

Talking to Your Boss About Your Pump: New York

This fact sheet focuses on New York law. Laws differ in other states. This document is for purposes of information only. The impact of laws changes based on the facts involved. For legal advice, talk to an attorney.

Returning to work after having a baby can be challenging, especially if you are breastfeeding, chestfeeding, or pumping milk. This guide will help you make a plan to take care of your lactation needs at work. It explains your legal protections and gives you practical tips for how to talk to your boss about changes you may need at work.

YOU SHOULD KNOW:

- Almost all employees in New York have a legal right to break time and private space for pumping milk.
- Most New York employees also have a legal right to other changes at work for nursing and pumping.
- Your boss can't fire you or treat you worse because you are nursing or pumping.
- Free legal help is available.

Read on to learn more.

PLANNING FOR YOUR LACTATION NEEDS AT WORK:

Break Time and Private Space for Pumping Milk

- If you are breastfeeding, chestfeeding, or pumping milk, you will need regular breaks to pump milk or feed your baby. Most people need 2-3 breaks during an 8-hour workday, depending on their baby's feeding schedule, how often they normally pump/feed, and their bodies' needs. Pumping milk typically takes 15-20 minutes per session, but sometimes longer. Most employees also need *additional* time to travel to and from the lactation space, set up the pump, clean up, and store the milk. The frequency and length of time needed to pump can depend on many things, like your milk supply, your baby's feeding schedule, the type of pump you use, and how fast your body lets down milk.
- You will also need clean, private space where you can pump. Expressed milk is food for babies, so this space should not be a bathroom. It is best if this space:

- Has a locking door and window coverings
- Has a chair for you to sit and a flat, clean surface (like a table or desk) where you can place your pump and milk bottles
- Has an electrical outlet or extension cord to use an electric pump
- Is close to clean running water to clean your pump parts and a space to store milk (like a refrigerator or a place to safely keep a cooler)

Understanding Your Legal Protections:

Under **New York Law** and the nationwide **PUMP Act**¹, **you have a right to:**

(1) Reasonable break time to pump milk each time you need it during work. Your employer cannot require you to stick to a fixed pumping break schedule to meet the employer's business needs. Instead, they must give you as much time as you need on a schedule that meets your physical needs.

(2) A private non-bathroom space to pump where coworkers or other people will not intrude. This must be provided for up to three years after the birth of your child under New York law (one year under the PUMP Act).² If you work in New York City, local laws may also provide a right to break time and space.³ Keep in mind that employees who work remotely or work from home have the same right to break time and private space to pump as other employees. This means they must be able to step away from their camera and computer to pump.

You also have additional rights under New York law. New York employers must follow specific requirements when creating a lactation space.⁴ This space cannot be a bathroom or toilet stall and must be well-lit, shielded from view, and free from intrusion by other

¹ Note that the federal PUMP Act does not apply to airline crewmembers (flight attendants and pilots). Certain motorcoach and railway employees will not be covered by the PUMP Act until December 29, 2025 and have special rules that apply. Visit [here](#) for more information. If you are not covered by the PUMP Act you may have a right to receive break time and space under other laws. If you are an airline crewmember or if you work for a motorcoach or railway, call the numbers listed at the bottom of this sheet for more information about whether federal or state law can provide other rights.

² Although New York laws do not apply to federal employees, the PUMP Act covers most workers in the United States, including many federal employees.

³ N.Y.C. Int. 879-A, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3498479&GUID=0379DE1A-74CC-47E4-A883-25CC388CFD7F>. New York City law is very similar to NY State Law and covers employers with four or more employees.

⁴ N.Y. Labor Law § 206-c(2) (effective June 7, 2023).

employees or the public. It must be made available to you whenever you need it and can't be used for another purpose while you are using it. It must also include:

- A chair
- A surface for a pump
- An electrical outlet (if your workplace is supplied with electricity)
- Nearby access to clean running water
- Access to refrigeration (if your workplace has refrigeration)

If your employer argues that it would be very difficult or expensive to provide a lactation space with these features, they must still make reasonable efforts to provide a location, other than a bathroom, where you can express breast milk in privacy.

New York employers are required to respond to requests for a lactation space within a reasonable amount of time (but not to exceed 5 business days). Employers must also provide employees with a written lactation policy that includes instructions on how to request a lactation space.⁵

Under both New York and federal law, if you are an hourly worker, your employer may be allowed to take you off the clock (unpaid) during your pumping breaks when you are not performing any work duties. However, there are some situations where your employer must pay you for your pumping breaks. Typically a salaried worker cannot have their pay reduced for pumping.

