



Lactation Accommodation in the Workplace



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What is Lactation Accommodation?

Lactation accommodation is the ongoing process of supporting breastfeeding mothers in the workplace. Lactation accommodation includes the policies that have been put in place to protect mothers who wish to express breast milk during the workday.

The goal of lactation accommodation is to promote breastfeeding success by ensuring that employers provide appropriate time and privacy for lactating women while at work.

Lactation accommodation aims to:

- Ease the transition of mothers who return to work following the birth of a child.
- Enable mothers to breastfeed past the time off allotted by company [PTO policies](#) and the [Family and Medical Leave Act](#).
- Assist mothers to attend work rather than having to take time away from work to express milk.
- Help control healthcare costs by providing the opportunity to develop a healthier infant.
- Ensure that women who are pregnant or considering pregnancy know that breastfeeding will be accommodated by their employer.
- Provide a motivating, employee-supportive work environment for all employees.
- Assist employees to experience work-life balance.

Accommodation for mothers to express breast milk while at work is required by federal law as well as California law. The federal [Patient Protection and Affordable Care Act](#), enacted in 2010, requires a covered employer to provide unpaid break times to an employee to express milk for her infant child under one year of age whenever the need occurs. In addition, a location other than a bathroom must be made available and must not be in view of or subject to intrusion from others.



California [Industrial Welfare Commission Wage Orders](#) essentially impose the same requirements as does the federal law. It requires the provision of a reasonable amount of time to express milk, and, like the federal law, requires that the break be paid if it coincides with a paid break afforded to other employees. Under both laws, if a break is needed other than at normal break time, it is not paid. The California law does not absolutely require the provision of a room other than a toilet stall for use. Instead it says that the employer shall make reasonable efforts to provide such a location. It also allows for use of the employee's normal work location.

Why is Lactation Accommodation Important?

There is strong evidence to support the role of breastfeeding in an infant's growth and development. For most infants, breastmilk provides an ideal source of nutrition. Despite the many benefits of breastfeeding, many mothers choose to discontinue breastfeeding early due to the barriers they face, specifically those faced during work hours. Lactation accommodation seeks to combat these barriers and provide support for the continuation of breastfeeding among working mothers. Learn more about the barriers breastfeeding mothers face [here](#).

Federal Lactation Accommodation Law

Federal law requires employers with 50 or more employees to provide reasonable break time for employees who wish to express breast milk for 1 year following an infant's birth. The employer must also provide a private setting, other than a restroom, for employees to express breast milk during the work day. Employers are not required to compensate employees for any additional break time that is needed outside of any authorized time. Federal law does not impose on any state laws that provides greater protection to employees. Read about federal law [here](#).

State Lactation Accommodation Law

California state law requires ALL employers to provide reasonable break time for employees wishing to express breast milk for their infant child. Employers are also



required to make a reasonable effort to provide a private setting, other than a restroom, for an employee to express breast milk during the work day. Employers are not required to compensate employees for any additional break time that is needed outside of authorized time. Read about CA state law in detail [here](#).

Role of an Employer

An employer is responsible for ensuring that they are complying with lactation accommodation laws. Here are some responsibilities to keep in mind:

- Accept the employee's request for accommodation in good faith
- Get expert opinions or advice where needed
- Take an active role in making sure that alternative approaches and possible accommodation solutions are investigated, and research various forms of possible accommodation and alternative solutions as part of the duty to accommodate
- Keep a record of the accommodation request and action taken
- Maintain confidentiality
- Limit requests for information to those reasonably related to the nature of the limitation or restriction, to be able to respond to the accommodation request
- Grant accommodation requests in a timely way, to the point of undue hardship, even when the request for accommodation does not use any specific formal language
- Pay the cost of any required medical information or documentation. For example, employers should pay for doctors' notes and letters setting out accommodation needs
- Where accommodation would cause undue hardship, explain this clearly to the employee and be prepared to show why this is the case.

Role of an Employee

An employee is responsible for ensuring that adequate information is provided to their employer. Here are some responsibilities to keep in mind:



- Request accommodation
- Explain why accommodation is required, so that needs are known
- Make his or her needs known to the best of his or her ability, preferably in writing
- Answer questions or provide information about relevant restrictions or limitations, including information from health care professionals, where appropriate and as needed
- Take part in discussions on possible accommodation solutions
- Co-operate with any experts whose assistance is required
- Meet agreed-upon performance and job standards once accommodation is provided
- Work with the employer on an ongoing basis to manage the accommodation process
- Discuss his or her accommodation needs only with persons who need to know. This may include the supervisor, a union representative or human rights staff.

Learn more about the roles of an employee on the [Ontario Human Rights Commission](#) website

Resources

For additional information on lactation accommodation, please refer to the following resources:

[Employer Solutions](#)

A collection of potential employer solutions to help support breastfeeding mothers in the workplace. Includes both common solutions and industry-specific solutions.

[Break Factsheet](#)

A factsheet of break requirements for nursing mothers under the Fair Labor Standards Act



[U.S. Department of Labor](#)

An overview of lactation accommodation law, additional applicable laws, guidance, and further resources

[FAQS- U.S. Department of Labor](#)

Answers to frequently asked questions surrounding lactation accommodation.

[Surgeon General](#)

The Surgeon General's Call to Action to Support Breastfeeding- executive summary, factsheet and additional resources

[FAQS - CA State](#)

Frequently asked questions regarding employment status, hours of work, wages, deductions, tips, and working conditions.