

## KNOW YOUR RIGHTS:

# New York Nursing Moms' Rights At Work

## Going back to work and want to keep breastfeeding?

Great for you and great for your baby!

While at work you will need to pump breast milk during the day. That way you can keep your milk from drying up before you and your baby are ready to stop nursing. And you will be able to save milk for your baby to drink when you are not there.

Even the State of NY thinks it's a good idea to breastfeed your baby. That's why there are very strong laws that give you the right to express or pump breast milk at work.<sup>1</sup>

## What must my employer do if I want to express milk at work?

### 1 | They must give you time to express milk for your baby

New York law says your employer **must** give you:

- Unpaid break time to express breast milk at work or allow you to pump during regularly scheduled paid breaks.
- A break once every 3 hours — or as needed.
- At least a 20-minute break (or 30 minutes, if you need extra time to get to the space where you can express milk).

Your employer can ask you to wait, and take your scheduled break later than planned if they need you, or can't find someone to cover for you. But they cannot ask you to wait more than 30 minutes past your scheduled break time.

### 2 | They must try to give you space to express

Your employer must try its best to give you a clean, private space, *other than a bathroom*, where you can express milk with no interruption. Some employers may not have to do this, if finding a private space would be too expensive, or would be too difficult because of their size, layout, hours of operation, cost, or nature of their work.

### 3 | They must give you information and support

Under New York law your employer **must** give you written information about your rights.<sup>2</sup>



Your employer may not discriminate against you or punish you in any way because you choose to express breast milk at work.

If you need help using your rights or would like more information, call our free and confidential legal hotline at 212-430-5982.

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<sup>1</sup>Many employees are also entitled to a non-restroom private space and time to pump under federal law.

<sup>2</sup>Your healthcare provider should also give you information on your right to breastfeed in the workplace and at the hospital, the benefits of breastfeeding, and how to get help if you are having trouble feeding your baby.

# KNOW YOUR RIGHTS:

## What if I don't have a breast pump?

Although you don't need a pump to express milk, it is the fastest, and easiest way to collect your milk.

Electric pumps save time, because you can empty both breasts at once. Under federal law, your health coverage plan must cover the cost of a breast pump. In addition, most plans must also cover counseling and support before and after you give birth.

If you are ineligible for health coverage you can reach out to your local WIC Program. They may be able to lend you a pump.

## How long do I have the right to pump at work?

Studies show it is best to nurse your baby through the first years of life. So New York law gives you the right to pump at work for up to 3 years after your child is born.



## What if I am paid by the hour?

If you are paid by the hour or you have a set salary you are still covered by New York law. If you work overtime, you can take pumping breaks during those hours as well.

## What do I need to do to make this happen?

Before you go back to work, you must tell your employer you plan to express milk when you return. That will give them time to plan for your return. You can show them this flyer, if you want help starting the conversation.

## What if my employer won't give me break time or punishes me for trying to express breast milk at work?

Get help to stand up for your rights.

Call A Better Balance at (212) 430-5982.

If your employer has four or more employees, state law also grants you the right to reasonable accommodations for your pregnancy and childbirth-related conditions. This means that you may be entitled to additional changes at work to help you breastfeed or pump. If you work in New York City for an employer with at least four employees, a local law even stronger than the state pregnancy accommodation law may protect you as well.

To get free legal advice about these and other rights you have as a working mom, call A Better Balance at (212) 430-5982.

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