Your employer also cannot require you to make up the time you spent pumping. This means they cannot require you to come in early or stay late, or to work additional days. And your employer must adjust your sales quotas or other productivity metrics to take into account your pumping breaks. Additionally, your employer cannot force you to use sick or vacation time for the time you spend pumping.

Other Workplace Changes (“Accommodations”) You May Need for Lactation

- Some people may need other changes at work, which are called “accommodations.” Depending on your individual needs and workplace, these may include:
 - *If you travel for work:* arrangements for time and space to pump while away from your normal workspace, including longer flight layovers, stopping over at airports with private lactation spaces, assistance securing private space while on the road or

⁵ N.Y. Labor Law § 206-c(3).

- in facilities not owned by the employer. (You can download apps like Moms Pump Here to find pumping locations.)
- *If you have a medical complication related to lactation*, like mastitis: time off from work for treatment and recovery or another change that meets your needs.
 - *If you are not able to express enough milk using a pump*: permission to have a caregiver bring the baby to your workplace for feedings.
 - *If your work involves exposure to pesticides, smoke, heavy metals, radiation or other toxins that could affect your milk*:⁶ accommodations your doctor may recommend to reduce your exposure, like using protective gear (gloves, protective clothing or respirators), job restructuring, or temporary reassignment to a different position that is available.
 - *If you cannot perform your normal duties safely while lactating*, like for example a police officer whose heavy and tight bulletproof vest would decrease their milk supply and put them at risk of infection: a temporary transfer to an alternative (light duty) assignment or job restructuring.

Understanding Your Legal Protections:

Under both **New York law**⁷ and the nationwide **Pregnant Workers Fairness Act**⁸, employers are required to make “reasonable accommodations” for employees who have needs that their employer knows about related to pregnancy, including breastfeeding, chestfeeding, and lactation—like the need to pump milk regularly. An “accommodation” is a change to your work space, job duties, or schedule that lets you do your job and meet your lactation health needs (see examples of accommodations above). **If you work in New York City, you may have additional rights.**⁹

Your employer must give you an accommodation unless it would be very difficult or expensive to do so. When you request an accommodation, your employer could provide the change right away, or if that isn’t possible, your employer must have a back-and-forth conversation with you about your needs and what changes could be made to meet them. Your employer does not have to give you your first-choice accommodation, so long as they

⁶ More information about accommodations for lactating workers exposed to potentially hazardous materials is available at: <https://www.cdc.gov/niosh/topics/repro/breastfeeding.html>

⁷ N.Y. Exec. Law § 296(3). New York State law applies to workplaces of all sizes.

⁸ The federal Pregnant Workers Fairness Act went into effect on June 27, 2023 and applies to employers with 15 or more employees nationwide. For more information, visit [here](#).

⁹ New York City’s law applies to employers who have 4 or more employees, and requires employers to provide reasonable accommodations for lactation, pregnancy, childbirth, or related medical conditions provided that the accommodations will not create an undue hardship for your employer. Local Law No. 78 (2013); N.Y.C. Admin. Code § 8-107(22).

give you some accommodation that meets your needs. However, your boss cannot make you take leave instead of providing an accommodation that lets you work.

These laws also give you the right to accommodations for other pregnancy-related conditions, such as perinatal or postpartum depression (e.g., changed work schedule, quieter workspace, work from home, time off, etc.).

WHEN TO TALK TO YOUR BOSS:

- To make sure you have what you need on your first day back from leave, it's important to talk to your employer about your plan to pump milk at work **before you return to work**. Having this conversation before you go out on leave will give you time to make a plan. However, there are no legal deadlines for telling your employer.
 - Under New York law, your employer has to respond within a reasonable time frame to your request for a lactation space, not to exceed 5 business days.
- Before starting the conversation, it's a good idea to do your homework by reviewing the information in this document and any official policies your employer has in place for lactating employees. You can talk to any coworkers who have pumped milk at work before and think through solutions that may work well for your needs.

WHAT TO SAY TO YOUR BOSS:

- Have a conversation with your manager about your lactation health needs. Your manager is familiar with your work responsibilities, schedule, and working space so can work with you to come up with a plan. If you don't feel comfortable talking with your manager or think they will give you trouble, you may want to contact your human resources department instead, if your company has one. A good opportunity to discuss your lactation needs is when you speak with HR about childbirth/parental leave.
- Tell your employer that you will need to pump at work and will need to take regular breaks to do so. Explain that you will also need to be able to use a clean, private space that is not a bathroom. If you need another type of accommodation, explain that too. Remember that you have legal rights to receive break time, space, and other accommodations.
- **Be prepared to educate your employer** about the realities of breastfeeding/chestfeeding and pumping milk. Not all managers or human resources staff will understand your health needs at first. You may need to explain that:
 - Regular pumping breaks are necessary to avoid severe pain, risk of infection, risk to your milk supply, and other complications. Lactating workers often need to take 2-3 pumping breaks during an 8-hour workday. The number of breaks you need may be

higher based on your individual circumstances, and your employer must provide breaks as often as you need them. The number of breaks you need may decrease over time.

