



CALIFORNIA L.A.W.

Lactation Accommodation in the Workplace

Employee Guide

YOU CAN CONTINUE TO BREASTFEED OR CHESTFEED AND PROVIDE YOUR MILK...EVEN AFTER YOU RETURN TO WORK. HERE'S HOW!



Lactating parents who are away from their baby will need to express their breast milk. This allows your baby to continue receiving your milk. It also helps you maintain a sufficient supply of milk.



California Legal Protections: Lactation Accommodation In The Workplace For Lactating Parents

Your employer is required to follow State and Federal laws that require them to provide you with reasonable break time and use of a room or other location (**shall not be a bathroom**) for you to express milk in private.

If you work in San Francisco, your employer also needs to follow the San Francisco Lactation in the Workplace ordinance. Information on all laws protecting California employees can be found on our website at cabf.link/GoingBacktoWork

Lactation In The Workplace In California Frequently Asked Questions

I'm breastfeeding my baby and need to express milk at work. What are my rights?

In California, lactating employees are entitled to private space and reasonable break time to express milk at work. The space may not be a bathroom, must be close to your work area, and must be shielded from view and free from intrusion from coworkers and the public. The space shall also be safe, clear and free of hazardous material. In addition, the space must contain a place to sit and a surface to place a pump; have access to electricity or ways to operate an electric or battery-powered pump; and be located near refrigeration and a sink with running water.

Are lactation breaks paid?

Possibly. Your employer may, but does not have to, pay you for lactation breaks that take longer than your regular paid break time. So, if you usually receive a 15 minute paid break, and you take 25 minutes to express milk, your employer does not need to pay you for the last ten minutes. However, reasonable travel time to and from the lactation space is not considered break time and should be paid.



Is there a time limit for lactation breaks?

No. You may take the time you need for each break, as long as it is reasonable. You may also take breaks as frequently as you need them to express milk. You are not limited to taking lactation breaks during your normal break time. You also have the right to continue to express milk at work for as many years as you need after your child turns one year.

Can my employer treat me worse because I request or take lactation breaks?

No. It is illegal for your employer to discriminate or retaliate against you for breastfeeding or chestfeeding, requesting or taking lactation breaks, or having a medical condition related to lactation. It is also illegal for an employer to harass you (for example, make unwelcome, offensive comments) because you are breastfeeding, chestfeeding, or expressing milk at work.

Can my employer refuse to accommodate me?

If you work for an employer with more than 50 employees, they **must** accommodate you. If you work for an employer that has less than 50 employees, they may deny you a private space to express milk as described above. To do so, however, they must show that providing the space would cause an undue hardship. It's rare for the government to grant exemptions to employers in these instances. If your employer does deny you a space as described above, they must give you a written explanation for the denial and you do have the right to appeal.

What should I do if my employer violates my rights or does not accommodate me?

Different government agencies enforce different parts of the law. To assert all of your rights, you may want to file a complaint with the California Department of Fair Employment and Housing, the California Division of Labor Standards Enforcement's Retaliation Investigation Unit and Bureau of Field Enforcement, and the U.S. Department of Labor.

As of 2022, the federal **PUMP Act** also allows you to sue your employer. For information on filing a complaint, visit cabf.link/complaint (Item 5)



If you have questions about your right to lactation accommodations at work or believe your rights are being violated, you can contact Legal Aid at Work's Work and Family Helpline at (800) 880-8047.

Tips for Working and Breastfeeding

How to talk to your employer/school about your needs for a private space and break time to express milk at work.

Don't be shy to talk with your supervisor about your needs. Most employers want to meet the needs of their employees. They may need ideas of how they can best help you. Start the conversation during your pregnancy, if possible. This will give your supervisor time to make any arrangements that might be needed.

Talk with Human Resources (HR) and Your Supervisor

- » During your pregnancy or before you return to work from childbirth, talk with your supervisor/manager or HR department about your plans to breastfeed. This gives them time to make arrangements.

