

# Puerto Rico Issues Guidance for Nursing Rooms in Workplace

February 24, 2021

## Related Services

Disability, Leave and Health Management

The Puerto Rico Women's Advocate Office has published Guidelines for the Establishment of Nursing Rooms with the purpose of ensuring uniformity and setting forth all aspects employers should consider when establishing a nursing room in the workplace.

The Guidelines went into effect on February 11, 2021.

### Right to Nurse

Under Puerto Rico's Nursing Leave Law, nursing mothers who work at least 7.5 hours a day are entitled to 1 hour of paid leave each working day to nurse or pump breastmilk. This hour can be divided into 2 periods of 30 minutes or 3 periods of 20 minutes. Nursing mothers who work between 4 and 7.5 hours are entitled to a 30-minute paid period after 4 consecutive hours of work to nurse or pump milk.

Different rules may apply for companies that are considered small businesses under the Small Business Administration standards.

### Nursing Room Requirements

Puerto Rico law requires that employers provide nursing mothers an adequate space to nurse that ensures privacy, safety, and hygiene and has electrical outlets and ventilation.

According to the Guidelines, a nursing room in the workplace must meet the following requirements to be compliant:

- *Security:* The nursing room should have a lockable door and cannot have objects that may jeopardize the safety of the nursing mother or her breastmilk.
- *Privacy:* The nursing rooms should be for the exclusive use of nursing mothers and be far from work areas. Nursing rooms should not have security cameras or be within their scope.
- *Hygiene:* Nursing rooms should contain a sink to wash equipment and hands. Bathrooms should never be considered as an alternative to lactation rooms. Nursing rooms must be routinely cleaned and include documentation of the cleaning process.
- *Adequate Space:* Nursing rooms should be furnished with a support table to place pumping equipment and a comfortable chair.
- *Electrical Outlets:* Nursing rooms should have access to electricity outlets.
- *Ventilation:* The nursing room should have adequate ventilation.
- *Milk Storage:* The lactation room should have a refrigerator to store breastmilk.
- *Availability and Exclusivity:* The lactation room should be accessible to the nursing mothers, exclusively for their use, and should always be kept locked.
- *Nursing Room Use Policy:* Employers should have a policy governing the use of the nursing room, as well as keep a visitor log of the nursing room with entry and exit times.

### Inspection

The Women's Advocate Office has the authority to inspect nursing rooms and issue fines for non-compliance. The Guidelines incorporate an inspection form for use by the inspector.

The Guidelines' requirements go well beyond that in Puerto Rico's Nursing Leave Law and legal challenge to the authority of the Women's Advocate Office to enforce these regulations is likely given the burden placed on employers by the Guidelines.

Jackson Lewis attorneys are available to assist employers with this and other workplace issues.

©2021 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on employment and labor law since 1958, Jackson Lewis P.C.'s 1,000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged and stable, and share our clients' goals to emphasize belonging and respect for the contributions of every employee. For more information, visit <https://www.jacksonlewis.com>.