

# Your Right As a Nursing Mother to Pump Breast Milk at Work

## **You have the right to pump breast milk at work.**

New York State Labor Law Section 206-c requires your employer to provide you, as a nursing mother, with break time to pump breast milk at work.

## **Does this law cover my employer?**

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

## **What if my employer hasn't told me I can pump breast milk at work?**

All employers are required to inform employees who are returning to work following the birth of a child about their right to take unpaid breaks during the work day for the purpose of pumping breast milk. Your employer can inform you of this right by putting up a public poster in the worksite, putting the information in the employee handbook, or notifying you individually in writing.

## **Do I have to give my employer advance notice if I want to pump breast milk at work?**

Yes. If you want to pump breast milk at work, you must notify your employer in advance – preferably before you return to work from maternity leave.

## **How long after my child is born can I pump breast milk at work?**

As a nursing mother, you may take break time to pump breast milk at work for up to three years following the birth of your child.

## **How much break time can I take to pump breast milk?**

Your employer must give you at least twenty minutes for each break, but you must be allowed more time if you need it. You can take shorter breaks if you choose.

## **How often during the workday can I take breaks to pump breast milk?**

As a nursing mother, you can take breaks at least once every three hours to pump breast milk. You can take these breaks right before or after your regularly scheduled paid break or meal periods. For example, you can take a 30-minute lunch break and then take a 20-minute break to pump breast milk directly after your lunch break, for a total of 50 minutes.

## **If I take breaks to pump breast milk, can my employer reduce the amount of other break time I get?**

No. If you take breaks to pump breast milk, your employer cannot take time away from your regular paid break or meal time.

## **If I take breaks to pump breast milk, can I make up that time?**

Yes. Your employer is required to let you work before or after your normal shift to make up for the break time you take to pump breast milk, as long as this time falls within your employer's normal work hours.



### **Does my employer have to pay me for break time I take to pump breast milk?**

No. Your employer does not have to pay you for the breaks you take to pump milk. If you want to, you may use your regular paid break or meal time to pump breast milk. You are also entitled to additional unpaid breaks if you need them.

### **Does my employer have to provide a place for me to pump breast milk?**

In most cases, yes. Your employer should provide you with a private room or other location close to your work area where you can pump breast milk. If your 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 the Division of Labor Standards if your employer tells you they do not have a place for you to pump breast milk.

### **Can that place be a bathroom?**

No. The room or location provided by your employer cannot be a restroom or toilet stall.

### **What does my employer have to put in the room?**

The place where you pump breast milk must contain a chair and small table or other flat surface. The Department of Labor encourages your employer to provide, in addition, an electrical outlet, clean water supply, and access to a refrigerator where you can store pumped milk.

### **Does the room have to be private?**

Yes. The room or place provided by your employer cannot be open to other employees, customers, or members of the public while you are 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.

### **What do I do if my employer isn't following this law?**

File a complaint with the New York State Department of Labor's Division of Labor Standards. These complaints are confidential. We will not tell your employer a complaint has been filed against him or her. Call us at 1-888-52-LABOR, email us at [LSAsk@labor.state.ny.us](mailto:LSAsk@labor.state.ny.us), or come in to the nearest Labor Standards office to personally file a complaint. A list of our offices is available at <http://www.labor.ny.gov/workerprotection/laborstandards/workprot/lstdists.shtm>.

### **What if my employer punishes me for filing a complaint?**

Your employer may not discriminate or retaliate in any way against you or any other employee who chooses to pump breast milk in the workplace or who files a complaint with us. If this happens, contact us immediately and let us know.

### **Where can I find additional information on this topic?**

We have issued guidelines regarding the rights of nursing mothers to pump breast milk in the workplace. They're available online at <http://www.labor.ny.gov/formsdocs/wp/LS702.pdf>.

**Do any other laws protect my right to pump breast milk at work?** Yes. The Fair Labor Standards Act, a federal law covering all 50 states, also protects your right 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.