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The New York City Commission on Human Rights Creates Model Lactation Policies

As we reported, [on October 17, 2018, New York City passed two laws concerning workplace lactation accommodations](#). City of New York Local Laws 185 and 186 require New York City employers to provide their employees with reasonable unpaid or paid break time and a private space to express milk. They also require that employers provide employees with a written policy on lactation accommodations.

These laws went into effect on March 17, 2019. With the laws in effect, the City of New York has now clarified that the laws are greater in scope than legislators initially intended, and apply to all employers with four or more employees. To provide employers with further guidance, the New York City Commission on Human Rights has created three model policies. The model policies correspond to the type of accommodation an employer can provide its employees based on the design of its facility. They provide guidance to employers who supply their employees with **dedicated lactation rooms, multi-purpose spaces** that may be used as lactation rooms, and those employers who **do not have the requisite space** available for a lactation room.

Each of the three policies provides information about:

- the lactation accommodation process,
- the reasonable time an employee has to express breast milk,
- circumstances in which providing accommodations may pose an undue hardship on an employer and the dialogue that must take place in those scenarios.

On top of this information, each of the individual policies corresponds to and includes recommendations specific to the type of accommodation an employer can provide.

Takeaway for Employers

Employers should compare their existing policy to the model policy that most closely resembles their work environment. After review, employers should take care to make sure that their policies incorporate all of the information in the model policies and that they are in compliance with applicable New York City, New York State, and federal law.

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We are of course available to assist in drafting and reviewing such policies, and in advising employers on the new lactation accommodation process.

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