

## NJ Nursing Moms Law Poses Challenges For Small Employers

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The recent expansion of New Jersey's anti-bias law to include female employees at companies of any size who need time and space to breastfeed or pump milk could create logistics and operations hurdles for small businesses that had enjoyed exemption from a similar federal law if it posed a hardship.

The law's sponsors, including Senate Majority Leader Loretta Weinberg, D-Bergen, and Sen. M. Teresa Ruiz, D-Essex, cite the nutritional importance of breast milk to infants and the logic of expanding state workplace protections already offered to pregnant employees. The Affordable Care Act has already amended the Fair Labor Standards Act to protect breastfeeding employees, and it requires employers to provide a suitable private space for employees to breastfeed or express milk.

However, at the federal level, this was mandated only for employers with more than 50 workers. The New Jersey law aims to ensure that nursing mothers returning to work, regardless of the size of their company, "have the ability to breastfeed, and that no woman is harassed, fired or provided restrictive accommodations for expressing milk for their child," Ruiz said when the bill was passed.

While experts agree the law is a natural extension of civil rights, and one that many businesses already have in place, they predict it could be an eye-opener for others.

"There are little mom-and-pop shops that might not have thought about this. Think of a deli of 10 or 15 employees, a tight space. So it can be a challenge," says Jackson Lewis PC principal Robyn L. Aversa, whose Morristown-based practice includes defending employers facing discrimination suits.

Also, an employer cannot tell a nursing employee to "just go to the ladies' room," Aversa said, noting the law's provision that while the accommodation space may be temporary, it can't be a toilet stall or a space in another building.