

Nursing Mothers Entitled to Lactation and Breastfeeding Breaks

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Effective March 23, 2010, The Patient Protection and Affordable Care Act of 2010 amended the Fair Labor Standards Act (“FLSA”), and granted nursing mothers the right to “reasonable” unpaid work breaks to express breast milk.

Employers with 50 or more employees must provide the breaks, and furnish a private location shielded from view and free from intrusion, other than a bathroom, for these breaks. The law does not specify how many breaks must be provided each work day, or the length of the breaks, but permits mothers to take a break “each time such employee has a need.” Nursing mothers are entitled to these lactation breaks for up to one year after their child's birth.

Employers with fewer than 50 employees are exempt from the statute only if they can show the breaks would cause “undue hardship” by subjecting the employer to “significant difficulty or expense.”

Connecticut already requires all employers to permit mothers to express breast milk, or breastfeed their child at work during a meal or break period, in private. Conn. Gen. Stat. § 31-40w. The new federal law differs in that it creates additional break periods, but does not require breastfeeding at work.

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