



Puerto Rico Adopts New Lactation Rights for Working Mothers: Compliance Action Steps for Employers

Insights

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When Puerto Rico Governor Jennifer González enacted the “Puerto Rico Lactation Code” (Act 87-2025) on August 1, she rung in a new day for employers and working mothers across the territory. This innovative legislation mandates that both public and private employers allow working mothers to breastfeed or express milk for a reasonable period each workday. What are the key facts you need to know about this new law, and what steps should you take to ensure compliance?

Puerto Rico Lactation Code Basics

As noted, employers must now allow working mothers to breastfeed or express milk for a “reasonable period” each workday.

- This “reasonable period” has to be at least one hour per day, treated as work time, without pay reduction.
- Part-time employees are also entitled to this benefit.
- Employers must provide working mothers a private, clean space with a lockable door, outlets, seating, water access, and refrigeration for breast milk. It cannot be a bathroom.
- Employers are prohibited from penalizing or disciplining employees for taking lactation breaks, and shall not retaliate or take adverse actions against mothers using these rights.
- Employers also cannot consider lactation time negatively in evaluations, promotions, bonuses, or assignments.
- Employers must notify all employees of their rights under the Code.

Steep Consequences for Violations

Violations of this law may lead to administrative, civil, or criminal consequences. The Puerto Rico Women’s Advocate Office (OPM) and the Puerto Rico Department of Labor have authority to investigate complaints and issue fines through upcoming regulations.

Employees may also file claims in court or with the OPM to recover damages, including emotional distress, with employers potentially facing double damages.

Additionally, interfering with the right to breastfeed in authorized locations may be considered a misdemeanor, subject to fines and possible restitution.

Your Action Steps

Is your business ready to adopt the changes needed to ensure legal compliance with the Code? Here are some steps you can take now.

- Ensure that the **space you provide** to working mothers to breastfeed or express milk complies all specifications in the Code.
- Promptly update **employee handbooks, policies, and union contracts** to include new requirements.
- Provide **written notice to employees** about their rights under the Code.
- **Train managers, supervisors, and HR personnel** to ensure fair and lawful treatment of nursing employees and prevent possible claims.

Conclusion

If you need a template written notice to comply with this new law or have any questions about Puerto Rico's labor and employment laws, please contact your Fisher Phillips attorney or the author of this insight. Make sure you are subscribed to the [Fisher Phillips Insight System](#) to get the most up-to-date information.

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