

## Breastfeeding Rights in the Workplace: What New Jersey Employees Need to Know

Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

On January 8, 2018, Governor Christie signed a law amending New Jersey's Law Against Discrimination ("LAD") to include breastfeeding and expressing milk as a protected class.

Employers must provide breastfeeding employees with reasonable accommodations. Breastfeeding employees shall receive reasonable milk-expression breaks during work hours. Employers shall provide employees with a private and clean space to pump that is not a bathroom stall and is in close proximity to the employee's work area. The pumping space must have an electrical outlet, a nearby sink or source of running water and a nearby place to store milk, such as a refrigerator or cooler.

Such breaks shall be provided each time the employee needs to express milk. An employer may only limit the number of breaks and amount of time an employee may use to express milk if the employer can prove that accommodating the employee would result in an undue hardship. Break time that may be needed beyond the usual break times may be unpaid, if permitted by state law, or the employee may elect to use personal leave or make up the time as negotiated with her supervisor. Employees who wish to express milk during the work day shall keep supervisors informed of their needs so that appropriate arrangements can be made for the employee and the practice.

Employers should implement appropriate policies that reflect the rights provided to breastfeeding mothers under the law. It is unlawful to treat a breastfeeding employee differently than other employees or to punish them for requesting or exercising their right to reasonable accommodations.

If you're facing challenges at work due to your need to breastfeed or express milk, you don't have to navigate it alone. The employment law team at Wilentz, Goldman & Spitzer P.A. is here to advocate for your rights and ensure you receive the accommodations you're entitled to under New Jersey law. **Contact us today to schedule a confidential consultation.**