



WE ARE YOUR DOL



Department
of Labor

YOUR RIGHTS AS AN EMPLOYEE To Express Breast Milk At Work

YOU HAVE THE RIGHT TO EXPRESS BREAST MILK AT WORK

New York State Labor Law Section 206-c requires your employer to provide you with unpaid break time to pump breast milk at work. For more information on your rights in the workplace, please view the New York State Department of Labor's (NYSDOL) policy here on.ny.gov/breastmilkexpression. For more information regarding expressing breast milk, please view the New York State Department of Health's Breast Feeding Bill of Rights at health.ny.gov/publications/2028/.

DOES THIS LAW COVER MY EMPLOYER?

This law applies to all public and private employers in New York State, regardless of the size or nature of their business.

WHAT IF MY EMPLOYER HASN'T TOLD ME I CAN PUMP BREAST MILK AT WORK?

All employers are required to inform employees about their right to take unpaid breaks during the work day for the purpose of expressing breast milk. Your employer must inform you of this right by providing you with New York State Department of Labor's Policy on the Rights of Employees to Express Breast Milk in the Workplace. This policy can be provided in print or electronically through email. All employees must receive this policy when they are hired and this notice must be given to every to employee returning to work following the birth of a child, as well as once a year thereafter.

DO I HAVE TO GIVE MY EMPLOYER ADVANCE NOTICE IF I WANT TO PUMP BREAST MILK AT WORK?

Yes. If you want to pump breast milk at work, you must notify your employer in advance in writing – preferably before you return to work from maternity leave. Your request should be sent to your direct supervisor or staff member designated by your employer to handle such requests. Your written request can be sent through email, text message, written correspondence or any chat-based app regularly used by the organization for correspondence that allows for the retention of messages. Your written notification should include details regarding how many breaks you anticipate needing during the work day. If you have preferred times to express breast milk, please include that in your written notification as well.

HOW LONG AFTER MY CHILD IS BORN CAN I PUMP BREAST MILK AT WORK?

You may take break time to pump breast milk at work for up to three years following the birth of your child.

HOW MUCH BREAK TIME CAN I TAKE TO PUMP BREAST MILK?

Your employer must give you at least twenty minutes for each break, but you must be allowed more time if you need it. You can take shorter breaks if you choose. Breaks to express breast milk are unpaid. You may also use your regular paid break time or meal time to pump breast milk if you would like, but there is no requirement to do so. You can also choose to take these breaks right before or after your regularly scheduled paid break or meal periods. For example, you can take a 30-minute lunch break and then take a 20-minute break to pump breast milk directly after your lunch break, for a total of 50 minutes.

HOW OFTEN DURING THE WORKDAY CAN I TAKE BREAKS TO PUMP BREAST MILK?

You can take breaks at least once every three hours to pump breast milk, but employers must accommodate you if you need more frequent breaks.

IF I TAKE BREAKS TO PUMP BREAST MILK, CAN MY EMPLOYER REDUCE THE AMOUNT OF OTHER BREAK TIME I GET?

No. If you take unpaid breaks to pump breast milk, your employer cannot take time away from your regular paid break or meal time.

IF I TAKE BREAKS TO PUMP BREAST MILK, CAN I MAKE UP THAT TIME?

Yes. Your employer is required to let you work before or after your normal shift to make up for the unpaid break time you take to pump breast milk, as long as this time falls within your employer's normal work hours. You are not required to make up this time, but may do so if you want to.

DOES MY EMPLOYER HAVE TO PAY ME FOR BREAK TIME I TAKE TO PUMP BREAST MILK?

No. Your employer does not have to pay you for the breaks you take to pump milk. If you want to, you may use your regular paid break or meal time to pump breast milk. You are also entitled to additional unpaid breaks if you need them. You are under no obligation to complete work tasks while expressing breast milk, and your employer cannot require it. If you voluntarily decide to do so, your employer must compensate you.

DOES MY EMPLOYER HAVE TO PROVIDE A PLACE FOR ME TO PUMP BREAST MILK?

Yes. Your employer must provide you with a private room or other location close to your work area where you can pump breast milk. If your employer can't provide a dedicated lactation room, a temporarily vacant room may be used instead. As a last resort, a cubicle can be used, but it must be fully enclosed with walls at least seven feet tall. You should consult the NYSDOL's Division of Labor Standards if your employer tells you they do not have a place for you to pump breast milk.

CAN THAT PLACE BE A BATHROOM?

No. The room or location provided by your employer cannot be a restroom or toilet stall.

WHAT DOES MY EMPLOYER HAVE TO PUT IN THE ROOM?

The place where you pump breast milk must contain a chair and small table or other flat surface. Additionally, the space must have good natural or artificial light, an electrical outlet (if the workplace has electricity), and be close to accessible, clean water. If the workplace has a refrigerator, you must be allowed to use it to store milk if you would like.

DOES THE ROOM HAVE TO BE PRIVATE?

Yes. The room or place provided by your employer cannot be open to other employees, customers, or members of the public while you are pumping breast milk. It should have a door with a functional lock, or, in the case of a cubicle, a sign warning the location is in use and not accessible to others. If there are windows in the space, they should be covered.

WHAT DO I DO IF MY EMPLOYER ISN'T FOLLOWING THIS LAW?

File a complaint with the NYSDOL's Division of Labor Standards. These complaints are confidential. We will not tell your employer a complaint has been filed against him or her. You may call NYSDOL at **1-888-52-LABOR**, email to LSAsk@labor.ny.gov, or come to the nearest Labor Standardsto file a complaint. A list of offices is available at labor.ny.gov/workerprotection/laborstandards/workprot/lstdists.shtm.

WHAT IF MY EMPLOYER PUNISHES ME FOR FILING A COMPLAINT?

Your employer may not discriminate or retaliate in any way against you or any other employee who chooses to pump breast milk in the workplace or who files a complaint with us. If this happens, contact NYSDOL immediately and let us know.

WHERE CAN I FIND ADDITIONAL INFORMATION ON THIS TOPIC?

NYSDOL has issued a policy on the rights of employees to express breast milk in the workplace. Employers are required to provide you with this policy when you are hired, as well as when you return to work after a child is born. The policy is available online at on.ny.gov/breastmilkexpression.

DO ANY OTHER LAWS PROTECT MY RIGHT TO PUMP BREAST MILK AT WORK?

Yes. The Fair Labor Standards Act, a federal law covering all 50 states, also protects your right to pump breast milk at work. For more information, contact the Wage and Hour Division of the U.S. Department of Labor at **1-866-4USWAGE**. The federal PUMP Act went into effect in 2023, expanding protections for almost all employees pumping breast milk at work. Under the PUMP Act, any covered workers not provided with breaks and adequate space for up to a year after the birth of a child are able to file a complaint with the NYSDOL or file a lawsuit against their employers. For more information, please visit on.ny.gov/breastmilkexpression.