemption only for small employers (fewer than 50 employees) who can demonstrate that compliance would impose an “undue hardship on them by causing significant difficulty or expense when considered in relation to the size, financial resources, nature or structure of the employer’s business”

### What duties did the PUMP Act create for employers and HR professionals?

The requirements of the PUMP Act are twofold: an employer must (1) provide “reasonable break time” each time an employee has a need to express milk for the employee’s nursing child for one year after birth and (2) provide a room “other than a bathroom, that is shielded from view and free from intrusion from coworkers” that may be used to pump breast milk. Unless the employee is using paid break time provided by the employer, the employer is not required to compensate the employee for time spent pumping if they are completely relieved from duty and are not interrupted with work during the break.

**When must an employer take action to comply?** If practical, eligible employers should already have a room that meets the PUMP Act standards available. If an employer does not have a permanent space available, an employer can designate a temporary space or make space available when the employee needs it.

In order to support our members in promoting this culture of inclusivity, SHRM has partnered with MamaZen®, a cost-effective, award-winning tool with a 92% success rate, setting a new benchmark for maternal support. Specifically tailored to foster motherhood & family well-being, MamaZen provides 500+ sessions addressing challenges like anxiety, burnout and stress. SHRM recognizes and encourages this effective solution that offers an affordable strategy, going beyond mere compliance to bolster workplace inclusion.

By integrating MamaZen®, you not only demonstrate a deep commitment to employee well-being but also position yourself and your organization as champions for working parents, ensuring talent retention and nurturing a culture that genuinely supports and values their unique journey.



To learn more,  
contact MamaZen at  
[irin@mamazen.com](mailto:irin@mamazen.com)