Not sure what to say? Here's a suggestion to get you started:

“

It is very important for me to be a good employee and a good parent. My doctor recommends that I breastfeed my baby to help minimize the risk of illness. Your support will make it easier. My needs are simple: I'll need [insert your needs for space, break time, etc.]

”

Breast Pumps + Where and When to Pump at Work

BREAST PUMP BASICS

- Check with your insurance plan to find out what breast pumps are available.
- A double-electric breast pump is recommended to remove milk efficiently.
- Seek help from a lactation consultant, local health department or WIC agency, or other lactation support providers in the community.
- Use a properly sized pump flange. The flange is the plastic part that fits over your breast. If it is too large, the vacuum may not remove milk sufficiently. If it is too small, it can cause friction to your nipple and breast tissue.
- Practice expressing milk before returning to work. Pick a time of day when you have more milk, which tends to be in the morning for most women. For this practice session, try feeding the baby on one side while pumping on the other side. Pumping is a skill that takes practice! It's normal to only get small amounts at first as your breasts get used to this different type of stimulation.

PLACES TO PUMP AT WORK

- The law requires employers to provide a private space for lactating employees to express milk at work. **A bathroom is NOT acceptable.** Airborne bacteria can contaminate your milk. It is not a sanitary place to prepare food for a baby. And it is not allowed by state OR federal laws. Here are legally compliant ideas to explore:
- Employer-designated lactation room
- Private area within an employee break room
- Unused private office
- Conference room
- Storage room that is well-ventilated
- Corner of a larger room sectioned off by a screen or partition
- Locker room, if separate from bathroom
- An area that can be locked or secured, with a sign to ensure privacy

Some employees prefer to pump in their vehicles during breaks. Many pumps come with car kits that make this possible. Pumping in your car at work is up to you, but that choice doesn't relieve your employer of their responsibility to provide private lactation space for you and other employees.

WHEN TO EXPRESS YOUR MILK

- Expressing milk every 2-3 hours is recommended. It can take around 15-20 minutes for each session, not counting the time needed to set up, clean up, and get to and from the milk expression area. The actual time needed will depend on many factors: your personal needs, your breast pump, how comfortable you feel, how fast your milk begins to flow, your baby's age and feeding schedule, and how long it takes you to walk to the milk expression area and to clean up. These tips can help:
- Use your regular breaks and meal period(s) to express milk.
- If breaks are not long enough, ask if you can arrive at work early, stay late, or take a shorter lunch break to make up the time.
- Try to pump around the same time every day.
- Encourage your milk to flow:
 - Listen to your baby's recorded noises on your phone.
 - Scroll through photos of your baby in your phone gallery.
 - Bring a baby blanket or clothing that smells like your baby.
 - Take some relaxation breaths or play calming music.
 - Massage your breasts before and during expression to speed up letdown and maximize output. You can also stimulate your nipple to release milk.

Try not to stare at the collection container while pumping to see the amount of milk you have expressed. It can be discouraging, especially when you're learning to use your pump. Instead, read a book or magazine. Some moms put a sock over the collection container while they are pumping.

It's normal to collect a lot less milk when pumping than when feeding your baby directly at the breast. Your baby's mouth is much more efficient at removing milk from your breast than any machine could ever be. Additionally, the oxytocin released by your body when close to your baby helps with letdown.

Sample Feeding/Pumping Schedule

7:30 a.m.	Feed baby at childcare provider before heading to work
8:00 a.m.	Begin work
9:45 a.m.	Milk expression break
12:00 p.m.	Meal break and milk expression break over lunch
2:30 p.m.	Milk expression break
5:00 p.m.	Leave work
5:30 p.m.	Feed baby at childcare provider before heading home from work

If you're a commuter, or work a non-traditional schedule, you will need to customize the sample schedule above to your needs. If you use public transportation, transit stations in Bakersfield, Oakland, Los Angeles, Stockton, Sacramento, San Francisco, San Jose, San Diego and Fresno may have lactation rooms available to use (Public Utilities Code §99176).

