

FIRST 1000 DAYS KANSAS SUMMIT

Workplace Protections Presentation

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About A Better Balance

A BETTER BALANCE National legal advocacy organization with offices in New York City, Nashville, Denver, and Washington D.C.

MISSION Use the power of the law to advance justice for workers, so they can care for themselves and their loved ones without jeopardizing their economic security.

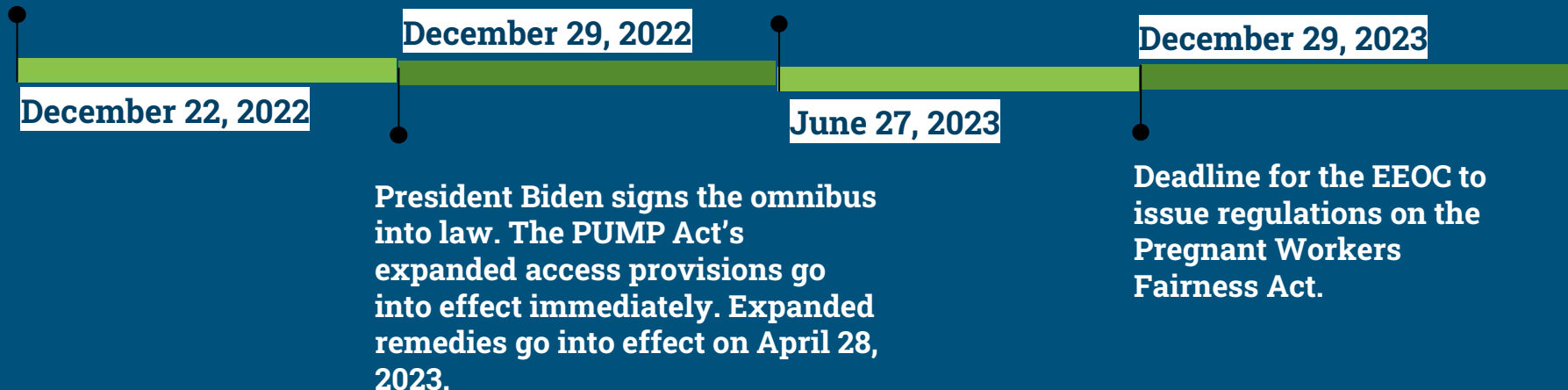
1-833-NEED-ABB (1-833-633-3222)

The Pregnant Workers Fairness Act & PUMP Act Are Now Law!

*a better
balance*

Senate passes PWFA & PUMP as amendments to the FY 2023 omnibus spending bill in overwhelmingly bipartisan votes.

The Pregnant Workers Fairness Act goes into effect.



Key Lessons from Decade-Long Campaigns

- **Bipartisanship was key.**
- **State partners were critical champions.**
 - **First 1000 Days played a key role in garnering support from the Kansas congressional delegation, including Sen. Marshall & Moran!**
- **Business support was crucial.**
- **We made the health & economic case.**
- **We made the legal case.**

Significance of Passage

PREGNANT WORKERS FAIRNESS ACT

- Reasonable accommodations for limitations related to pregnancy, childbirth, and related medical conditions, absent undue hardship, for **3+ million pregnant people** and millions of postpartum workers each year.
- Robust enforcement provisions.

PUMP FOR NURSING MOTHERS ACT

- Nearly **9 million more workers** have access to reasonable break time and space to pump at work.
- New enforcement provisions for violations of the law.

The Pregnant Workers Fairness Act

THE BASICS

- **The law goes into effect on June 27, 2023.**
- **The law applies to people who work for the government, and for private employers with at least 15 employees.**
- **Worker can request accommodations, employers must engage with them in good faith to find an accommodation that meets the workers' needs, unless accommodating the employee would be too difficult or expensive.**
- **Retaliation is illegal.**
- **Workers must first file complaints with the Equal Employment Opportunity Commission before bringing a lawsuit.**

The Pregnant Workers Fairness Act

Examples of **reasonable accommodations** under the PWFA include:

- **Light duty, or help with manual labor and lifting**
- **Temporary transfer**
- **Additional breaks**
- **Flexible scheduling for prenatal or postnatal appointments**
- **Time off for recovery from childbirth, miscarriage, bedrest, mastitis, and more**
- **Changing food or drink policies**
- **Making existing facilities easier to use**
- **Changing a uniform or dress code**
- **Changing a work schedule, including telework**
- **Accommodations for lactation needs**

The PUMP Act

The Basics

- Expands the right to receive reasonable break time (“each time [the] employee has need”) and a clean, private space to express milk to nearly 9 million more workers, including teachers, registered nurses, farmworkers, and many others. This portion of the law is already in effect.
- Protections for up to one year following the birth of the employee’s child.
- Applies to employers of ALL sizes. Employers with fewer than 50 employees can claim an undue hardship exemption.
- For certain employees of rail carriers and motorcoaches, the law will go into effect on December 29, 2025. The law does not apply to flight attendants and pilots.
- Workers can file lawsuits for violations. This portion of the law goes into effect April 28, 2023. Workers can also file complaints with the Department of Labor.

The PUMP Act

The Basics cont.

- **The law does not mandate that break time be paid. However, if an employee is performing any work while pumping, that time counts as “hours worked” and must be factored in when calculating minimum wage and overtime.**
- **Before filing a lawsuit, workers must notify the employer if the space is not adequate and give them 10 days to correct.**
 - **They are not required to give employers an opportunity to correct for other types of violations.**
 - **Workers are not required to file a complaint first with the Department of Labor.**

Where can I direct workers who have questions?



CALL A Better Balance's free, confidential legal helpline:

1-833-633-3222 or

<https://www.abetterbalance.org/get-help/>

VISIT our state-by-state Workplace Rights Hub

www.abetterbalance.org/states/kansas

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Public Policy - Snap Shot

- **71 percent of all mothers US work outside of the home**
- **Mothers are the sole or primary breadwinner in 40% of households**
- **1 in 4 mothers go back to work within 2 weeks of birth**



March of Dimes gives Kansas a **C** Preterm Birth Grade

9.8 Preterm Birth Rate

Infant Mortality Rate **6.7** per 1,000



[MomsRising.org](https://www.MomsRising.org) | [MamasConPoder.org](https://www.MamasConPoder.org)

Struggles in Breastfeeding

4 out of 5 US mothers start out breastfeeding



Less than **1/2** are still breastfeeding at 6 months postpartum

[MomsRising.org](https://www.MomsRising.org) | [MamásConPoder.org](https://www.MamasConPoder.org)

Connecting the Dots



- **Lack of access to breastfeeding advice and support**
- **Discomfort in breastfeeding public**
- **Concerns about working and breastfeeding**



80% of maternal deaths can be prevented

[MomsRising.org](https://www.MomsRising.org) | [MamásConPoder.org](https://www.MamasConPoder.org)

The Next Steps



- **Paid Family & Medical Leave**
- **Access to Affordable, Quality Childcare**
- **Access to Affordable Healthcare**

MomsRising.org | MamásConPoder.org

Thank You!

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