



the work and family legal center

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May 22, 2015

**RE: S-5183 (Hannon) and A-7202A (Gunther) - SUPPORT for Adding Workplace Protections to the Breastfeeding Mothers' Bill of Rights**

As organizations concerned for the health of New York's women and families, we urge you to improve breastfeeding rates by educating women about their right to breastfeed at work with passage of S-5183/A-7202A. This bill would add an explanation of New York's workplace lactation protections to the Breastfeeding Mothers' Bill of Rights ("BMBOR"), which is a required educational brochure given to New York women around the time they give birth.

Under current state law, women have strong legal protections surrounding their choice to continue breastfeeding after they return to the workplace: employers must provide reasonable unpaid breaks and a private space (other than a restroom) for mothers to express breast milk, and they may not discriminate against an employee on the basis of her decision to breastfeed.<sup>i</sup> Unfortunately, many New York mothers do not realize that expressing breast milk in the workplace is legally protected.

As a result, mothers who face pushback at work about nursing decisions often discontinue breastfeeding their babies for fear of losing their job. Others face health consequences from being forced to express breast milk in an unsanitary location or being forced to wait lengthy periods before being allowed to express milk.<sup>ii</sup> And some women end up out of a job altogether. One New York mother, Clarissa, who was unaware of her rights, surreptitiously used her lunch break to pump breast milk in a restroom.<sup>iii</sup>

*"After three months I could no longer take the engorgement, leaking breast milk and hunger from not eating during lunch. I could also not afford to dump the milk I expressed in the filthy bathrooms and I needed all the milk to have a supply for my caregiver."*<sup>iv</sup>

Clarissa went to her employer who refused to provide break time and, soon thereafter, Clarissa felt the tone of the workplace turn against her. In the end, Clarissa left her job because she did not realize she had legal protections to help her.

Empowering mothers to continue nursing their babies impacts us all, as promoting breastfeeding is "one of the most powerful tools policy-makers have at their disposal to improve the health of their people and their economies."<sup>v</sup> Breastfeeding significantly contributes to both better maternal and infant health outcomes,<sup>vi</sup> and higher breastfeeding rates provide economic savings to families, employers, and public benefit programs.<sup>vii</sup> Keeping nursing mothers on the job also bolsters our economy. Our state, which has one of the worst female labor force participation rates in the country,<sup>viii</sup> must work to increase the participation of women, including new mothers, in the workforce.

All women should have the right to choose how to feed their children with full knowledge of their legal rights and protections. Passing S-5183/A7202A will help ensure our mothers and children stay healthy, thereby strengthening our economy, improving our quality of life, and reducing health care costs. For more information, please contact: Dina Bakst, Co-Founder and Co-Director of A Better Balance, (212) 430-5982; dbakst@abetterbalance.org.



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Sincerely,

A Better Balance: The Work and Family Legal Center  
American Association of University Women – New York State  
Choices in Childbirth  
Family Planning Advocates of New York State  
Her Justice  
League of Women Voters of New York State  
Maternal-Infant Services Network of Orange, Sullivan and Ulster Counties, Inc.  
National Organization for Women – New York State  
New York Civil Liberties Union  
New York Lawyers for the Public Interest  
New York Paid Leave Coalition  
Planned Parenthood Advocates of NY  
Planned Parenthood of NYC  
PowHer New York  
Restaurant Opportunities Center of New York  
Retail Action Project

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<sup>i</sup> N.Y. Pub. Health Law § 2505-a.

<sup>ii</sup> See, e.g. eMedicineHealth, *Mastitis While Breast-feeding*, (last accessed May 12, 2015), at [http://www.emedicinehealth.com/mastitis\\_while\\_breast-feeding-health/article\\_em.htm](http://www.emedicinehealth.com/mastitis_while_breast-feeding-health/article_em.htm).

<sup>iii</sup> A Better Balance, *The Pregnancy Penalty: How Motherhood Drives Inequality & Poverty in New York City*, (Oct. 2014) at [http://www.abetterbalance.org/web/images/stories/Documents/ABB\\_PregnancyPenalty-Report-2014.pdf](http://www.abetterbalance.org/web/images/stories/Documents/ABB_PregnancyPenalty-Report-2014.pdf).

<sup>iv</sup> *Ibid.*

<sup>v</sup> World Health Organization, *WHA Global Nutrition Targets 2025: Breastfeeding Policy Brief*, (2014), at [http://www.who.int/nutrition/topics/globaltargets\\_breastfeeding\\_policybrief.pdf](http://www.who.int/nutrition/topics/globaltargets_breastfeeding_policybrief.pdf).

<sup>vi</sup> Dept. of Health & Human Services, *The Surgeon General's Call to Action to Support Breastfeeding – Fact Sheet*, (Jan. 2011), at <http://www.surgeongeneral.gov/library/calls/breastfeeding/factsheet.html>.

<sup>vii</sup> *Ibid.*

<sup>viii</sup> New York Women's Foundation, *Statement and Recommendations on The Economic Status of Women in New York State*, (June 2008), at [http://nywf.org/wp-content/uploads/2012/05/NYEcon\\_Status\\_Report\\_Statement.pdf](http://nywf.org/wp-content/uploads/2012/05/NYEcon_Status_Report_Statement.pdf).