



Illinois Employers Must Now Pay for Breaks of Nursing Mothers

On August 21, 2018, the Nursing Mothers in the Workplace Act, 820 ILCS 260/1, et seq. (the “Act”), was amended to provide nursing mothers with greater rights to paid break time. The amendment now requires Illinois employers who have five or more employees to pay for “reasonable” break time for nursing mothers to express milk for their infant child. Absent an “undue hardship” on the employer caused by the breaks, the breaks must be permitted for one year after birth.

The amended Act differs from the prior version of the Act in a few important respects:

<u>Term</u>	<u>Prior Version of the Act</u>	<u>2018 Amendment</u>
Paid vs. Unpaid Breaks	Unpaid	Paid
Time period breaks must be allowed	Not defined	1 year after birth
Break time to run concurrently with other break time	Break time “must, if possible, run concurrently with any break time already provided”	Break time “may” run concurrently with other break time
Valid basis for employer’s refusal to provide break time	If the breaks would “unduly disrupt the employer’s operations”	If the breaks would cause an “undue hardship” on the employer (a higher standard than the prior version of the Act)

What Employers Should Know

Illinois employers with five or more employees are advised to immediately update their policies to comply with the amended Act. Deductions may no longer be taken from employee pay for breaks taken by nursing mothers to express milk. Nursing breaks must be allowed by employers for up to one year.

If you have any questions about this Alert, or if you would like assistance in complying with the FCRA, please contact the authors listed below or the [Aronberg Goldgehn attorney](#) with whom you work.

Amy M. Gibson
agibson@agdglaw.com
312.755.3154

Maryam H. Arfeen
marfeen@agdglaw.com
312.755.3185

Amy M. Gibson • 312.755.3154 • agibson@agdglaw.com
Nathan H. Lichtenstein • 312.755.3148 • nlichtenstein@agdglaw.com
Timothy R. Nelson • 312.755.3149 • tnelson@agdglaw.com
Robert N. Sodikoff • 312.755.3155 • rsodikoff@agdglaw.com
Maryam H. Arfeen • 312.755.3185 • marfeen@agdglaw.com