

Advisory Committee on Infant and Maternal Mortality
December 2023 Virtual Meeting
Federal Updates: U.S. Department of Labor

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WOMEN'S BUREAU MISSION

Women in the workforce are vital to the nation's economic security. The Women's Bureau champions policies and standards that safeguard the interests of working women; advocates for the equality and economic security of women and their families; and promotes quality work environments.

WOMEN'S BUREAU
Advocating for working women
since 1920

WB Resources: Employment Issues Related to Pregnancy, Birth and Nursing

- Employment Protections Map for Workers Who Are Pregnant or Nursing:

- This map provides information on federal and state-level employment protections against pregnancy discrimination, provisions for pregnancy accommodations, and workplace breastfeeding rights.

- <https://www.dol.gov/agencies/wb/pregnant-nursing-employment-protections>

- Nursing Workers Employment Protections

- Under the FLSA and PUMP Act, an employer may not deny an eligible employee a needed break to pump.

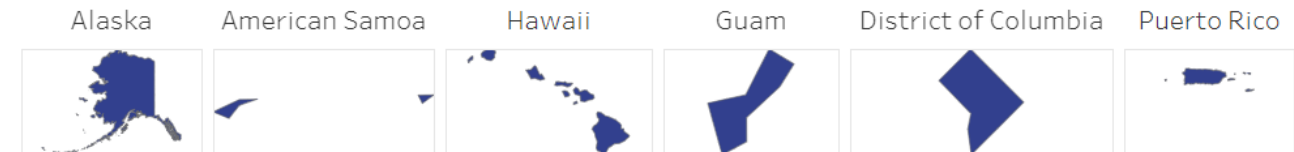
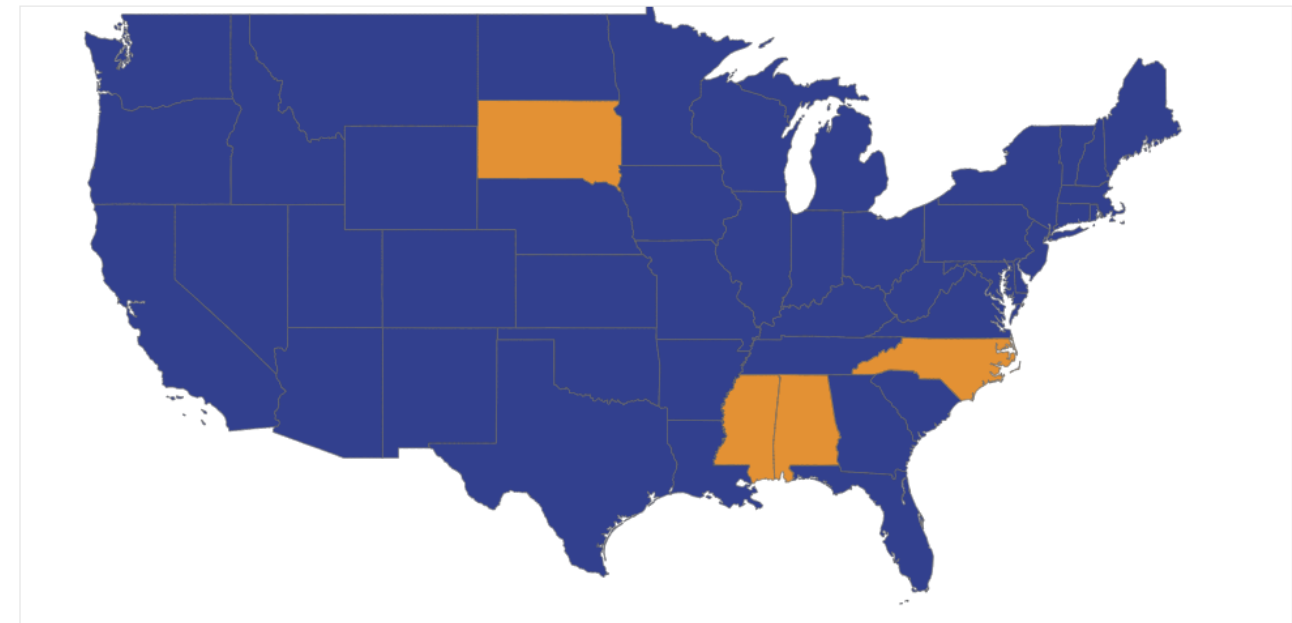
- Workplace protections flyer:

- https://www.dol.gov/sites/dolgov/files/WB/media/508_Workplace_protections_pump.pdf

Employment Protections for Workers Who Are Pregnant or Nursing

Hover over the map for information on available state protections.

