

Know Your Breastfeeding Rights

Lactation Accommodation for Employers

The Surgeon General has called on all sectors of the community, including employers, to protect, promote and support breastfeeding. Breastfeeding is the first step to a healthy life. Legal protections exist in order to help mothers breastfeed longer.

Coming back to work doesn't mean your employees need to stop breastfeeding. In fact, creating a supportive environment for working mothers brings direct benefits to employers in the form of reduced absenteeism and health care costs, and increased employee morale, recruitment and retention.

Lactation accommodation is both a state and federal law.

- ◆ It is unlawful for an employer to discriminate against someone who is breastfeeding. (Government Code 12926)
- ◆ Employees must receive a reasonable amount of break time to express milk. This break time can be part of the regularly established work breaks. (Labor Code Sections 1030-1033)
- ◆ Employees should be provided with a private space to pump that is near their workstation. A toilet stall is not an acceptable place to pump. (Labor Code Sections 1030-1033)
- ◆ In addition to these state law protections, federal law also protects the rights of breastfeeding employees. (Federal Fair Labor Standards Act 29 U.S.C. 207 § 7(r))



Recommendation for employers:

- ◆ Develop a written policy regarding lactation accommodation and ensure it is on file for employees. Ensure all supervisors are aware of the policy.
- ◆ Designate areas for pumping, breastfeeding and storing of milk to create a more breastfeeding friendly workplace for lactating parents.

Additional Resources

U.S. Department of Labor

<https://www.dol.gov/whd/america2.htm#California>

**visit website for regional office phone numbers*

File a complaint: 1-866-487-9243

California Breastfeeding Coalition

californiabreastfeeding.org

(831) 917-8939

California WIC Association

calwic.org

(916) 572-0700

California Department of Public Health

cdph.ca.gov/breastfeeding



Note: All lactating individuals need lactation accommodation and support, not just those identifying themselves as breastfeeding mothers.