

'%1('O1/"IH%":)2@Q/'O</'R%)<1%"IH%")'25)3"/<)"&)*2B");/O?"IH%B%&)"2%'B7""PH%B%Q%"%") ;/O?"IH%"R/OR%'OB"1H)1")O2;)1%@"IH%"O)R1; %O1"/<"IH%"); %O@; %O1"/"IH%"Y)12%O1"Y"/1%R12/O")O@D<</'@)&3%C)'%"DR1,"Y(&32R")=)Q"###L#a["VTD<</'@)&3%C)'%"DRIUW7""C212O?"IH%"?' /Q2O?" :%'R%O1)?%"/<"Q/; %O"QH/"%1('O1/"Q/'O"Q21H2O"1H%'%"1/"B2h"Q%OB"/<?"252O?"&2'1H,"8%O)1/" . %'O3%*"RH)')R1%'2i%@"IH%":'/52B2/O")B"TB2; :3*"O")R1"/<"H(;)O"@%R%OR*"1/":'/1%R1"1H%2'"2?H1"1/"R/O12O(%"e1/f"&'%)B1<%%@"<1%"IH%"*"%"1('O1/"Q/'O7"7"7"elf/"H%3:"; %%1"1H%2'&)"B2R"O%@"B"Q21H"ef' '%?')@1/"IH%"R)'%"O@O/('2BH; %O1"/<"IH%2'"RH23@%'O7U"1F""A%")3B/"R21%@"H%)31H"&%O%<21B"/<""2O<)O1B")O@O('B2O?" ;/1H%'B,")O@B)52O?"B"2O"H%)31H"R)'%"R/B1B"1H)1"R/(3@&%"%h:%R1%@"B)"%"B(31"/<"IH%" :'/52B2/O7"am

. /'%/5%' ,1H2B":'/52B2/O"/<"IH%"D<</'@)&3%C)'%"DR1"%"<3%R1B)"B1'/O?" :/32R*"/O"1H%":)'1"/<"IH%"<%@%')3"?' /5%'O ; %O1,"B1%"1RH2O?"&RO")1"3%)B1)"S('1%"1"/<)"R%O1('*,"/<:" / ; /12O?" &'%)B1<%%@2O?,"2OR3(@2O?"Q/ ; %OXB"&2321*"1/"R/O12O(%"&'%)B1<%%@2O?" (: /O"%"1('O1/"IH%":)2@Q/'O</'R%7G""\$' / ; "IH%"<2'B1"<%@%')3"B(; ; 21"/O"&'%)B1<%%@2O?"2O"#d[a"1/"IH%"B2?O2O?" /<"IH%" > /'3@"A%)31H" \ '?')O2i)12/O" *Innocenti Declaration on the Protection, Promotion and Support of Breastfeeding*"2O"#dd-,^j"1/"B)"%R%O13*"B"1H2B"*%)" , "QH%O"1H%"8('?'% /O" k %O%')3"2BB(%@)"TC)33"1/"DR12/O"1/"8(: : /'1"N%"B1<%%@2O?U / (132O2O?"B1%:B"1H)1"5)'2/ (B"B%R1/ 'B" ; 2?H1"1)O%"1/"2; :'/5%"&'%)B1<%%@2O?"'1)B,":'/ ; /12/O"/<'"&'%)B1<%%@2O?"H)B"&%"O)"TO%*": (&32R"H%)31H"2BB(%"2O"1H%" 6O21%@"81)1%B7U^Z

JO"32?H1"/<"IH%"3%?2B3)125%"R/OR%'OB"; /125)12O?"1H2B":'/52B2/O"/<"IH%"\$)2"=)&/'"81)O@)'@B"DR1"V\$=8DW,")O@"IH%"B1'/O?"<%@%')3": (&32R":/32R*"2O"<)5/'"/<'"&'%)B1<%%@2O?" :'/ ; /12/O,"21"2B"%BB%O12)3"1H)1"1H%":'/52B2/O"&"2O1%":'%1%@"B"&' /)@3*"B":/BB2&3%"2O/'@%"1/"?"25%"<(33%"<<%R1"1/"IH%"3)Q7"" > %R/ ; ; %O@"IH%"9%:)'1; %O1"/<"IH%" /&(B1"2O1%":'%1)12/O"/<"IH%"3)Q"R/O1)2O@@"2O"1H%"E\$J,")O@"/<<% "IH%"</33/Q2O?"B(??%B12/OB"/<