- | | |
|--|--|
| <input checked="" type="radio"/> Protection against pregnancy discrimination | Presence of protection |
| <input type="radio"/> Provisions for pregnancy accommodation | <input type="checkbox"/> No State Protection |
| <input type="radio"/> Workplace breast feeding rights | <input checked="" type="checkbox"/> State Protection |



Paid Leave

- At some point, we all need time to take care of our own health or to care for a loved one, but access to paid leave is uneven and inequitable. No one should have to choose between taking care of themselves or their loved ones and the job they need.
- While momentum is growing for paid leave, there is currently no federal law regarding paid family and medical leave for the private sector, although some states have their own programs and requirements.
- Women's Bureau website includes information on current paid leave laws across the country, facts and research
 - **Paid Leave** : <https://www.dol.gov/agencies/wb/featured-paid-leave>

Improving Job Quality

- **Doulas:**

- The Women's Bureau conducted listening sessions with doulas and doula servicing organizations.
 - [Issue Brief: Expanding and Diversifying the Doula Workforce](#)
 - [White House Blueprint for Addressing the Maternal Health Crisis](#)

- **Domestic Workers:**

- DOL created sample employment agreements for domestic workers that both employers and domestic workers can choose to use as a helpful starting point to facilitate an open discussion about and create a shared understanding of the terms of employment.

- **Learn more:** <https://www.dol.gov/agencies/wb/domestic-workers>

Research

Investing in care infrastructure is a vital component of investing in America's future: workers cannot fully participate in the economy if they and their loved ones aren't receiving the care that they need.

- **The Cost of Doing Nothing Update, 2023:**
 - Women in the U.S. participate in the labor force at lower rates than those in Germany and Canada—two countries which have national paid leave and other family policies and higher rates of public spending on policies for families and children.
 - If women's labor force participation were the same as in Germany and Canada, there would be roughly 5 million more women in the labor force.
 - **This would then translate into more than \$775 billion in additional economic activity per year.**
- Read the report: <https://www.dol.gov/sites/dolgov/files/WB/paid-leave/CostofDoingNothing2023.pdf>



Wage and Hour Division

The Wage and Hour Division mission is to promote and achieve compliance with labor standards to protect and enhance the welfare of the nation's workforce.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

Maternal Health Series

- 3 agencies: Wage and Hour Division, Women's Bureau, and Equal Employment Opportunity Commission
- 4 webinars focused on the protections for working mothers
- 5 state-level webinars with local WHD, WB, and EEOC offices and state labor agencies
- Ongoing collaborations in the regions to produce additional webinars.

Pregnant, Postpartum and Pumping Workers: KNOW YOUR RIGHTS IN THE WORKPLACE

Two new laws, the Pregnant Workers Fairness Act (PWFA) and the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act), provide expanded protections to workers who are pregnant, postpartum or pumping.

Federal Protections for Pregnant Workers

- The **Family and Medical Leave Act (FMLA)** provides eligible employees job-protected leave for prenatal care or when a pregnant worker is unable to work because of the pregnancy. The FMLA also provides a right to take leave for required counseling, court appointments and related travel prior to foster care placement or adoption.
- The **PWFA** requires covered employers to provide "reasonable accommodations" to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an "undue hardship."
- **Title VII of the Civil Rights Act** (Title VII) prohibits discrimination and harassment based on pregnancy, childbirth, or related medical conditions in any aspect of employment including hiring, firing, pay, promotions, training and more.

Federal Protections for Postpartum and Pumping Workers

- The **FMLA** provides eligible employees of covered employers a right to unpaid, job-protected leave for their baby's birth or placement of a child for adoption or foster care. This right is afforded for the birth or placement, and to bond with the child within the first year after birth or placement.
- The Fair Labor Standards Act (FLSA) as amended by the PUMP Act, requires most employers to provide covered **nursing workers reasonable break time** and a private space, other than a bathroom, to pump breast milk for one year after the baby's birth.
- The protections of the **PWFA** and **Title VII** also apply to postpartum and pumping workers.
- It's important that workers and employers also understand that **Title VII**, the **PWFA**, **FLSA**, and **FMLA** protect workers from discrimination or retaliation when they question employer practices or assert their rights.

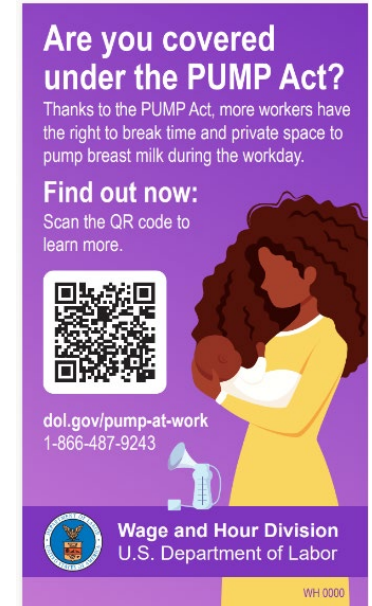
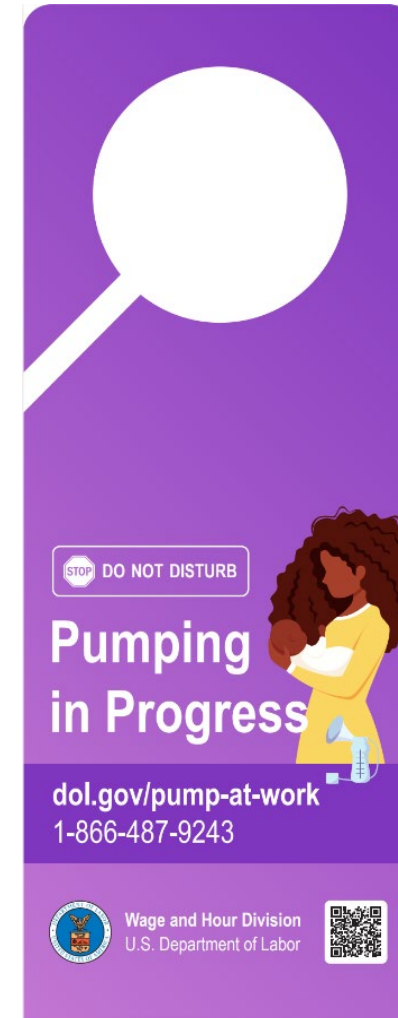
More Information



