

Puerto Rico Supreme Court reinforces employer's duty to provide a private, safe and hygienic location to its working mothers who are breastfeeding.

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February 9, 2016

On January 25, 2016, in *Jacqueline M. Siaca v. Bahía Beach Resort & Golf Club, LLC, and Interlink Realty Corp.*, 2016 TSPR 11, the Puerto Rico Supreme Court revoked the Puerto Rico Appellate Court and reinstated the Judgment issued by the Court of First Instance favoring the employee's exercise of her breastfeeding rights.

The Court had to interpret the employer's duty to provide an employee who is breastfeeding an adequate place where she could express breast milk during the periods allowed by law.

Siaca had filed a Complaint against Defendants alleging that the places that Bahía Beach provided her to express breast milk were in "deplorable, unsafe and unsanitary conditions," which had prevented her from exercising her right to express breast milk in the workplace. Siaca further alleged that Bahía Beach violated her right to privacy, inasmuch as the places provided left her vulnerable to being seen by other employees while she was in the process of expressing breast milk. Bahía Beach was still in construction during the relevant period, and the places it had provided Siaca for purposes of expressing breast milk were in trailers, required her to drive a golf cart for 14-16 minutes, were lacking in privacy, and unclean.

The Puerto Rico Supreme Court determined that Bahía Beach failed to comply with its duty to provide the employee with a private, safe and hygienic location to breastfeed or express breast milk, and that the fact that Bahía Beach was under construction did not exempt it from complying with Puerto Rico Act 427.

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