- Pumping milk typically takes 15 to 20 minutes per session. However, every person is different, and it may take you longer (for example, if you have twins or can pump only one side at a time). Your breaks should also include any additional time you need to travel to and from the lactation space, set up the pump, disassemble it, clean up, and store the milk.
- In talking to your employer, it may help to explain the reasons why your lactation goals are important to you. This might include the health benefits of human milk for infants, as well as the health benefits to yourself. If you have a baby at home, feeding them your milk means they are less likely to get sick, which means fewer days off of work for you.
- Expressed milk is food for infants and so must be prepared and handled in a sanitary space - not a bathroom!
- It is helpful to remind your boss that you are dedicated to doing a good job and that you believe taking pumping breaks will not affect your work performance.
- Come prepared with suggestions for space that you could use. If you can't think of an existing space that will work, you may be able to come up with a creative solution. For ideas, see [here](#).
- Think through concerns that your boss may have and come prepared with a plan. For example, if your duties will need to be covered by another employee during your pumping breaks, consider talking with coworkers to get their help. Tell your boss that you will take no more time than is needed to pump and are committed to doing a good job.
- If you are requesting break time and a private, non-bathroom space to pump milk, the law does not require you to provide a doctor's note, and your employer cannot require one. You can always choose to give your employer a note if it makes it easier for you. If you are requesting other changes at work ("reasonable accommodations") you may need to submit a note from your healthcare provider. Make sure that the note says that you are breastfeeding, chestfeeding, or pumping milk and that the note is as specific as possible about what you need to protect your health. [Here](#) are guidelines on writing effective work accommodation notes that you should share with your healthcare care provider.
- Listen carefully and take notes during or after your conversation, especially about anything that sounded wrong or strange to you. It is helpful to write down anything you and your boss agree to. You can do this by sending an email or a note to your boss describing your understanding of what was discussed. Keep a copy for yourself.

WHAT IF MY EMPLOYER REFUSES TO ACCOMMODATE ME OR TREATS ME UNFAIRLY?

Often employers that do not provide lactation accommodations either don't understand the health needs of their lactating employees or are unaware of the legal requirements. In many cases, communicating clearly with your employer about these things can help you get what you need.

In some cases, even when an employee clearly communicates their needs, their boss may still give them a hard time or even punish them for needing break time and space. If you are being treated badly at work, it may be discrimination or retaliation. For example, your boss should not transfer you to a less desirable or lower paid position, make harassing comments, or give you attendance points or demerits because you are pumping.

If your boss doesn't accommodate your needs or treats you unfairly, you have legal protections. We can help.

Understanding Your Legal Protections:

Unfair treatment based on lactation (for example, firing, punishing, or harassing you because you are breastfeeding, chestfeeding, or pumping milk) may be illegal under the Pregnancy Discrimination Act, the PUMP Act, the Pregnant Workers Fairness Act, or similar New York laws that apply to smaller employers.

If you think your employer is not following the law, there are steps you can take:

- If you have questions about your legal rights or need assistance, you can always call the Center for WorkLife Law at (415) 703-8276 or A Better Balance at (833) 633-3222.
- If the pumping space provided to you does not meet your needs, let your employer know in writing why not. Keep a copy of this communication. This may cause your employer to change their mind. It could also be important later if you decide to file a complaint or lawsuit.
- You can file a complaint with an agency, like the Department of Labor (for violations of the PUMP Act), the Equal Employment Opportunity Commission (for violations of the Pregnant Workers Fairness Act), and/or similar New York agencies. For more information about filing a complaint, call the free helpline numbers below.
- You can file a lawsuit in court. There usually deadlines to file, so contact a lawyer as soon as possible.
 - Note that you may not be allowed to file a claim in court under the PUMP Act against your employer for not providing adequate pumping **space** unless you first tell your employer that the space it provided does not meet your needs. You must do this at least 10 days before filing a lawsuit.



Employees who have questions about their legal rights or who have been treated unfairly may contact our free and confidential helplines for assistance. Services are provided in English and Spanish (other languages on request):

A Better Balance [online here](#) or at 1-833-NEED-ABB (1-833-633-3222)
Center for WorkLife Law [online here](#) or at (415) 703-8276