or visit
dol.gov/agencies/whd/maternal-health
eEOC.gov/pregnancy-discrimination

PUMP Implementation

- PUMP Act Field Assistance Bulletin & FAQs
- PUMP Act Webinar
- #PowertoPump Day of Action
- New door hangers and workers' rights card
- Monthly industry-specific webinars and new guidance



FMLA's 30th Anniversary

30 YEARS OF FMLA

We're protecting #WorkersRights so people don't have to choose between work and family.



Since the Family and Medical Leave Act became law, we've reached:

1,000,000+
EVENT PARTICIPANTS

Since the FMLA became law, we've helped:

18,000 WORKERS who had been unjustly terminated	13,000 WORKERS who were denied FMLA leave	1,000 WORKERS whose benefits weren't maintained
13,000 WORKERS who faced discrimination as a result of FMLA leave	RECOVER \$63M in back wages for affected workers	12,000+ WORKERS who weren't restored to the same or equivalent jobs

- [Flyer: Help for Healthcare Providers](#)
- [FMLA Optional Certification Forms](#)

Enforcement

The U.S. Department of Labor's WHD is responsible for administering and enforcing the FMLA and the FLSA.

If an employee has questions or thinks that their rights under the FMLA or the FLSA, including your right to pump at work may have been violated, they can contact WHD at 1-866-487-9243 or visit [dol.gov/agencies/whd](https://www.dol.gov/agencies/whd).

They will be directed to the [nearest WHD office](#) for assistance. There are WHD offices throughout the country with trained professionals to help.

Note: Unlike the 10-day period which may apply to certain private lawsuits, there is no waiting period to file a complaint with the WHD.



QR Code:

<https://www.dol.gov/agencies/whd/>

December 2023 ACIMM Meeting

Employee Benefits Security Administration (EBSA)

<https://www.dol.gov/agencies/ebsa>

Preventive Services and Other Protections for Women and Children

Preventive Services

- The Affordable Care Act (ACA) requires most health plans and health insurance coverage to provide coverage without cost sharing for certain recommended preventive services when they are delivered by an in-network provider.
- Preventive services rules apply to recommendations made by the US Preventive Services Task Force (USPSTF), Advisory Committee on Immunization Practices (ACIP), and Health Resources and Services Administration (HRSA).
- Depending on the item/service, the USPSTF and ACIP recommendations may apply to all ages, whereas HRSA recommendations apply to women and children only.

The Health Insurance Portability and Accountability Act (HIPAA)

- Allows you to request special enrollment for yourself, your spouse, and your children in your employer's plan or your spouse's employer's plan within 30 days after certain life events like pregnancy, marriage, divorce or job loss.
- If you choose to enroll in coverage through the Marketplace, you must select a plan for yourself and your family within 60 days of getting married.

The Consolidated Omnibus Budget Reconciliation Act (COBRA)

- It provides a way for you and you family to temporarily maintain your employer-provided health insurance during situations such as job loss or a reduction in hours worked.
- Generally, your coverage under COBRA will be the same coverage you had while you were an employee. This is helpful if you would like to continue to see your same doctors and receive the same health plan benefits.
- You have 60 days to enroll in COBRA once your employer-sponsored benefits end. Even if your enrollment is delayed, you will be covered by COBRA starting the day your prior coverage ended. You will receive a notice from your employer with information about deadlines for enrollment.

ACA Preventive Care Benefits for Pregnancy

Plans must cover the following non-exhaustive list of maternal health preventive services for women at no cost:

- Breastfeeding support and counseling
- Folic acid
- Maternal depression screening for mothers at well-baby visits
- Screening for diabetes in pregnancy
- Screening for diabetes after pregnancy
- Breast cancer screening (mammography, genetic screening and counseling, chemoprevention counseling)
- Cervical cancer screening (pap and HPV testing)

Questions on these protections?

If you have questions on these protections or want to learn more, contact the Department's Employee Benefits Security Administration (EBSA).

Talk to a benefits advisor by calling toll-free **1-866-444-3272**

Visit EBSA's website at www.dol.gov/ebsa



THANK YOU



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