

Frequently Asked Questions

For Workers

Q: Do I Have the Right to Pump Breast Milk at Work?

A: New York State Labor Law Section 206-c requires your employer to provide all employees, with break time to pump breast milk at work.

Q: Does this Law Cover My Employer?

A: This law applies to all public and private employers in New York State, regardless of the size or nature of their business.

Q: What If My Employer Hasn't Told Me I Can Pump Breast Milk at Work?

A: All employers are required to inform all employees about their right to take unpaid breaks during the workday for the purpose of pumping breast milk. Employers are required to do this when an employee is hired, once a year after hiring, and whenever an employee returns to work following the birth of a child. Your employer must inform you of this right by providing a copy of the New York State Department of Labor Policy on Breast Milk Expression in the Workplace.

Q: Do I Have to Give My Employer Advance Notice If I Want to Pump Breast Milk at Work?

A: Yes. If you want to pump breast milk at work, you must notify your employer in advance – preferably before you return to work from maternity leave. Requests must be made in writing and should be sent to your direct supervisor. If your employer has a staff member designated to receive such requests, such as an HR Director, send your request to that individual as well.

Q: What is the best way to notify my employer of my request to express breast milk at work?

A: A request must be made in writing. Your written request can be sent through email, text message, written correspondence or any chat-based app regularly used by the organization for correspondence that allows for the retention of messages.

Q: What should I include in my written notification to my employer?

A: Your written notification should include your anticipated return to work date, as well as details regarding how many breaks you anticipate needing during the work day. If you have preferred times to express breast milk, please include that in your written notification as well.

Q: How Long After My Child Is Born Can I Pump Breast Milk at Work?

A: Employees may take break time to pump breast milk at work for up to three years following the birth of a child.

Q: How Much Break Time Can I Take to Pump Breast Milk?

A: Your employer must give you at least 20 minutes for each unpaid break, but you must be allowed more time if you need it. You can take shorter breaks if you chose. You may also use your regular paid break time or meal time to pump breast milk if you would like, but there is no requirement to do so. You can also choose to take these breaks right before or after your regularly scheduled paid break or meal periods. For example, you can take a 30-minute lunch break and then take a 20-minute break to pump breast milk directly after your lunch break, for a total of 50 minutes.

Q: How Often During the Workday Can I Take Breaks to Pump Breast Milk?

A: You can take breaks at least once every three hours to pump breast milk, but employers must accommodate you if you need more frequent breaks..

Q: If I Take Breaks to Pump Breast Milk, Can My Employer Reduce the Amount of Other Break Time I Get?

A: No. If you take unpaid breaks to pump breast milk, your employer cannot take time away from your regular paid break or meal time.

<p>Q: If I Take Breaks to Pump Breast Milk, Can I Make Up That Time?</p>	<p>A: Yes. Your employer is required to let you work before or after your normal shift to make up for the break time you take to pump breast milk, as long as this time falls within your employer’s normal work hours. You are not required to make up this time if you do not want to.</p>
<p>Q: Does My Employer Have to Pay Me for Break Time I Take to Pump Breast Milk?</p>	<p>A: No. Your employer does not have to pay you for the breaks you take to pump milk. If you want to, you may use your regular paid break time and your employer must pay you for that break time even though you are using it for breast milk expression. You may also use your meal time to pump breast milk. You are entitled to as many unpaid breaks as you need.</p>
<p>Q: Does My Employer Have to Provide a Place for Me to Pump Breast Milk?</p>	<p>A: Yes. Your employer must provide you with a private room or other location close to your work area where you can pump breast milk. If your employer can’t provide a dedicated lactation room, a temporarily vacant room may be used instead. As a last resort, a cubicle can be used, but it must be fully enclosed with walls at least seven feet tall. You should consult the Division of Labor Standards if your employer tells you they do not have a place for you to pump breast milk.</p>
<p>Q: Can That Place Be a Bathroom?</p>	<p>A: No. The room or location provided by your employer cannot be a restroom or toilet stall.</p>
<p>Q: What Does My Employer Have to Put in the Room?</p>	<p>A: The place where you pump breast milk must contain a chair and small table or other flat surface. The space must also include good natural or artificial light, an electrical outlet (if the workplace has electricity), and a clean water supply. If the workplace has a refrigerator, employers must allow employees to use it to store pumped milk..</p>
<p>Q: Does the Room Have to be Private?</p>	<p>A: Yes. The room or place provided by your employer cannot be open to other employees, customers, or members of the public while you are pumping breast milk. It should have a door with a functional lock, or in the case of a cubicle, a sign warning the location is in use and not accessible to others. Any windows must have curtains or other covering.</p>
<p>Q: What Do I Do If My Employer Isn’t Following This Law?</p>	<p>A: File a complaint with the New York State Department of Labor’s Division of Labor Standards. These complaints are confidential – we will not tell your employer a complaint has been filed against him or her. Call us at 1-888-52-LABOR, send us an email at LSAsk@labor.ny.gov, or come into the nearest Labor Standards office to personally file a complaint.</p>
<p>Q: What If My Employer Punishes Me for Filing a Complaint?</p>	<p>A: Your employer may not discriminate or retaliate in any way against you or any other employee who chooses to pump breast milk in the workplace or who files a complaint with us. If this happens, contact us immediately and let us know.</p>
<p>Q: Do Any Other Laws Protect My Right to Pump Breast Milk At Work?</p>	<p>A: Yes. The Fair Labor Standards Act, a federal law covering all 50 states, also protects your right to pump breast milk at work. In 2023, protections were expanded under the Federal PUMP Act. For more information, contact the Wage and Hour Division of the U.S. Department of Labor at 1-866-4USWAGE or visit https://www.dol.gov/agencies/whd/pump-at-work.</p>