

# Break Time for Nursing Mothers Poster



The Fair Labor Standards Act (FLSA) requires employers to provide break time and space for a covered nonexempt nursing mother to express breast milk for her nursing child for one year after her child's birth.



The Fair Labor Standards Act (FLSA) requires employers to provide break time and space for a covered nonexempt nursing mother to express breast milk for her nursing child for one year after her child's birth.

- Employers must allow reasonable break time whenever a covered employee needs to express breast milk.
- Employers must provide covered employees with space that is:
  - functional for expressing milk
  - shielded from view
  - free from intrusion
  - private as needed, AND
  - not a bathroom.

If an employer has fewer than 50 employees, **WHD** can demonstrate that compliance with this law would impose an undue hardship on the employer, that employer does not have to provide nursing breaks.

**Note:** The FLSA requirement of break time for nursing mothers to express breast milk does not preempt state laws that provide greater protections to employees (for example, providing compensated break time, providing break time for exempt employees, or providing break time beyond one year after the child's birth).

#### **WHY IS THIS ACT?**

Any employee who is "discriminated or in any other manner discriminated against" because he or she has filed a complaint or cooperated in an investigation may file a retaliation complaint with the Wage and Hour Division or directly to court seeking appropriate remedies.

