

Nursing Mothers in the Workplace Act: Protecting Working Mothers

With unanimous vote by the New York Assembly and Senate, the “Nursing Mothers in the Workplace” Act (the “Act”) was signed into law in New York. The Act requires employers¹ to provide reasonable uncompensated break time or permit female employees to use paid break time each day to express breast milk for their nursing children for up to three years following the birth of the child. Pursuant to the Act, employers must make reasonable efforts to provide a private room or other location, in close proximity to the work area, where female employees can express milk. Additionally, employers may not discriminate in any way against female employees who exercise their rights to express milk for their children at the workplace.

At the time the Act was signed into law, no laws existed in New York which protected a female employee’s right to express breast milk for her nursing child while at work. According to the bill presented to the New York Assembly and Senate, the purpose of the Act is to protect the rights of working mothers to express milk for their children in the workplace. The bill additionally recognizes the benefits of breast feeding to both children and mothers.

Where the Act can be found: NY Labor § 206-c.

When the Act became effective: August 15, 2007.

Practice Guidelines: Organizations should carefully adhere to the requirements mandated under the Act. Specifically, employers should make reasonable efforts to ensure that a private space near the workplace is available for female employees to express milk. A private room in which employees can express milk may not include a bathroom stall or storage area. Additionally, employers should take measures to prevent discrimination against female employees who choose to express milk in the workplace. Employers should also consider including information regarding a female employee’s right to express milk at the workplace in their personnel handbook.

This alert is meant to provide general information only, not legal advice. Please contact Angela Cheng at Lawyers Alliance for New York at (212) 219-1800 x278 or visit our website www.lawyersalliance.org for further information.

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¹ Employers include an individual, corporation, partnership, limited liability company, labor organization, unincorporated association or any agency or political subdivision of the New York.

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