

# One Minute Memo<sup>®</sup>



## Governor Christie Expands Protections For Breastfeeding Women Under The New Jersey Law Against Discrimination

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**Seyfarth Synopsis:** On January 8, 2018 Governor Chris Christie signed into law an amendment to the New Jersey Law Against Discrimination making it unlawful for an employer to terminate or discriminate against women who breastfeed or pump milk on the job. In addition, effective immediately, employers must provide accommodations to nursing women to express breast milk unless the employer can demonstrate that providing the accommodation would be an undue hardship.

With his term coming to an end later this month, Governor Chris Christie signed into law on January 8, 2018 an amendment to the New Jersey Law Against Discrimination (“NJLAD”) making it unlawful for an employer to terminate or discriminate against women who breastfeed or pump milk on the job. In addition, effective immediately, employers must provide accommodations to nursing women, including reasonable break time each day and a suitable room or other private location, other than a toilet stall, in close proximity to the work area for women to express breast milk unless the employer can demonstrate that providing the accommodation would be an undue hardship on the employer’s business operations.

Pursuant to the NJLAD, an employer can consider the following factors when determining whether granting an accommodation would impose an undue hardship: “the overall size of the employer’s business with respect to the number of employees, number and type of facilities, and size of budget; the type of the employer’s operations, including the composition and structure of the employer’s workforce; the nature and cost of the accommodation needed, taking into consideration the availability of tax credits, tax deductions, and outside funding; and the extent to which the accommodation would involve waiver of an essential requirement of a job as opposed to a tangential or non-business necessity requirement.”

The bill’s sponsors backed the new law as a means to support breastfeeding women in balancing work and motherhood without fear of repercussions.

Employers should be sure to make these accommodations available now and update their anti-discrimination policies to include breastfeeding status as a protected trait under the NJLAD.

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