

# Federal “Break Time for Nursing Mothers” Law

Amelia Psmythe, Deputy Director  
United States Breastfeeding Committee



United States Breastfeeding  
COMMITTEE  
PROTECTING • PROMOTING • SUPPORTING

# Break Time for Nursing Mothers



- 
- Effective March 2010, the federal “Break Time for Nursing Mothers” provision requires employers to provide:
    - reasonable break time
    - private, non-bathroom space
    - for hourly paid workers to express breast milk during the work day.

# Official Resources



- 
- ❑ Statutory language
  - ❑ Associated Department of Labor FAQs
  - ❑ DoL Fact Sheet #73
  - ❑ HRSA Business Case for Breastfeeding

# Implementation challenges



- 
- ❑ Media consistently misstated employers under 50 do not have to comply
  - ❑ Mothers and employers still hearing and learning about the law
  - ❑ Common questions not addressed in official sources – gaps
  - ❑ Can legislate the accommodation, not the culture change to ease way to access

# USBC Break Time Project



- Funded by OWH to enhance the coordination and reach of effective messaging to mothers



## Workplace Support in Federal Law

### What is the "Break Time for Nursing Mothers" law?

Effective March 23, 2010, this [federal law](#) requires employers to provide break time and a place for hourly paid workers to express breast milk at work. The law states that employers must provide a "reasonable" amount of time and that they must provide a private space other than a bathroom. They are required to provide this until the employee's baby turns one year old.

This law is part of [Section 4207 of the Patient Protection and Affordable Care Act](#) under the Fair Labor Standards Act (FLSA) of 2011. [Download the text of Section 4207 only.](#)

### Questions About the "Break Time for Nursing Mothers" Law

You or your employer may have questions about how the "Break Time for Nursing Mothers" law applies to you. Many common questions and concerns are addressed in the following sources:

- [United States Department of Labor Wage and Hour Division \(WHD\)](#):
  - [Statutory language](#): full text of the "Break Time for Nursing Mothers" law
  - [Fact Sheet #73](#): includes information on general requirements, time and location of breaks, and coverage and compensation requirements under the "Break Time for Nursing Mothers" law
  - [FAQs](#): answers many of the questions about the law
- [United States Department of Health and Human Services Office on Women's Health \(OWH\)](#):
  - [Business Case for Breastfeeding](#) is a comprehensive program developed to educate employers about the value of supporting breastfeeding employees in the workplace.
  - [Womenshealth.gov/breastfeeding](#): tips, suggestions, and important information and resources for breastfeeding

# Online Guide

- 
- *What You Need to Know About the "Break Time for Nursing Mothers" Law*
  - Guide contents:
    - Basics of the law
    - Intersection of state & federal laws
    - Resources for working with employers
    - How to prepare, pump & store milk
    - Additional resources & information

# Guide Highlights

- 
- What does the undue hardship exemption mean for employees?
    - The law covers employers of ALL sizes
    - Employers under 50 *may* appeal for exemption in response to a complaint
    - Have to prove significant difficulty/expense

# Guide Highlights

- 
- Who is covered by the law?
    - Limited to non-exempt employees (hourly wage earners)
    - The [Supporting Working Moms Act](#) would expand the law to include an additional 12 million workers



# Guide Highlights

- 
- What if your state already has a law?
    - When both federal and state law address the same situation, the stronger law applies
    - How to compare the laws in your state

# Use, Promote & Share



- Designed to serve as a resource for employers and families
- Share widely with this link:
  - [www.usbreastfeeding.org/workplace-law](http://www.usbreastfeeding.org/workplace-law)
- Sample post: Know your rights as a #breastfeeding mom in the workplace:  
[www.usbreastfeeding.org/workplace-law](http://www.usbreastfeeding.org/workplace-law)  
via @usbreastfeeding