

# Workplace Accommodations for Breastfeeding and Lactation

## Reasonable Accommodations

The New Jersey Law Against Discrimination (LAD) requires employers to make changes to an employee's job or workplace, including break time and space, so that the employee can express milk while at work.

## Undue Hardship

An employer must make these changes unless it can show that making the changes would be extremely difficult or expensive.

## Retaliation

Employers can't treat an employee differently as a punishment for requesting or using a reasonable accommodation.

Lactation includes manually expressing milk; pumping milk; and breastfeeding, chestfeeding, bodyfeeding, or otherwise feeding milk directly from an individual's body to a child.

### **Lactation accommodation requests are time sensitive.**

Unnecessary delay, inaction, or silence in response to a request for accommodations may violate the LAD.

### **There are no magic words for requesting an accommodation.**

You don't need to say the words "reasonable accommodation" or other legal terms to request an accommodation. You can request an accommodation from your boss or human resources representative.

### **An employer cannot seek medical documentation for lactation accommodations.**

This means an employer cannot ask for proof that an employee needs a lactation accommodation.

# Reasonable Accommodations Under the LAD

The LAD expressly requires employers to provide, at a minimum:



## 1 Reasonable Break Time

An employer may only limit the number of breaks and amount of time an employee uses to express milk if the employer can prove such an accommodation would present an undue hardship. Employees may need to express milk during regular paid breaks or during extra breaks at different times.

## 2 A private space, not a bathroom stall, close to where the employee works

A suitable space for milk expression, sometimes referred to as a “lactation room,” should be clean, well-ventilated, and available when it is needed. In most circumstances, it should also include, at least, the following:

- Appropriate seating
- A flat surface other than the floor
- An electrical outlet
- A nearby sink or source of running water
- A nearby place to store milk, like a refrigerator or cooler

**Did you know?** Lactation is often necessary every 2 to 3 hours and may take at least 15-20 minutes.

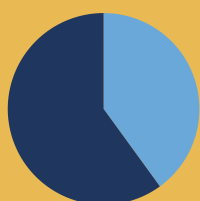
In an 8-hour shift, an employee may need 2 to 3 breaks of at least 30 minutes to express and store milk.



*For a full list of examples of reasonable accommodations and additional protections you may have, visit our guidance document*

## Accommodations Matter: Lactation by the Numbers

According to the CDC, 60% of mothers do not breastfeed for as long as they intend.



Unsupportive work policies and lack of parental leave impact how long a parent feeds their child human milk.

81.6% of infants born in 2021 in New Jersey were fed human milk.

