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EMPLOYER ALERT

New Jersey Enacts Workplace Protection for Breastfeeding Women

The *New Jersey Law Against Discrimination* has been amended to protect women in the workplace who are breastfeeding or expressing milk. On January 8, 2018, Governor Christie signed Senate Bill S2709 into law, making it unlawful for employers to discriminate against women who are breastfeeding or expressing milk in the workplace.

The amended law, which is effective immediately, requires employers to provide reasonable accommodations, including break time and a suitable private room, other than a toilet stall -- according to the language of the law.

Employers are not required to provide paid break time under the amendment, unless other employees are provided with paid break time under existing policies. Women who are breastfeeding or expressing milk in the workplace must be treated equally.

Unlike similar provisions under the federal *Fair Labor Standards Act*, which generally apply to companies with 50 or more employees, the amended *New Jersey Law Against Discrimination* applies to all employers regardless of the size of the workforce. However, employers may avoid the law's accommodation requirements if they can demonstrate that providing the accommodation would impose an "undue hardship" on their business operations. Undue hardship will be judged on a case by case basis, and will include an examination of factors such as the difficulty and expense of creating the accommodations. Employers should review their existing policies and make the necessary changes to comply with the amended law.



This Employer Alert is intended only as a general discussion of the subject matter. As with any legal topic, each case requires a thorough analysis of the facts to determine the best steps for your business. It is not intended to be construed as legal advice.

Lawrence Z. Kotler is a partner with the law firm of **Carlin & Ward, P.C.** in Florham Park, New Jersey. Mr. Kotler regularly represents employers and employees in employment law matters in New Jersey, including the defense and prosecution of employment related claims. He has extensive experience counseling employers in day to day employment matters and the preparation of employee handbooks, confidentiality and non-competition agreements and related policies and agreements. Mr. Kotler also represents employers and employees in negotiating employment contracts and separation agreements.