

Nursing Mothers and the Workplace: What Employers Need to Know

05/23/17

How should employers accommodate nursing mothers in the workplace? While the answer to this question differs depending on whether the employee is exempt or non-exempt under the Fair Labor Standards Act, there are two general criteria that employers should follow.

First, employers should provide employees with reasonable break time to express milk. In the case of non-exempt employees this break time does not have to be paid; however, when employers already provide paid breaks, a nursing mother who uses that break time to express milk must be compensated in the same way that other employees are compensated for break time. There are no explicit requirements regarding the frequency and duration of nursing breaks as this varies from person to person, but employers can be guided by the standard that the breaks should be “reasonable.”

Second, employers should provide a nursing employee with a private room to express milk. The room does not need to be a permanent location, and can instead be available as needed. However, the room cannot be a bathroom, and must be shielded from the view of others and free from intrusion.

Attorney

- Tracy Armstrong