

Rights of Nursing Mothers to Pump Breast Milk at Work – Information for Employers

Employees have the right to pump breast milk at work: New York State Labor Law Section 206-c guarantees nursing mothers break time to pump breast milk at work.

Businesses covered: This law applies to all public and private employers in New York State, regardless of the size or nature of the business.

Employer notice requirement: All employers are required to inform employees who are returning to work following the birth of a child about their right to take unpaid leave for the purpose of pumping breast milk. As an employer, you can inform your employees of this right by putting up a public poster in the worksite, putting the information in the employee handbook, or notifying your employees individually in writing.

Employee notice requirement: Employees who want to pump breast milk at work must notify their employers in advance – preferably before they return to work from maternity leave.

Duration of the right to pump breast milk: A nursing mother may take break time to pump breast milk at work for up to three years following the birth of her child.

Length of breaks: Employers must give their employees at least 20 minutes for each break. Employees may take shorter breaks if they choose. Employees must be allowed more time if they need it.

Frequency and scheduling of breaks during the workday: Employers must allow employees who are nursing mothers to take

breaks at least once every three hours to pump breast milk. Employees can take these breaks right before or after their regularly scheduled paid break or meal periods. For example, an employee can take a 30-minute lunch break and then take a 20-minute break to pump breast milk directly after her lunch break, for a total of 50 minutes.

Effect of breaks on other break time: If an employee takes breaks to pump breast milk, her employer cannot deduct that time from her regular paid break or meal time.

Making up break time: Employers are required to let employees who are nursing mothers work before or after their normal shifts to make up for the break time they take to pump breast milk, as long as that time falls within the employer's normal work hours.

Breaks need not be paid: Employers do not have to pay employees who are nursing mothers for the break time they take to pump breast milk. Employees have the option of using their regular paid break or meal time to pump breast milk, but they are not required to do so. Employers must continue to pay any customarily paid regular break time for an employee who pumps breast milk.

Providing a place to pump breast milk: Employers are required to provide employees with a private room or other location close to the employees' work area where they can pump breast milk, unless it would be extremely difficult for an employer to do so. If the employer can't provide a dedicated



lactation room, a temporarily vacant room may be used instead. As a last resort, a cubicle can be used, but it must be fully enclosed with walls at least seven feet tall. You should consult with the Division of Labor Standards if you believe you cannot provide any place for an employee to pump breast milk.

Bathrooms prohibited: The room for location provided by an employer to pump breast milk cannot be a restroom or toilet stall.

Lactation room requirements: The place where employees pump breast milk must contain a chair and small table or other flat surface. The Department of Labor encourages employers to provide, in addition, an electrical outlet, clean water supply, and access to a refrigerator where nursing mothers can store pumped milk.

Privacy of the lactation room: The room or place provided by the employer cannot be open to other employees, customers, or members of the public while an employee is pumping breast milk. It should have a door with a functional lock, or, in the case of a cubicle, a sign warning the location is in use and not accessible to others.

Discrimination and retaliation prohibited: Employers may not discriminate or retaliate in any way against any employee who chooses to pump breast milk in the workplace or who files a complaint with the Department of Labor. The Department takes allegations of retaliation very seriously and will investigate promptly.

Complaint process: Any party may file a confidential complaint with the New York State Department of Labor's Division of Labor Standards alleging non-compliance with this law.

Similar federal law: Recent amendments to the Fair Labor Standards Act also protect the rights of nursing mothers to pump breast milk at work. For more information, contact the Wage and Hour Division of the U.S. Department of Labor at 1-866-4USWAGE.

Additional information: The Department of Labor has issued guidelines regarding the rights of nursing mothers to pump breast milk in the workplace. They are available online at <http://www.labor.ny.gov/formsdocs/wp/LS702.pdf>. In addition, you may call us at 1-888-52-LABOR, email us at LSAsk@labor.state.ny.us, or come in to the nearest Labor Standards office for more information. A list of our offices is available at <http://www.labor.ny.gov/workerprotection/laborstandards/workprot/lstdists.shtm>.