PH% "E\$J")3B/" ;)O%B"R3%) "IH)1"% ; :3/ *% 'B")'%'%S(2'%"1/"R/ ; :%OB)1%"% ; :3/ *%B"QH/" (B%"
:)2@ '&'%)O"12 ; %"1/"%h: '%BB" ; 23O"/O"IH%"B) ; %"1%' ; B")B"/IH%" "% ; :3/ *%B"QH/")'%' : '/52@%@" :)2@"
&'%)OB7"" **Any further guidance issued should similarly emphasize this point, and should
make clear that the requirement of equal compensation extends to accruals of fringe
benefits, bonuses, and seniority.**^{1z z ds}

)R1()3"O%%@"1/"%h: '%BB" ; 23O"RH"12 ; %"eBH%f"H)B"O%%@"1/"%h: '%BB"1H%" ; 23O,U")O@"not"/O")O" /&g%R125%"B1)O@)'@/'<"QH)1"Q/(3@&%")1*: 2R)3/'"T%"B/O)&3%U"<'S(%OR*"O%R%BB)'*"/'"&'%)B1" ; 23O"%h: '%BB2/O7""PH(B,"QH23%"1H%"?(2@%32O%"1H)1"TO('B2O?"; /1H%'B"1*: 2R)33*"Q233"O%%@"&'%)OB"1/" %h: '%BB" ; 23O"1Q/"1/"1H%"%12 ; %B"@('2O?)O"%2?H1"H/('"BH2<1U"): :%)'B"B/(O@)B)"?O%"3" ;)11%' , " 1H)1"2B"O/1""%3%5)O1"1/"1H%"% ; :3/*%'XB"/&32?)12/O"(O@%"1H%"B1)1(1%"1/"?)O1"1H%"2O@252@()3" % ; :3/*%'XB"%S(%B1"1/"%h: '%BB" ; 23O"Teach timeU"21"2B"O%%@"%7""**The Department should therefore specify that due to the variation in women’s and infants’ individual physiological needs and schedules, a woman’s request as to the necessary frequency of breaks must be granted, even if it falls outside of the range of frequency deemed “typical.”**”

. / '%/5%' , "QH23%"21"2B"2 ; : / '1)O1"1/"%@(R)1%"% ; :3/*%'B"/O"1H%"<)R1/'B"1H)1"R/O1'2&(1%"1/" 2O@252@()3"Q/ ; %OXB"O%%@"</' : %'2/@2R"&'%)OB,"21"2B"%S()33*"2 ; : / '1)O1"1H)1"%" ; :3/*%'B"(O@%'B1)O@" 1H%"O%%@"1/"%B: /O@"1/"% ; :3/*%'BX"%S(%B1B"2O)" ;)OO%"1H)1"%"B: %R1B"1H%2"" : '25)R*7"" > %)'" R/OR%'O@%"1H)1"Q21H/(1"<'1H%"R3)'2<2R)12/O,"1H%"32B1"/<"<)R1/'B"1H)1"R/O1'2&(1%"1/"1H%"O(; &%"')O@" @(')12/O"/<'&'%)OB"O%%@"%@" ;)*"20521%"201'(B25%"S(%B12/O2O?"201/" : %'B/O)3" ;)11%'B,"B(RH)"B"1H%" &)*%XB"<%%@"2O?"BRH%@(3%/"1"1H%) ; / (O1"/<"B/32@</? ; jO ""R/'"R3&*XB /33"8 q

