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## Break Time for Nursing Mothers

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 covered employees reasonable **break time** to express breast milk each time such employee has a need to express milk.
- The **space** must be:
  - Functional for expressing milk
  - Shielded from view
  - Free from intrusion
  - Available as needed, AND
  - NOT a bathroom

Exempt employees may be covered under a State law providing breaks for nursing mothers.

If an employer has less than 50 employees **and** 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:** Employers are not required to pay nursing mothers for breaks taken for the purpose of expressing milk. However, where employers already provide paid breaks, the employer must pay an employee who uses those breaks to express milk.

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### UNLAWFUL ACTS

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

**For more information or to file a complaint, call 1-866-4US-WAGE (487-9243) or visit [www.dol.gov/whd](http://www.dol.gov/whd).**



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