



Collective Bargaining Agreement Model Language Paid Lactation Breaks for Hourly Workers

Employers are required under the federal PUMP Act, the federal Pregnant Workers Fairness Act, and the laws of many states to provide reasonable break time, private non-bathroom space, and other reasonable accommodations to lactating workers for expressing (pumping) milk and breastfeeding. In addition to providing lactation breaks and space as required by law, you may wish to require these breaks be paid. Paid lactation breaks ensure workers at all income levels can meet their lactation health needs without losing income. Several states require that lactation breaks be paid.

To learn more about when lactation breaks must be paid, check out [Lactation Rights at Work: Are Pumping Breaks Paid or Unpaid?](#) To learn more about lactation break time and space legal requirements in general, visit <https://pregnantatwork.org/lactation/>.

Compensated Lactation Breaks for Pumping/Nursing

The Employer shall provide lactating employees with reasonable break time for expressing breast milk. The employer shall provide lactation breaks as needed, as determined by the lactating workers' physical needs. Lactating employees who are paid by the hour shall receive up to 60¹ minutes of paid lactation break time, at their regular rate, for shifts lasting 6 hours or less and an additional 30 minutes of paid lactation break time for every additional 3 hours worked after 6. Any additional lactation break time needed by an employee shall be unpaid, unless the employee has chosen to use their PTO. Lactating employees shall be entitled to such paid lactation breaks for two years following birth.

If applicable to the nature of the work: Lactating employees shall not be required to extend their shifts or work additional shifts to make up for time spent on lactation breaks.²

If applicable: Indicate how productivity metrics will be adjusted to account for lactation breaks.

Note: Employers are already required by federal law to provide a private, functional, non-bathroom pumping space. Consider also requiring the employer to provide a comfortable space, in close proximity to the employee's workstation, with an electrical outlet and access to running water. Also consider requiring refrigerator access for milk storage.

¹ Fill in the details concerning work hours based on the duration of shifts under your CBA/MOU. We recommend providing at least 30 minutes of paid lactation time for every 3 hours worked. Whatever the amount of *paid* time, it is critical that your contract does not limit the total amount of time workers are allowed to spend on lactation breaks, even if some of the time is unpaid. Keep in mind, every lactating worker is different. The frequency and duration of breaks needed will vary from individual to individual, depending on their child's age and feeding schedule, and other unique physical characteristics. Federal law requires employers to provide "reasonable" lactation breaks "as needed"; it is unlawful to restrict when employees can take breaks or to place a cap on the amount of time an employee may spend on their pumping break.

² Required by the PUMP Act; <https://www.dol.gov/sites/dolgov/files/WHD/fab/2023-2.pdf>.