

One Minute Memo[®]



New York Expands Protections to Nursing Mothers in the Workplace

Effective immediately, New York law extends a variety of protections to nursing mothers in the workplace. Expanding upon previous legislation which granted mothers an absolute right to nurse in public, the new law amends the New York Labor Law to require that employers offer nursing mothers a number of accommodations in an effort to further integrate familial responsibilities and professional obligations¹.

Specifically, under the new law, for a period of up to three years following childbirth, employers in New York must provide a reasonable amount of *unpaid*² break time each day to a nursing mother to express breast milk, or permit a nursing mother to use paid break time or meal time each day to express breast milk. In addition, the new law also requires that employers make “reasonable efforts” to provide a room or other location in close proximity to the employee’s work area where the employee can express breast milk privately. Finally, the new law prohibits discrimination of any kind against an employee who chooses to express breast milk in the workplace.

While the new law does not impose an affirmative obligation on employers to approach nursing mothers, an employer should nevertheless incorporate this new legislation into any existing policies, publicize its availability to current employees, and make the necessary arrangements for a private location in the workplace, where practicable, to be available to any nursing mother.

With the new law, New York joins California, Connecticut, Georgia, Hawaii, Illinois, Minnesota, New Mexico, Oklahoma, Oregon, Rhode Island, Tennessee, Texas and Washington as states extending protection to breast-feeding mothers in the workplace.

If you require any assistance with this matter or have any questions regarding any other workplace issue, please do not hesitate to contact your Seyfarth Shaw attorney or any Seyfarth attorney on our website www.seyfarth.com.

¹ Assemb. A1060, 2007-2008 Reg. Sess. (N.Y. 2007).

² Although the law specifies that such break time can be unpaid, employers must ensure that any employees who are classified as exempt under the Fair Labor Standards Act, are not docked for this time.

Attorney Advertising. This One Minute Memo is a periodical publication of Seyfarth Shaw LLP and should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general information purposes only, and you are urged to consult a lawyer concerning your own situation and any specific legal questions you may have. Any tax information or written tax advice contained herein (including any attachments) is not intended to be and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.)

Copyright© 2007 Seyfarth Shaw LLP. All rights reserved.