

New Georgia Legislation Requires Employers to Provide Paid Lactation Breaks

By Emily S. Borna

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Georgia Governor Brian Kemp has signed new legislation requiring employers to provide paid lactation breaks and private locations at the worksite where working mothers can express breast milk. The new law is effective immediately.

Georgia House Bill 1090, also known as “Charlotte’s law,” was inspired by a public school teacher whose supervisor would not allow her to pump during her planned break. The teacher was only allowed to pump during the break if she stayed after work to make up for that time.

Previously, an employer could, but was not required to, provide reasonable unpaid break time to an employee to express breast milk for an infant child. Similarly, employers could, but were not obligated to, provide a room or other location close to the work area, other than a toilet stall, for employees to express breast milk.

The new law (codified at O.C.G.A. § 34-1-6) requires employers to provide reasonable break time to employees who desire to express breast milk at the worksite during work hours. Employers cannot require employees to use paid leave for such breaks or reduce an employee’s salary as a result of the employee taking a break to express breast milk.

The law further requires employers to provide a private location, other than a restroom, where employees can express breast milk at the worksite.

The new law, however, does not require employers to provide paid break time to an employee on any day the employee is working away from the employer’s worksite.

Please contact a Jackson Lewis attorney with any questions related to the new law, updating workplace policies, workplace training, and other preventive practices.

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