

# Workplace Lactation Accommodation

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# CBR Expected Outcomes

- Committee members will be able to discuss the new federal workplace lactation accommodation provisions and how that impacts CA law and give suggestions for improving implementation of workplace lactation accommodation law.
- Committee will be able to prioritize activities for providing technical assistance to businesses to support breastfeeding mothers returning to work.

# Federal Provisions

## Key Points

- Break time (unpaid) to express breastmilk for one year after the child's birth
- Place to express breastmilk, other than the bathroom, shielded from view, free from intrusion
- Employers with less than 50 employees not subject to law if would impose undue hardship
- Does not preempt state law that provides greater protection for employees

# Federal Provisions

## Challenges and Solutions

- Covers “non-exempt workers” (subject to overtime laws)
- Does not cover “exempt workers” (exempt from overtime)
- Defining time and space requirements
- Process for complaints, enforcements, penalties and defining “undue hardship”
- Department of Labor to create “guidance”
- <http://www.usbreastfeeding.org/>

# State Provisions - Key Points

- Three main points: provide space (not a toilet stall), close to employee's work area, private
- Every employer in California covered - size of organization not considered
- Break time for expressing milk is unpaid.
- [http://lactationnav.com/california\\_lactation\\_law.shtml](http://lactationnav.com/california_lactation_law.shtml)

# State Provisions

## Challenges and Solutions

- Employers perception that they must provide sinks, electricity and locked doors.
- Employees lack of information about the law and their ability to receive accommodation.
- Overall misinformation about the risks of not breastfeeding for employers and employees.

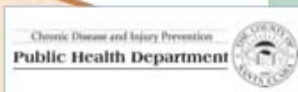
**Save the Date  
May 13, 2010**

## **Workplace Lactation Accommodation Seminar & Networking Series**

*Generous Support  
Provided by:*



The Workplace Lactation  
Division of Healthy Horizons



**featuring Angela Bradstreet**

**California Labor Commissioner**

**and Ethera Clemons,**

**Assistant Chief for the Bureau of Field Enforcement,**

**Thursday, May 13, 2010**

Workplace Lactation Programs provide significant payoff:

- Satisfied employees
- Lower healthcare costs
- Reduced absenteeism & turnover

Join California's Labor Commissioner Angela Bradstreet and her deputy Ethera Clemons as they discuss the business rationale for and the laws surrounding workplace lactation accommodation in California.

Choose from three venues and times:

- 8 - 9 am Peninsula Medical Center, Burlingame
- 12 - 1 pm Sequoia Hospital, Redwood City
- 5 - 6 pm El Camino Hospital, Mountain View

**Register Online Now!**

WorkplaceBreastfeedingWorkshops at  
**[www.WBWsite.com](http://www.WBWsite.com)**

# State Provisions

## Case Studies

- From Labor Commissioner Angela Bradstreet:
  - Employee’s perspective -
    - Lactation Duration not covered in the state law
    - What is considered private?
    - Guideline on lactation rooms per number of employees?
  - Employer’s perspective -
    - Define the fines? Is there a maximum?
    - “I am accommodating her needs, yet she disagrees.”

# State Provisions- Case Studies

- Some problems we have encountered:
  - Slow response time with Labor Dept
  - Lost claims
  - *“An employer is not required to provide an employee break time to express her milk if it would seriously disrupt the operations of the employer.”*

# State Provisions- Solutions

- Rachel can help moms to file claims.
  - [rhays@breastfeedla.org](mailto:rhays@breastfeedla.org)
  - 213-596-5776
  - <http://www.breastfeedingworks.org/labor-code.htm>

# Current Bill - AB 2468/de Leon

## Breastfeeding Mother-Friendly Workplaces

- Allows employers to use the designation *“Breastfeeding Mother-Friendly Workplace”*
- Workplace breastfeeding policy approved by the CA Labor Commissioner
- Labor Commissioner shall maintain a list of employers who are eligible to use the designation on the web

