



PARTICIPANT GUIDE

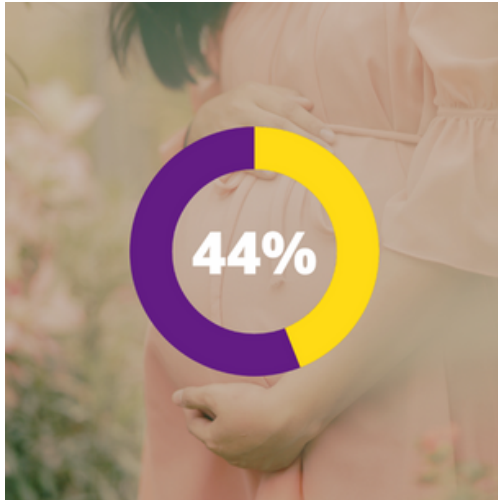
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How HR Leaders Can Unlock the Power and ROI of Parental Support Programs

NEXTGEN
WORK CULTURE

Times have changed.

Our workplaces need to catch up.



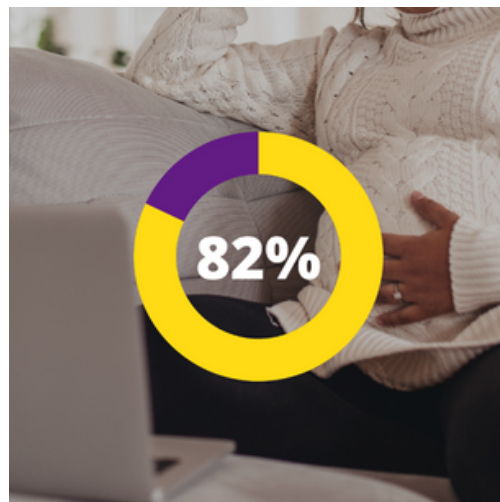
In the early 1960s, just 44% of women worked at all during their pregnancy.



66% of mothers who gave birth to their first child between 2006 and 2008 worked during their pregnancy.



In the early 1960s, only about 35% of women continued working into their final month of pregnancy.



82% of women in the late 2000s continued working until within one month of their first birth.



PWFA

The **Pregnant Workers Fairness Act** went into effect on June 27, 2023 and final regulations went into effect on June 18, 2024. This U.S. law is meant to eliminate discrimination and ensure workplace accommodations for pregnant employees.

Covered employers are required to provide **reasonable accommodations** for workers and applicants with **known limitations** due to pregnancy, childbirth, or related medical conditions unless doing so would cause an **undue hardship** on the employer's operations.

Covered Employers

Private and public sector employers with at least 15 employees

Reasonable Accommodations

Changes to the work environment or the way things are usually done at work.

Known Limitations

Physical or mental conditions related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or their representative has communicated to the employer.

Undue Hardships

Significant difficulty or expense for the employer.



PWFA



The **PWFA** is similar to the **ADA**. Unlike the ADA, the PWFA covers employees and applicants who are qualified to perform the essential functions of the position **in the near future**. They may be *temporarily* unable to perform the job function as long as the inability can be reasonably accommodated.

Frontline managers must be empowered to make decisions about pregnancy-related accommodations. The law requires that accommodation requests be uncomplicated, which means it could be as simple as an employee mentioning a need to a manager. The law also requires quick action, meaning the managers need to know about this law and what is expected of them when working with a covered employee.

Need help training frontline managers?

[Visit: kortneyross.com/leadershiptraining](https://www.kortneyross.com/leadershiptraining)



PWFA RESOURCES



<https://mailchi.mp/rosslearningsolutions/accommodating-pregnant-employees>

PDF download with several ideas for managers on accommodating pregnant employees.



[EEOC.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act](https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act)

Facts and Q&A from the EEOC, which enforces the PWFA



[Littler.com blog](https://www.littler.com/blog)

In-depth discussion of the PWFA from attorneys



[PregnantatWork.org](https://www.pregnantatwork.org)

Online resource center with tools and educational materials about pregnant and breastfeeding employees

Note About Final Regulations

The [EEOC's final regulations](#) went into effect June 18, 2024.

Be sure to stay up-to-date on these regulations, as several states have filed a lawsuit to block enforcement in the states that have sued.



