



LABOR & EMPLOYMENT DEPARTMENT

ALERT

RIGHTS FOR NURSING MOTHERS IN NEW YORK

By Anne Ciesla Bancroft and Carolyn D. Richmond

A new law in New York requires employers to allow women employees to take breaks to pump breast milk.

The Act requires employers to provide women who breastfeed with “a reasonable amount of paid or unpaid break time” every day for at least two years and as many as three. In addition, employers must provide a “private accommodation suitable for the purpose of expressing breast milk, located in close proximity to the work area, not including a bathroom stall or storage area.” The Act also prohibits discrimination against employees for exercising their rights under the Act.

Some of the Act’s requirements are vague – “reasonable amount” of break time, suitable accommodation, and “close proximity” are not defined. The Act does not specify what remedies are available, or how employees can bring claims for discrimination.

California, Connecticut, Georgia, Hawaii, Illinois, Minnesota, Mississippi, New Mexico, Oklahoma, Oregon, Rhode Island, Tennessee, and Virginia, have laws providing similar rights.

Employers should implement a policy, which should become part of the Employee Handbook, that provides employees in New York with this new right and defines how the employer will meet the accommodation requirements. Employers also need to accommodate nursing mothers as required by the new law.

For more information about this topic, visit us on the web at www.foxrothschild.com or contact the authors: Carolyn Richmond at 212.878.7983 or crichmond@foxrothschild.com; or Anne Ciesla Bancroft at 609.895.6739 or abancroft@foxrothschild.com.