PH% "9% :)'1 ; %O1"H)B"B / (?H1"20: (1"/O"QH%1H% "B:)R%B"B(RH")B"B1/')?"R3/B%1B,"3/RO% " ' / / ; B, " / / ; B")@g/2O2O?"&)1H' / / ; B,")O@" (12321*"R3/B%1B"Q / (3@"&%") : : ' / : '2)1%"1 / "@%B2?O)1%"< / "'1H2B" : (' : /B%7""D31H / (?H"Q%" "R / ?O2i %"1H)1"21"Q233"32O%3*" &%") "<)"R1LB : %R2<2R"2OS (2'*"2O1/"QH%1H% "')" :)'12R (3)' "B:)R%"Q / (3@"&%"B(21)&3%,"@%B2?O)12/O"/<"1H%"B:)R%B"32B1%@")& /5%")B"3)R1)12/O)"'%)B"')2B%B" : ')R12R)3")B"Q%33")B"@2?O21*"R/OR%'OB7"" \ O)" : ')R12R)3"3%5%3,"" %S(2'2O?)"Q / ;)O"1/" : (; : '&'%)B1" j ò O (R

; 23O"R)O"3%)@1/"@%R'%)B%@" ; 23O"B (: : 3*,")B"Q%33")B":H*B2R)3"B* ; :1/ ; B"2OR3(@2O?"@2BR/ ; </ '1," :)2O,)O@"2O<%R12/O_ "1H%B%, "2O"1('O,")'%)BB/R2)1@"Q21H"@2BR/O12O()12/O"/<'&'%)B1<%%@2O?7#Gm" bOB('2O?)" : '/ ; :1"%B:/OB%&*" ; :3/ *% 'B"1/" ; :3/ *%%BX""%S(%B1B"<'&'%)O"12 ; %(O@%" "1H%"DR1"2B" 1H% '%<'%"%BB%O12)3"1/"<(3<2332O?"1H%": (' : /B%B"/<'1H%"DR17

PH%"E\$J"R/'%'R13*"O/1%B"1H)1"% ; :3/ *%%B")'%"O/1"/&32?)1%@"(O@%" "1H%"DR1"1/" : '/52@%"O/12R%" 1/"% ; :3/ *% 'B,"&(1%"OR/(')?%B"R/ ; ; (O2R)12/O"&%1Q%%O"% ; :3/ *%%B")O@"% ; :3/ *% 'B'"%?)'@2O?"1H%" O%%@"<'&'%)O"12 ; %)O@"B:)R%7"" >H23%"%OR/(')?2O?"B(RH"R/ ; ; (O2R)12/O"2B"3)(@)&3%, "1H%"R('"%O1" : '/ : /B%@"3)O?(?)?%"')2B%B"1H%'%"R/OR%'OB7""

\$2'B1,"QH23%"1H%"E\$J")@52B%B"1H)1"% ; :3/ *% 'B"T ;)*)"BO")O"%h:%R1)O1" ; /1H%" "2<"BH%"2O1%O@B" 1/"1)O%"&'%)OB"1/"%h: "%BB" ; 23O"QH23%)1"Q/'O,U"21"@/%B"O/1"B:%R2<*"O*":)'12R(3)'B1%:B"employers BH/(3@"1)O%"1/"O/12<*"employees"/<'1H%2'"2?H1B"(O@%" "1H%"DR17""b ; :3/ " " "

R/?02i)0l"lH)l"% ; :3

R/OB2B1%01"Q21H"1H%"b b \ C" "% ? (3)12/OB")O@"1H%"b0</ 'R% ; %01" k (2@)OR%"/O"1H%)O)3/? / (B"1% ' ; "20" 1H%"D9D,"1H%"B1)O@) '@"1H)1"%" ; :3/ *% 'B"Q233"&"%"S(2%'@"/" ; %1"Q233"&"B(<<2R2%O13*"B1'2O?"O1"1/" <(3<233"1H%" : (' : /B%B" /<"1H%"&'%)O"12 ; %" : ' /52B2/ O7

