

## Nursing Moms Protected in the Workplace Under New Jersey Law

*New Jersey Senate Bill 2709*, which provides new protections for breastfeeding workers in the State of New Jersey, was signed into law on January 8, 2018, by Governor Chris Christie, as his term was coming to a close. The law forbids discrimination against nursing mothers and requires that employers provide accommodations for them in the workplace. The law is effective immediately.

The new law is an amendment to the New Jersey Law Against Discrimination (NJLAD) which applies to all employers in New Jersey. The amendment prohibits employers from discriminating against or terminating female workers because they breastfeed or express milk at work. The law also requires employers to provide accommodations for nursing employees so they can breastfeed or pump milk while on the job. The space that the employer provides for this accommodation has to be private and not a restroom. Also, New Jersey employers must allow breastfeeding employees to take breaks during the workday in order to express milk or to breastfeed. These would not be paid, however, if employees normally receive compensation during break times, then the breaks for breastfeeding workers have to be paid too. Finally, employers must show that accommodating a nursing employee would pose "an undue hardship on business operations" if they seek to be excused from the new law.

There are similar laws in effect at federal, state and local levels. The Philadelphia Fair Practices Ordinance requires employers in the City of Philadelphia to provide accommodations for women to pump breast milk. Since 2010, the Patient Protection and Affordable Care Act (PPACA), which is an amendment to the federal Fair Labor Standards Act (FLSA), has required employers of 50 or more employees to provide reasonable break time for an employee to express breast milk for one year after the child's birth. It should be noted that if your state or local law provides greater protections to nursing employees than the federal law, the state law will prevail and should be applied in your workplace.

**Comment:** Employers need to know what federal, state or local laws apply to their businesses to ensure that nursing workers are provided with break times and an appropriate space in their work location to express milk while on the job.

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