Preparing Your Baby

Going back to work is a big adjustment for both you AND your baby. For the best possible experience, use your postpartum leave period to establish a feeding rhythm that's mutually agreeable to both of you. Avoiding formula supplementation during this time is recommended unless medically necessary, so that you can build a strong milk supply.

Not everyone has choices when it comes to childcare providers. If you can, choose one who supports breast and human milk feeding and is near your workplace. This allows you to breastfeed your baby before work and, if they are close enough, during the workday as well. In California you have a right to breastfeed your child in any location, public or private, where you and your child are legally allowed to be.



Here are some tips to help you prepare your baby for when you return to work:

- Around two weeks before you go back to work, help your baby practice being fed with a bottle. Give small amounts, about ½ to 1 ounce. *This is practice time, not a full meal!*
- If your baby isn't interested in feeding from a bottle, that's OK. This is new to both of you. Just try again later. Ask someone else to try. Babies are often more likely to accept a bottle from someone besides the breastfeeding parent.
- Some babies accept milk in a cup, dropper, or spoon.
- Some babies "reverse cycle feed." This means they eat more when they are with you and can feed directly from the breast, and less when they are away from you. This is also normal, so long as your baby is fed 8 to 12 times every 24 hours.

Maintaining Your Milk Supply

- Find a childcare provider close to where you work, if possible. Breastfeed your baby there before you leave for work, and again as soon as you return from work. This will help you fit in a couple of extra feeding sessions to maintain your milk supply!
- Breastfeed exclusively when you are home with your baby. Many moms notice their milk production increases when they breastfeed exclusively on their days off.
- Go to the childcare facility during a meal break to directly feed your baby, if possible.
- Try hands-on pumping! Massage your breasts while you pump to help the milk flow. After the pumping session, hand-express as much milk as you can.
- Contact a lactation consultant, WIC agency, or other breastfeeding expert if you need help increasing your milk supply. Check our coalitions directory for resources in your county.

Find Your Magic Number

Count the number of times your baby usually feeds every 24 hours. This is your magic number! To maintain your milk production, breastfeed and express milk that many times each day. For example, if your baby typically feeds 9 times every 24 hours, then “9” is your magic number. Once you are back at work, you could express milk 3 times during the work period and breastfeed your baby 6 times while you are home to reach your magic number of 9.

Human Milk Storage Guidelines

The Centers for Disease Control and Prevention (CDC) has guidelines for breast milk storage, thawing milk safely, and proper cleaning of infant feeding items and pump equipment.

Storage Location and Temperature

Type of Breast Milk	Countertop 77°F (25°C) <u>or</u> colder (room temperature)	Refrigerator 40°F (4°C)	Freezer 0°F (-18°C) or colder
Freshly Expressed or Pumped	Up to 4 Hours	Up to 4 Days	Within 6 months is best Up to 12 months is acceptable
Thawed, Previously Frozen	1-2 Hours	Up to 1 Day (24 hours)	NEVER refreeze human milk after it has been thawed
Leftover from a Feeding (baby did not finish the bottle)	Use within 2 hours after the baby is finished feeding		

Got Extra Milk?

Some women find their breasts respond well to breast pumps and express more milk than their baby can consume. If you already have a 6-month supply of stored milk stashed in your freezer, or if you want to use your milk to support the needs of other infants, consider donating your surplus. California has two nonprofit milk banks that provide pasteurized donor human milk to medically fragile infants in the NICU and at home. You can register to become a donor with Mothers’ Milk Bank San Jose or UC Health Milk Bank in San Diego. The banks cover all donor costs and will guide you through the process. If you prefer a direct relationship with the families who receive your milk, look up options for informal or community milk sharing.

Adapted from the State of Ohio, Ohio Department Health. Created with CDC SPAN funds.



My Returning to Work Checklist

During Pregnancy:

- ☐ Learn all I can about breastfeeding. Connect with coworkers who have pumped at work.
- ☐ Talk with my healthcare provider about my desire to breastfeed.
- ☐ Talk with my family about my plans to breastfeed.
- ☐ Talk with my supervisor about my intention to breastfeed. (See “My Lactation and Work Plan” with options for lactation accommodations to discuss with your supervisor.)
- ☐ Talk with my supervisor/manager about flexible options for returning to work gradually.
- ☐ Learn about childcare providers and the breastfeeding support they provide.

