



Workers Rights For New Mothers

Section 7(R) of the Fair Labor Standards Act – Break time for nursing parents provision effective March 23, 2010. The patient protection and affordable care act amended the FLSA to require employers to provide a nursing parent reasonable break time to express breast milk after the birth of their child. The amendment also requires that employers provide a place for an employee to express breast milk. Section 7 of the fair labor standards act of 1938 (29 u.s.c. 207) is amended by adding at the end the following:

- (1) An employer shall provide-a 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; and a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.
- (2) An employer shall not be required to compensate an employee receiving reasonable break time under paragraph 1 for any work time spent for such purpose.
- (3) An employer that employs less than 50 employees shall not be subject to the requirements of this subsection, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.
- (4) Nothing in this subsection shall preempt a state law that provides greater protections to employees than the protections provided for under this subsection

Need to file a complaint? If you have questions or concerns, you can contact the us department of labor at 1-866-487-9243 or visit www.dol.gov/agencies/whd

Keep this sheet handy when returning to work, laminate and hang near your work station if you feel comfortable doing so, direct anyone who questions the legitimacy of your breastfeeding rights to this sheet.