

Alert | Labor & Employment



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Georgia Bill Would Require Employers to Provide Employee Breaks to Pump Breast Milk

On Jan. 29, 2020, [Senate Bill 327](#), known as “Charlotte’s Law,” was introduced in the Georgia General Assembly, requiring employers to provide reasonable breaks for pumping breastmilk. The bill was inspired by a public school teacher whose supervisor would not allow her to pump during her planned break. The teacher was given an ultimatum to either stop pumping during the break or continue pumping during the break, so long as she stayed after work to “make up” for the time.

Through the Patient Protection and Affordable Care Act, the Fair Labor Standards Act (FLSA) was amended to require covered employers to provide reasonable, unpaid break time to an employee who needed to pump breast milk for a nursing child up to one year after the child’s birth. The FLSA, as amended, also requires that the employer provide these employees a place to pump breast milk that is not a bathroom, shielded from the view of others, and free from intrusion by co-workers and the public.

While the amendments to the FLSA were intended to help working mothers who breastfeed their children, gaps remain in access to workplace breastfeeding resources, according to a Jan. 10, 2020, report in *Workplace Health & Safety*.

For example, under current Georgia law (O.C.G.A. § 34-1-6), an employer may, but is not required to, provide reasonable, unpaid break time to an employee who needs to pump breast milk for an infant child. Also under current Georgia law, an employer may, but is not obligated to, make reasonable efforts to

provide a room or other location in close proximity to the work area, other than a toilet stall, for the employee to pump breast milk.

Charlotte's Law would require Georgia employers to provide reasonable break time (not just unpaid break time) to employees needing to pump breast milk. Charlotte's Law would also require Georgia employers to provide these employees a location, other than within a restroom, to pump breast milk in private.

While such breaks to pump breast milk may run concurrently with other breaks, Charlotte's law would prohibit employers from deducting or reducing an employee's pay for any breaks taken to pump breast milk.

Further, Charlotte's Law explicitly prohibits Georgia employers from discriminating or retaliating against an employee for pumping or requesting to pump breast milk, or for reporting any violations of the law. Significantly, Charlotte's Law also provides employees with private causes of action, including damages, attorneys' fees, filing fees, and reasonable costs (explicitly inclusive of expenses associated with discovery and document reproduction) for violations of the law.

As Charlotte's Law moves through the Georgia General Assembly, we will continue to monitor and report any developments. If you have any concerns about your company's policies, please contact one of [Greenberg Traurig's Atlanta Labor & Employment attorneys](#).

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