During My Leave:

- ☐ Breastfeed my baby exclusively.
- ☐ Get help with early questions and concerns.
- ☐ Practice expressing milk with a breast pump in the mornings, or when I have more milk.
- ☐ Select a childcare provider close to where I work.
- ☐ Talk with my family about how they can help me.
- ☐ Talk with a lactation support provider or WIC agency about the best breast pump options for my situation and a realistic pumping schedule.
- ☐ Stop by my workplace to allow my coworkers to meet my baby.

Week Before I Return to Work:

- ☐ Do a “trial run” before returning to work to practice leaving my baby with the childcare provider and expressing milk. Adjust my plan if needed.
- ☐ Continue collecting milk I pump each day. Label each container with my child’s name, date, and time expressed.
- ☐ Begin introducing a bottle to my baby for small “practice” feedings.
- ☐ Contact my supervisor at work to confirm my lactation and work plan.

Back at Work:

- ☐ Return to work gradually, if possible, or start in the middle of the work week for a shorter first week back.
- ☐ Bring a sweater or jacket to leave at work in case of leaking.
- ☐ Contact my lactation support provider, WIC counselor, or another mom who has expressed milk at work to share experiences and get support.

Adapted from the New York State Department of Health Making It Work Toolkit. The original document was produced with grant funding from the USHHS Centers for Disease Control and Prevention, American Recovery and Reinvestment Act of 2009, Communities Putting Prevention to Work State Supplemental Funding for Healthy Communities, Tobacco Control, Diabetes Prevention and Control, and Behavioral Risk Factors Surveillance System DP09-901-3US8DP001963-0152. Cooperative Agreement 5U58/DP001414-03 from the Centers for Disease Control and Prevention, and New York State funds. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the funders.

When I return to work from my maternity leave, I want to be a good employee while also providing for my new baby. My healthcare providers have told me that breastfeeding my baby is one of the most important things I can do for our health. A clean, private space and a little extra break time to express milk for my baby during the workday will allow me to follow the doctor's advice and provide milk for my baby while we are apart. This helps our company by lowering healthcare costs and absenteeism. Providing space and time for nursing breaks for hourly workers is also required under the federal Fair Labor Standards Act.

Your support is important to me! These simple, temporary accommodations will make it easier for me to give my best to my baby and my company.

Return to Work: I would like to return to work gradually, if possible, so my baby and I can adjust to being apart. Some options we can discuss:

- Working part-time for a while
- Working a flexible schedule (e.g., taking Wednesdays off)
- Working from home
- Other ideas:

Time: I will need to express my milk every 2-3 hours at work for around 15-20 minutes each time, not counting time to get to the lactation area. I will use my usual breaks and my meal period. This accommodation is valuable to me. I will not abuse this time, and if more time than my usual break is needed, I am willing to:

- Come in early to make up the time
- Stay later in the day to make up the time
- Take unpaid time
- Other ideas:

Private Space: I will need a clean, private area where I can safely express my milk during these nursing breaks. A bathroom is not an appropriate place and is not allowed by law. The area should ideally be near my work station. A sink and refrigerator nearby is also ideal. The space needs to be large enough for a chair and a flat surface for the pump. I will/will not need electricity for my breast pump. Some options we can discuss:

- A small area not in use much that can be secured for privacy
- A conference/meeting room or break room
- The private office of a manager or supervisor
- The private office of a coworker
- Other ideas:

Support: Support from my supervisor and coworkers will help me feel relaxed and confident. Research shows this makes milk expression more efficient and increases employee loyalty, retention, and team building.

Education: I would like to participate in any breastfeeding or new parent classes or support group meetings held at my workplace. If my company contracts with a lactation consultant, I would like to use those services during my maternity leave and once I am back at work. I would also appreciate information on how to access a breast pump from our company insurance program.

Signature of Employer: _____ Date: _____
Signature of Employee: _____ Date: _____

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