PUMP Act

The **Providing Urgent Maternal Protections for Nursing Mothers Act** was passed in 2022 to make several changes to the Break Time for Nursing Mothers law that has been in place since 2010.

Employers of **ALL SIZES** are required to provide **reasonable break time** and **a clean, private, functional space** for lactating workers to express breast milk for **up to one year** following the birth of the employee's child.

Reasonable break time

An appropriate amount of time for the lactating employee to express breastmilk for the child. This time will vary based on several factors.

Clean, private, functional space

The employer must provide space for the employee to express breastmilk. See "Lactation Space Set-Up" checklist for more info.

Space for storing milk

The employee must be allowed access to a place for keeping milk cool. A separate refrigerator is best but allowing the employee to bring a personal cooler with them will also work.



PUMP Act



Employers with less than 50 employees may be excused from complying when providing required time and space would cause an **undue hardship** (a *significant* difficulty or expense.)

Special rules apply to certain rail carrier and motorcoach employees. Airline flight crewmembers are not covered by this law but may be protected by other laws such as the PWFA.

Did you know?

Lactation support has been shown to improve post-maternity retention by up to 34.7%!

Additional Resources



[DOL.gov/agencies/whd/pump-at-work](https://www.dol.gov/agencies/whd/pump-at-work)

The Department of Labor's official page with more information and printable materials about the Fair Labor Standards Act/PUMP Act.



usbreastfeeding.org/the-pump-act-explained.html

A collaboratively developed online guide with an available PDF version. Explains the law in very clear terms.



[The Business Case for Breastfeeding](#)

Research from the U.S. Department of Health and Human Services



Lactation Space Set-Up

- Shielded from view**
The pumping employee must be shielded from view in some way. This could be in a separate room or by using a partition.
- Free from intrusion**
The space must not be somewhere where a co-worker or other individual may intrude. Behind a locked door is best.
- Available as needed**
The lactation space must be available to the employee as needed. Shared spaces such as conference rooms may not work.
- NOT a bathroom**
Employees must not be required to pump in a restroom or a lobby/waiting area connected to the restroom.
- Functional for pumping milk**
At minimum, this generally includes:
 - Place to sit**
A comfy chair is nice, but a basic chair will do.
 - Flat surface**
A countertop or table for placing pump parts.
 - Electric outlet**
Most breast pumps will require electricity in order to function.



MEANINGFUL SUPPORT

ERGs & communication channels

Create Employee Resource Groups specifically for parents and caregivers and add channels in your company's communication platform for parents. These provide parents with opportunities to connect, form relationships, share tips, and learn from one another. Invite parenting professionals to give presentations or lead workshops at ERG meetings.

Caregiver resource page

Consider adding resources about financial planning, sleep, diet, and other topics relative to caregivers to an employee resource page. Be sure to share this resource page with employees who disclose they are expecting a child or adopting soon.

Secure access to high-quality virtual learning for your employees and add those to the resource page. This may include courses offered by sleep experts, fertility coaches, lactation professionals, and other parenting experts.

A good benefits package may also include on-demand access to dietitians, lactation consultants, therapists, and other professionals. Include information about accessing these professionals on the resource page.



EDUCATION

Clearly explain benefits

Clearly explain benefits that employees may need to elect now in order to reap the benefits later. For example, many birthing parents use short-term disability to receive some payment during maternity leave. However, if it isn't explicitly stated that short-term disability is necessary to be paid during leave, employees may find out too late when they are already pregnant and do not qualify due to a pre-existing condition.

Understanding their rights

Create a course or materials to help pregnant and lactating employees understand their rights under the PWFA and PUMP Acts as well as the escalation steps to take if their manager is not complying with the laws.

Preparing for leave

Provide a checklist or other framework to help employees prepare for leave. Consider creating a course or resource page with information about preparing for leave, people to contact with questions, communication expectations while they are out, and information about adding a child to benefits, childcare benefits, etc.



[KortneyRoss.com/EmployeeEducation](https://www.kortneyross.com/EmployeeEducation)

View a sample eLearning course for expecting employees and learn more about how you can bring this level of education to your organization!



Thank you!

CONTACT ME

I hope this session gave you plenty to consider as you begin to foster a family-friendly work environment that's ready for the future of work.

I'd love to connect with you for a chat. No strings attached! You can find yourself a time on my calendar right now!

 [Book a Call](#)



Or, connect and send me a message and I'll get back to you pronto!



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