# Current Bill - AB 2468/de Leon

## Breastfeeding Mother-Friendly Workplaces

- Policy addresses at least the following:
  - Flexible work scheduling, including scheduling breaks and permitting work patterns that provide time for expression of breastmilk
  - A convenient, sanitary, safe, and private location, other than a toilet stall, allowing for breastfeeding or expressing breastmilk
  - A convenient, clean, and safe water source with facilities for washing hands and rinsing breast-pumping equipment located in or near the private location specified
  - A convenient hygienic refrigerator in the workplace for the temporary storage of breast milk

# Local Provisions

- Five county breastfeeding policies: Fresno, Los Angeles, Monterey, Santa Barbara, and Yolo
- Two city breastfeeding policies: Baldwin Park & Chula Vista
- *California Campaign for Healthy Beverages (CCPHA & CFPA)*  
[http://www.publichealthadvocacy.org/healthy\\_bev.html](http://www.publichealthadvocacy.org/healthy_bev.html)

# Special Projects

- LA Project RENEW
- WIC Working and Breastfeeding Toolkit
- California Breastfeeding Coalition  
Mother-Friendly Workplace Awards

# LA Project RENEW

## Expected Outcomes

- CBR members look for additional ‘horizontal’ funding opportunities, such as the ARRA CDC funding, where breastfeeding strategies and activities fit within a broader goal, such as obesity prevention.
- CBR members will be informed of the ‘lessons learned’ in this project and will be asked to consider them in supporting other communities.

# LA Project RENEW

- Project RENEW: Renew Environments for Nutrition, Exercise and Wellness
- LA County awarded \$15.8M for Nutrition and Physical Activity.
- LA County Department of Public Health Chronic Disease Program – lead agency
- Grant Period: March 19, 2010 – March 18, 2012

# LA Project RENEW Strategies

- Breastfeeding Strategies Partnership:
  - LA County Department of Public Health MCAH Program
  - Breastfeeding Task Force of Greater LA
- LA County Board of Supervisors motion passed, November 17, 2009:
  - **Promote improved early childhood nutrition by:**
    - **Promoting breast-feeding and increased access to lactation rooms in County facilities and other amenities that promote breastfeeding;**
    - **Directing the three County hospitals that provide obstetrical services to complete Baby Friendly Hospital Certification**

# LA Project RENEW Activities

- Engage county departments and large employers to implement workplace lactation support policies
- Support LAC/USC, Harbor UCLA, and ValleyCare Olive View UCLA Medical Centers to achieve the Baby-Friendly designation

# WIC Working and Breastfeeding Toolkit Expected Outcomes

- CBR members will be informed of the ‘lessons learned’ in this project and will be asked to consider them in supporting other communities
- CBR to promote the Working and Breastfeeding Toolkit

# WIC Working and Breastfeeding Toolkit

- Collaboration between NEVHC-WIC and the Breastfeeding Task Force of Greater LA
- Objectives:
  - Workplace advocacy & outreach Toolkit for the WIC population
  - Education materials for breastfeeding WIC participants returning to work or school
  - Coordinate the employer, employee and childcare education.

# WIC Working and Breastfeeding Strategies

- Improve breastfeeding duration by:
  - Preparing mothers to self-advocate for lactation accommodation in the workplace
  - Educating WIC staff to work with moms and employers

# WIC Working and Breastfeeding Activities

- Create a self-advocacy toolkit for moms to use with their employers and child-care workers
- Train WIC employees to help moms using the toolkit
- Conduct outreach with employers in the San Fernando Valley

# Special Projects

- CBC/CWA Mother-Baby-Friendly Workplace Employer Awards since 2005
- <http://calwic.org/breastfeeding.aspx>
- Baby-Friendly Way Hospital Workplace Award 2010
- <http://californiabreastfeeding.org/2010Walk.html>



California Breastfeeding Coalition  
[www.californiabreastfeeding.org](http://www.californiabreastfeeding.org)

**Time for discussion**