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New Georgia Law Provides Protection to Nursing Moms

On August 5, 2020, Georgia Governor Kemp signed into law “Charlotte’s Law,” providing additional workplace protections to working mothers who need to express breast milk during working hours. **Charlotte’s Law went into effect on August 5, 2020**, and applies to all private employers.

Under the new law, nursing mothers are entitled to “reasonable” break time to express breast milk during work hours. Employers should be aware of the following:

- Any break time taken under the new law must be paid at the employee’s regular rate of pay.
- Employers must provide a private location other than a restroom where employees can express breast milk in privacy at the worksite.
- The law applies only to employees who are working at the worksite. In other words, the law does not apply to employees who work from home.
- A hardship exception may be available to employers with fewer than 50 employees where compliance with the law will cause the employer “undue hardship.” Undue hardship refers to “significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer’s business.”
- Unlike federal law, Charlotte’s Law is not limited to the first year after the birth of the employee’s child.

The new law does not provide guidance on what constitutes a “reasonable” amount of time to express breast milk. Neither does it provide a cap on how long a nursing mother may be entitled to take lactation breaks after the birth of a child.

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Questions? Contact Stokes Wagner.