

# 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.

## 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 break time. *(Or else they will learn what leaky breasts look like.)*

### 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.



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

(continued)

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

Under New York law your employer **MUST** give you written information about your rights.

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



## 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. Your local hospital or public health department will be able to tell you where to buy or rent a good pump.

If you cannot afford a pump, they can also tell you how to reach your local WIC Program. They may be able to lend you a pump. **To find a WIC program nearby go to: [www.fns.usda.gov/wic/Breast-feeding/breastfeedingmainpage.HTM](http://www.fns.usda.gov/wic/Breast-feeding/breastfeedingmainpage.HTM)**

## 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 pamphlet, 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.*

To get help and report a company that you think is not following the law, contact the **New York State Department of Labor Division of Labor Standards** office nearest to you:

#### **Albany District**

State Office Campus Bldg. 12,  
Room 185A, Albany, NY 12240  
(518) 457-2730

#### **Buffalo District**

65 Court Street, Room 202, Buffalo, NY 14202  
(716) 847-7141

#### **Binghamton District**

Sub-District 44, Hawley Street, Room 909  
Binghamton, NY 13901  
(607) 721-8014

#### **Rochester Sub-District**

109 S. Union Street, Room 318  
Rochester, NY 14607  
(585) 258-4550

#### **New York City District**

75 Varick Street, 7th Floor  
New York, NY 10013  
(212) 775-3880

#### **Syracuse District**

333 East Washington Street,  
Room 121, Syracuse, NY 13202  
(315) 428-4057

#### **Garden City**

400 Oak Street Suite  
101 Garden City, NY 11530-6551  
(516) 794-8195

#### **White Plains District**

120 Bloomingdale Road,  
White Plains, NY 10605  
(914) 997-9521

**To get free legal advice about these and other rights you have as a working mom, call the *Families @ Work Legal Clinic* at (212) 430-5982.**