

PUMP Act Ag FAQs

1. What space may be used for a nursing employee who works outdoors, such as a farm worker?

Under the Fair Labor Standards Act (FLSA), employees are entitled to a place to pump, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, and that may be used for pumping breast milk. The FLSA does not require that employers create permanent, dedicated spaces for employee pump breaks. Instead, a space for pumping may be mobile or temporary. Employers may address space requirements in different ways. Any location, whether indoors or outdoors, must be functional as a space for pumping, including that the 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. For example, an individual pop-up tent that is large enough for a chair and table for the pump and tall enough for someone to stand up in is one option an employer may use for providing space outdoors. Factors such as the location of the space and the steps reasonably necessary to express breast milk, such as pump setup and getting to and from the location, can affect the duration of time an employee will need to express milk and, where readily available, improve functionality of the space. Visit the U.S. Department of Health & Human Services, Office on Women's Health, website on Supporting Nursing Moms at Work at <https://www.womenshealth.gov/supporting-nursing-moms-work/lactation-break-time-and-space-all-industries> to view other options, including those specific to outdoor job sites.

2. Are employers required to provide nursing employees who work outside space to store breast milk or pumping equipment?

The right to pump includes the ability to safely store breast milk for the employee's child. While employers are not required to provide refrigeration, they must allow a nursing employee to bring a pump and insulated food container or personal cooler to work and ensure there is a place for the employee to store these items while working.

3. My crew leader said I slowed down the crew because of my pump breaks and held back a day's pay from my wages, even though I worked the whole day, except for my breaks. Can my employer do that?

No. The FLSA prohibits employers from retaliating against an employee for exercising or attempting to exercise their rights under the FLSA, including their rights to pump at work. For more information about prohibited retaliation visit <https://www.dol.gov/agencies/whd/retaliation>. Additionally, covered employees must be paid for all hours worked in a workweek. For more information about worker rights under the FLSA in agriculture, visit <https://www.dol.gov/agencies/whd/agriculture/flsa>.

4. I work on a farm. Can a farmer refuse to hire me because I intend to take pump breaks?

No. The FLSA prohibits employers from discriminating against an employee for exercising their rights under the FLSA, including their right to pump at work.