

CLIENT ALERTS

Labor and Employment – Unlawful Retaliation Against Nursing Mothers?

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Unlawful Retaliation Against Nursing Mothers?

Effective March 23, 2010, the Patient Protection and Affordable Care Act, a/k/a Obamacare, amended the Fair Labor Standards Act for a salutary purpose: to provide nursing mothers with break time and a private location to express breast milk in the workplace. The amended FLSA section requires employers to provide non-exempt employees with the following:

- A "reasonable," uncompensated "break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time" when the employee needs 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.

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