A/Q%5% ', "21"2B"2 ; : / '1)O1"1/" ;)O%"R3%) "'1H)1"1H%"<)R1"1H)1"1H%"%h% ; :12/O"H)B"&%O"H%3@"/") : :3*"20"1H%"R)B%"/<"/O%"% ; :3/ *%%"@/ %B"O"/1" ; %)O"1H)1"21"Q/(3@") (1/ ;)12R)33*") : :3*"Q21H"%"B : %R1" 1/")"@2<<% 'O1%" ; :3/ *%%"7""**The Department should therefore specify that determining whether the undue hardship exemption would apply in a particular instance will necessitate an individualized and fact-specific inquiry into whether a specific request for break time “would cause significant difficulty or expense” to that company’s business operations based on the factors outlined above.** bOB('2O?"1H%B%"? (2@%32O%B') '%2O" :3)R%"Q/ (3@"2OR%')B%"1H%" 32O%32H/ /@"1H)1"1H%"%hR% : 12/O"Q233"&"%) : :32@"2O")O") : : ' / : '2)1%3*"O)' / Q">)BH2/ O7"

2) Determining Eligibility to Claim the Undue Hardship Exemption

PH%"DC=6"3)(@B"1H%"9% :)'1 ; %01"</'%" ; :H)B2i2O?"1H)1"1H%"%h% ; :12/O"2B"O"/1")5)23)&3%1/" % ; :3/ *% 'B"Q21H"G-" / " ; / '%%" ; :3/ *%B,"R3)'2<*2O?"1H)1"21"2B")5)23)&3%1/"% ; :3/ *% 'B" (O@%" "1H)1" 1H%"BH/3@" /O3*"B")O"><2' ;)125%"@%<%OB%,")O@"%"R/ ?O2i2O?"1H)1"1H%"O(; &"%"/<"% ; :3/ *%B")3/O%"2B" O/1"B(<<2R2%O1"1/"S()32<*"/ "1H%"%h% ; :12/O7"" . / '% /5% ', "1H%"DC=6 "&%32%5%B"1H)1"1H%"9% :)'1 ; %01XB" 2O1%' : '%1)12/O"/<"H/Q"1/"R)3R(3)1%"1H%"O(; &"%"/<"% ; :3/ *%B"</'" : (' : /B%B" /<"@%1% ' ; 2O2O?"QH%1H%")O%" ; :3/ *% "2B"32?2&3%</' "1H%"%h% ; :12/O"V27%7"QH/"BH/ (3@"&"R/ (O1@"B")O%" ; :3/ *%%"O@" QH%1H%"% ; :3/ *% 'B"Q21H"O(; %' / (B"Q/ 'OLB21%B') '%R/5%' @W"2B")3B/ 'R/ ' "%R1,")O@"2B"R/OB2B1%01"Q21H" 1H%" : (' : /B%B" /<"1H%"\$=8D")O@"1H%"DR17""C%"12O?")@"%<) (31" : %B(; :12/O"1H)1"1H%"3)Q"Q233") : :3*"2O")33"R/5%' @/Q/ 'O :3)R%B"Q233"<('1H%" "1H%"?/)3"/< : %' ; 2112O?"% ; :3/ *%B"QH/"Q2BH"1/"O('B%"1/" "%3*" /O"1H%"3)QXB"R/5%')?%7""

PH%"9% :)'1 ; %01"H)B" / (?H1"2O : (1)"B"1/"QH)1"12 ; %" : %'2/@"1H%"9%h)1 ; %01"BH/ (3@"@%B2?O)1%" </'" : (' : /B%B" /<"R)3R(3)12O?"QH%1H%")O%" ; :3/ *% "S()32<2%B"1/"R3)2 ; "1H%"H)'@BH2 : "%h% ; :12/O7"" 6O32O%"20"/1H%" "' : ' /52B2/

> %) : : '%R2)1%"1H%"/ : : / '1(O21*"1/": ' /52@%"1H%B%"R/ ; ; %01B7""J<"*/ ("H)5%)O*"S(%B12/OB"
'%?) '@20?"/ ('""%R/ ; ; %O@)12/OB," :3%)B%"R/O1)R1" r)O2)"=%5%233%,"8%O2/ ' "=%?2B3)125%"C/ (OB%3,")1"
53%5%233% s @R)R3(7/ ' ?' / ' "V+- +W"Z#GL- [- j7

820R% '%3*,



=%0/ ')"=) :2@(B
92'%R1/ '
> / ; %OtB"E2?H1B"Y' /g%R1

k)3%0"8H%'Q20
81)<<"D11/ 'O%*" "
> / ; %OtB"E2?H1B"Y' /g%R1