

# 'Right to pump' not realized

By Beth Throne

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Freshly pressed pantsuit - check. Briefcase - check. Breast pump and black microfiber bag for discreetly storing my dairy product in the office fridge - check.

So began my first workday following 12 weeks of maternity leave. At the office, my secretary presented me with an artfully crafted "Do Not Enter - Privacy Please" sign to hang on my door every few hours during "pumping breaks." Working behind a door without a lock, I have come to appreciate not only the sign, but also my law firm's support of a woman's decision to pump at work.

Not all employers are so supportive. A friend of mine told me her (female) law partner routinely disregarded her closed door - and the pumping sounds that could be heard through it. My friend had no choice but to discard any expectation of privacy.

This led me to wonder whether Pennsylvania employers are legally obligated to accommodate women who pump at work. I discovered that the state (like 48 others) protects a woman's right to breast-feed her child in any location, but it does not require employers to give working mothers pumping breaks. Pennsylvania is not alone in this regard: Less than half the states have "right to pump at work" laws.

Among those that do, New York requires employers to provide nursing workers with "reasonable unpaid break times" to express milk for up to three years following childbirth. Connecticut, Georgia, Minnesota, Oklahoma, Rhode Island, and Tennessee also mandate such breaks, provided they don't unduly disrupt operations.

So what is Pennsylvania waiting for? Perhaps the fate of the Breast-feeding Promotion Act, which was introduced in Congress in June and is still pending. It would require businesses with 50 or more employees to provide unpaid breaks and a private place for nursing mothers to pump.

Until Pennsylvania or the federal government passes a "right to pump" law, what's a working Pennsylvania mother to do? Feign an intestinal illness that requires frequent bathroom breaks? Stage a "pump-in"? I would recommend the following instead:

Have a frank discussion with your employer about your plan to pump at work, as well as your expectation of privacy. Because many mothers don't know whether they can or will nurse until after they give birth, this discussion may not be possible until your child is born. That's OK; just broach the topic before you return to work.

Work with your employer to decide when your breaks will occur. Ideally, they won't interfere with your job or unduly disrupt business. Remember, the employer is not legally obligated to accommodate you, so it's in your interest to work out a mutually acceptable schedule.

Discuss where the breaks will be taken. If you have an office or other private space you can access, great. If not, see about getting such a space for your pumping breaks.

While having this discussion with your employer may be even more awkward than the "I'm pregnant" meeting, it should take place. Now all that's left is balancing the competing demands of employment and parenthood. But that's another story.

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