



New York Employers Must Provide Paid Lactation Breaks: 4 Key Takeaways

Insights

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Nursing employees now have the right to paid break time to express breast milk during the workday under a New York State law that took effect June 19. This move underscores Governor Hochul's push for legislation supporting families in the workplace and aligns with the state legislature's recent trend to bolster employee rights and protections. Here are four key things you need to know about New York's lactation law.

1. Nursing Employees Now Have More Rights

New York State amended its Labor Law to require employers to provide nursing employees with 30-minutes of *paid* break time to express breast milk at work, enhancing a law that previously permitted reasonable, *unpaid* break time.

This new paid time must be provided *each time* an employee has a reasonable need to express breast milk and can be extended through existing paid breaks or mealtimes if the employee needs more than 30 minutes to express breast milk. Employees may access this protected break time for up to three years following the birth of a child. Note, the federal PUMP Act went into effect in 2023, which also expanded protections for employees expressing breast milk at work, though the state law is more expansive.

2. Employers Have Policy and Notice Obligations

You are required to maintain a written policy that outlines the rights of nursing employees, including their new entitlement to take 30-minute paid breaks to express breast milk.

You'll need to inform employees of their lactation rights by providing a copy of the New York State Department of Labor Policy on Breast Milk Expression in the Workplace, which was recently updated to incorporate the new paid leave requirements. This policy must be communicated upon hiring, annually, and when an employee returns to work following the birth of a child.

Employees intending to pump breast milk have the duty to notify their employer in writing ahead of time, ideally before ending their maternity leave, according to agency guidance.

Employers must inform all staff in writing when a lactation space is designated and ready for use and abide by lactation space requirements under the law.

3. You Should Review Updated Guidance

The New York State Department of Labor (NYSDOL) updated its [guidance](#) to reflect this change. The agency's guidance also addresses the purpose of the law, the use of break time to express breast milk, how to request lactation breaks, specifications for lactation space requirements, as well as other state and federal support resources.

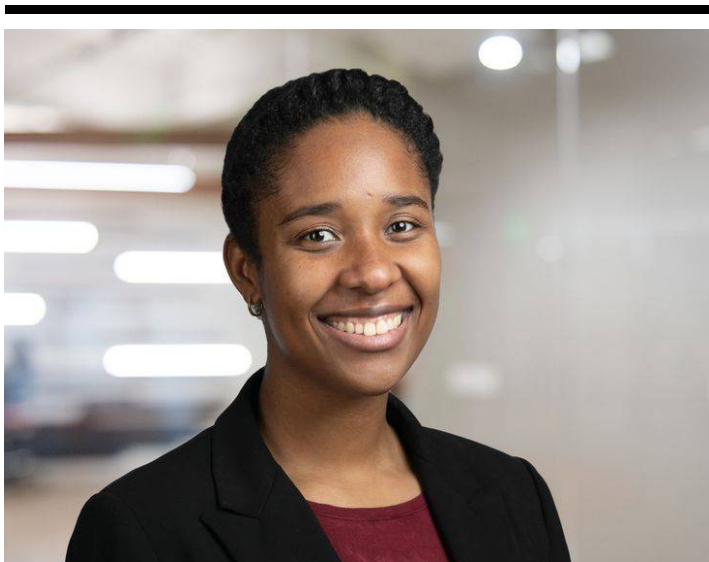
4. You May Need to Update Your Policies and Practices

This law applies to all private employers in New York, regardless of size or the nature of the business, making it essential for your policies and practices to comply. Accordingly, you should familiarize yourself with the amended requirements and the NYSDOL's guidelines and integrate any changes into your current workplace policies and practices. Additionally, you should train your staff, particularly those in charge of compliance and enforcement.

Conclusion

We will continue to monitor developments, so make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information directly to your inbox. If you have questions about whether your policies comply with these new laws, contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in [our New York City office](#).

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