



NEW YORK
CITY BAR

COMMITTEE ON SEX AND LAW

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Hon. Bill de Blasio
Office of the Mayor
City Hall
New York, NY 10007

Dear Mayor de Blasio:

We congratulate you on your election as Mayor and want to take this opportunity to introduce our Committee. The Sex and Law Committee of the New York City Bar Association (“City Bar”) studies how gender affects the formulation and operation of law and policy. We address issues ranging from gender discrimination and reproductive rights to domestic violence and the rights of same-sex couples. Our membership includes attorneys from government agencies, law firms and not-for-profit organizations.

Last year the City Bar issued a report entitled “*Policy Recommendations for New York City’s Next Mayor.*” In that report, our Committee submitted the following recommendations: (1) support the extension of accommodations for breastfeeding mothers to college and university students; (2) enhance public education about a breastfeeding mother’s right to express milk in the workplace; (3) strengthen the City’s commitment to teaching comprehensive, medically-accurate sexuality education in public schools; and (4) strengthen the City’s commitment to punishing the perpetrators of human trafficking and providing supportive services to its victims.¹ Each is summarized in brief detail below.

EXTENSION OF ACCOMMODATIONS FOR BREASTFEEDING MOTHERS IN COLLEGE

We recommend that your administration support the extension of accommodations for breastfeeding mothers needing to express milk, set forth in the NY Labor Law § 206-c, to all New York City college and university students. The “Expressing at Work” Law requires employers to “provide reasonable ...break time to express milk for her nursing child” and to

¹ “*Policy Recommendations for New York City’s Next Mayor*”, New York City Bar Association, May 2013, at <http://bit.ly/11Xmn8K>. The relevant pages are 58-60 (extending accommodations for students and enhancing public education with respect to breastfeeding), 10 (sex education), and 34-35 (human trafficking).

“make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express milk in privacy.”² While colleges and universities are currently required to provide their employees such accommodations for expressing breast milk, their students are not afforded the same protections by law. Breastfeeding students, both part-time and full-time, are subject to the same rigorous schedules as those employees § 206-c seeks to protect. While schools are required to provide private, sanitary space for employees to express milk, students are often left with no assigned space or are forced to use unsanitary bathroom stalls or private bathrooms. In the latter instance, students may have to wait their turn, forcing them to miss or be egregiously late to class on a regular basis.

Nationwide, campuses are beginning to recognize the importance of breastfeeding and are implementing programs and policies to support their breastfeeding students.³ By extending the same reasonable requirements found in NY Labor Law § 206-c to the students at New York City colleges and universities, the City can ensure that these mothers are provided with adequate time and private, sanitary conditions where they may properly express breast milk.

ENHANCE PUBLIC EDUCATION ABOUT A NURSING MOTHER’S RIGHT TO EXPRESS BREAST MILK IN THE WORKPLACE

We recommend that your administration enhance public education around the Expressing at Work Law by working with New York City hospitals and maternal health care facilities and workplaces to disseminate information about the Law. Although the Breastfeeding Mother’s Bill of Rights requires maternal health care facilities to provide information to new mothers about the benefits of breastfeeding and their rights to breastfeed, it does not explicitly require the dissemination of information about the rights of nursing mothers to pump breast milk in the workplace pursuant to the Expressing at Work Law.

The City’s *Latch On NYC* initiative includes a public awareness campaign about breastfeeding rights and, as such, provides a great opportunity to educate women about the Expressing at Work Law. We have created a flyer outlining the provisions of that law and recommend that it or something similar be distributed to new mothers during their hospital stay or upon discharge (a copy of the flyer is attached).

STRENGTHEN THE CITY’S COMMITMENT TO TEACHING COMPREHENSIVE, MEDICALLY-ACCURATE SEXUALITY EDUCATED IN PUBLIC SCHOOLS

We recommend that your administration strengthen the City’s commitment to teaching comprehensive, medically accurate sexuality education in New York City public schools. Under Mayor Bloomberg, the New York City Department of Education mandated that sexual health education be taught during health education courses in both middle and high school. We urge that ensuring full compliance with this mandate be a priority for your administration.

² N.Y. Labor Law § 206-c (2007).

³ Adam K. Raymond, “Another Kind of Dining Hall”, NYU Livewire, at <http://journalism.nyu.edu/publishing/archives/livewire/archived/lactation/index.html> (last visited Dec. 30, 2013).

The New York City Department of Education recommended, but did not require, the use of two curricula: *HealthSmart* and *Reducing the Risk*. Because discretion is given to principals to determine the curriculum, strong standards must be developed to ensure that alternate materials are in compliance with the City's mandate. Sex education materials have historically been some of the most biased materials in schools and the next administration must take steps to ensure that all curricula chosen complies with the Dignity for All Students Act, New York's anti-bullying and harassment law, which requires schools to develop non-discriminatory curricula.


STRENGTHEN THE CITY'S COMMITMENT TO PUNISHING THE PERPETRATORS OF HUMAN TRAFFICKING AND PROVIDING SUPPORTIVE SERVICES TO ITS VICTIMS

We recommend that your administration strengthen the City's commitment to punishing the perpetrators of human trafficking, both labor and sex, and to providing supportive services to trafficking victims. Despite New York State's comprehensive trafficking law, New York City has a very low prosecution rate for trafficking. We therefore recommend that your administration commit to enhancing to work with the police commissioner to prioritize the investigation and arrest of both sex and labor traffickers by the New York City Police Department; encourage every district attorney's office to create a human trafficking unit; provide more resources for trafficking victims; and support and expand the reach of the Family Justice Centers.

