

Q: I am a solid waste driver for a large city. My employer told me that I can use any fire station on my route to take pump breaks. Using the fire stations will be a time saver, but will my rights be protected if I take breaks there?

Yes. The FLSA would not prohibit an employer from partnering with businesses along an employee's transportation route to accommodate nursing employees. Your employer is obligated under the law to ensure you have space available to pump, even if you do not have a fixed work location. The space provided cannot be a bathroom and it must be shielded from view and free from intrusion by coworkers and the public.

Q. I own a flatbed trucking company. Can my employee, a long-haul driver, use the sleeper berth of their truck to take pump breaks? The sleeper berth includes a bed large enough to sleep on, a bunk heater for cold weather, and cabinets for storing personal items.

Maybe. The FLSA requires that nursing employees have access to a place to pump breast milk at work that is shielded from view, free from intrusion from coworkers and the public, available each time it is needed by the employee, and not a bathroom. The location must be functional as a space for pumping. A space must contain a place for the nursing employee to sit, and a flat surface, other than the floor, on which to place the pump.

Ideally, spaces to pump breast milk should also include access to electricity, allowing a nursing employee to plug in an electric pump rather than use a pump with battery power, which may require more time for pumping. Access to sinks near the space provided to pump so that an employee can wash their hands and clean attachments improves the functionality of the space and may reduce the amount of time needed by nursing employees to pump breast milk at work.

Q. I am a driver employed by a taxi-cab company. Am I covered by the FLSA pump at work requirements if I do not have to be paid overtime?

Yes. On December 29, 2022, the PUMP Act amended the FLSA to extend the reasonable break time and space protections to many more employees who were not previously covered. Most employees have the right to take reasonable break time to express breast milk for their nursing child for one year after the child's birth. Employees are covered by the FLSA pump at work requirements even if they are exempt from the FLSA overtime requirements.

Q I work in the transportation industry and there are not many women who work with me. I've had male coworkers make jokes about my need to take pump breaks and interfere with my breaks by telling me to hurry up and come back to work. When I explained what was happening to my supervisor, my supervisor said that I should stop taking so many breaks. Since then, my coworkers have continued to interfere with my breaks and my supervisor has not done anything about it. What can I do?

Most of the acts enforced by the Wage and Hour Division have regulations that prohibit retaliation, harassment, intimidation or the taking of adverse action against employees for inquiring about their pay, hours of work or other rights, asserting their worker rights, filing a

complaint about their worker rights, or cooperating with a WHD investigation. If you are experiencing harassment that is interfering with your right to pump at work, you can call or visit any Wage and Hour Office to ask about the laws or file a complaint. You can also call our toll-free help line: 1-866-4USWAGE (1-866-487-9243).

The Equal Employment Opportunity Commission (EEOC) enforces federal laws that protect employees from harassment because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth or because of a pregnancy-related physical or mental disability, including Title VII of the Civil Rights Act of 1964, the Pregnant Workers Fairness Act (PWFA), and the Americans with Disabilities Act (ADA). For more information, visit the EEOC website on [Pregnancy Discrimination and Pregnancy-Related Disability Discrimination](https://www.eeoc.gov/pregnancy-discrimination) at <https://www.eeoc.gov/pregnancy-discrimination>.