

Break Time For Nursing Mothers Understanding Your Rights



The 2010 Affordable Care Act included language that requires employers with 50 or more employees to provide “reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child’s birth **each time** such employee has need to express the milk.”* The employers must provide “a place, **other than a bathroom**, that is shielded from view and free from intrusion from coworkers and the public.”* Additional information on the law can be found at: www.usbreastfeeding.org/

The Fair Labor Standards Act (FLSA) requires employers to provide break time and space for a covered nonexempt nursing mother each time such employee has a need to express breast milk for her nursing child for one year after her child’s birth.

The provided **space** must be:

- ◆ Functional for expressing milk
- ◆ Shielded from view
- ◆ Free from intrusion
- ◆ Available as needed
- ◆ **AND NOT A BATHROOM**

Exempt employees may be covered under a State law providing breaks for nursing mothers. If an employer has fewer than 50 employees and can demonstrate that compliance with this law would impose an undue hardship on the employer, that employer does not have to provide nursing breaks.

NOTE: *Employers are not required to pay nursing mothers for breaks taken for the purpose of expressing milk. However, where employers already provide paid breaks, the employer must pay an employee who uses those breaks to express milk. —Under the Fair Labor Standards Act (FLSA).**

For more information on your rights to express breast milk: [*http://www.dol.gov/whd/regs/compliance/whdfs73.htm](http://www.dol.gov/whd/regs/compliance/whdfs73.htm)

Please contact your Human Resource Manager for information on the location provided or how to acquire a location at your worksite to express milk. Contact your Business Agent if you have questions about your rights as an ASEA member.

* Reference: U.S. Department of Labor Wage & Hour Division—www.DOL.GOV/WHD



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