* * *

The Sex and Law Committee greatly appreciates your consideration of the foregoing recommendations and looks forward to your productive first term.

Sincerely,



Pamela Zimmerman

Cc: Dr. Mary Bassett, Commissioner, NYC Department of Health & Mental Hygiene

Dr. Susan Kansagra, Deputy Commissioner, Health Promotion & Disease Prevention,
NYC Department of Health & Mental Hygiene

William P. Kelly, Interim Chancellor, The City University of New York

Dr. Ram Raju, President, NYC Health & Hospitals Corporation

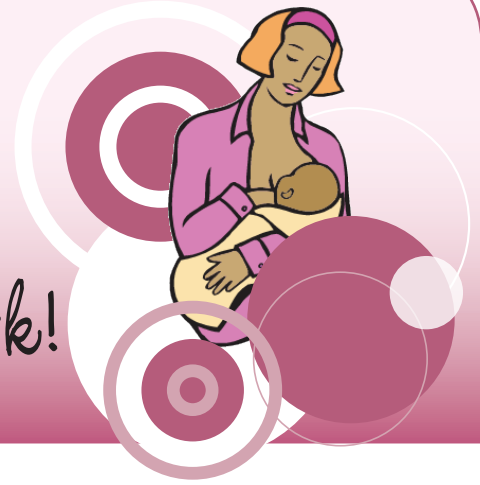
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NEW MOTHERS:

“Express Yourself” & Pump Breast Milk at Work!



Mothers who return to work after having a baby have the right under New York law (Labor Law Sec. 206-c) to pump breast milk at work for up to three years following childbirth.

You have the right to take reasonable unpaid breaks at work so that you can pump your breast milk. You also are allowed to use your paid break and meal times for this purpose, but you are not required to.

Your employer is required to make reasonable efforts to provide a private room or other location that is close to your work area that you may use for this purpose. N.Y. DOL guidelines say that a bathroom is not an acceptable private room for pumping breast milk.

Your employer may not discriminate against you based on your decision to express breast milk at work.

For more information about federal and state law regarding the right to express milk at work see:

U.S. Department of Labor

<http://www.dol.gov/whd/regs/compliance/whdfs73.pdf>

N.Y. Department of Labor

<http://labor.ny.gov/workerprotection/laborstandards/nursing-mothers.shtm>

N.Y. Department of Health

http://www.health.ny.gov/prevention/nutrition/wic/breastfeeding/back_to_work_moms.htm **and**
<http://www.health.ny.gov/community/pregnancy/breastfeeding>

“Making it Work Toolkit: For Moms” available at
<http://www.breastfeedingpartners.org/images/pdf/ForMomsFINAL.pdf>

To report a violation, write the New York City District Office of the N.Y. Department of Labor’s Division of Labor Standards, 75 Varick Street, New York, NY 10013 or call 212.775.3880.

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Prepared by the New York City Bar Association, Committee on Sex and Law

PARA LAS MADRES LACTANTES:

“Expressense”

¡Usen el extractor de leche en su trabajo!



Cualquier madre que haya regresado a trabajar luego de tener un bebé tiene derecho, a tenor con la ley de Nueva York (Ley Laboral, Sec. 206-c), a usar el extractor de leche en el trabajo hasta tres años después del parto.

Usted tiene derecho a tomar recesos razonables sin paga en su trabajo para usar el extractor de leche. Aunque usted no está obligada, también puede usar sus períodos de descanso pagados o sus períodos para tomar alimento con ese propósito.

Su empleador está obligado a realizar esfuerzos razonables para proveerle un cuarto privado u otro lugar cerca de su área de trabajo con ese propósito. Las reglas de N.Y. DOL establecen que un baño no es una lugar privado aceptable para utilizar un extractor de leche.

Su empleador no puede discriminar contra usted basándose en su decisión de expresarse o usar el extractor de leche en su trabajo.

Para más información acerca de las leyes federales y estatales sobre el derecho de expresarse o usar el extractor de leche en su trabajo refiérase a:

Departamento del Trabajo de E.U.

<http://www.dol.gov/whd/regs/compliance/whdfs73.pdf>

Departamento de Trabajo de N.Y.

<http://labor.ny.gov/workerprotection/laborstandards/nursing-mothers.shtm>

Departamento de Salud de N.Y.

http://www.health.ny.gov/prevention/nutrition/wic/breastfeeding/back_to_work_moms.htm y

<http://www.health.ny.gov/community/pregnancy/breastfeeding>

“**Materiales - Haciendo que Trabaje: para Madres**” disponible en <http://www.breastfeedingpartners.org/images/pdf/ForMomsFINAL.pdf>

**Para reportar una violación, escríbale a la Oficina de Distrito de la Ciudad de Nueva York, División de Normas Laborales, Departamento del Trabajo de N.Y.
75 Varick St. New York, NY 10013
o llame al 212-775-3880**

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*Preparado por la Asociación de Abogados de la Ciudad de Nueva York,
Comité sobre Género y la Ley*