

# Breastfeeding and Employment



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## **About the federal law:**

Section 4207 of the *Patient Protection and Affordable Care Act* (also known as Health Care Reform), amended the Fair Labor Standards Act (FLSA), or federal wage and hour law. The amendment requires employers to provide reasonable break time and a private, non-bathroom place for nursing mothers to express breast milk during the workday, for one year after the child's birth. The new requirements became effective when the Affordable Care Act was signed into law on March 23, 2010. States which already have laws in place are not pre-empted by the federal law, if their existing laws afforded stronger protection for mothers.

For Frequently Asked Questions about the Law, go to the US Breastfeeding Committee's [FAQ page](#).

[Download the text of Section 4207 only](#) from the US Breastfeeding Committee's website.

## **Employers--- Breastfeeding helps your bottom line!**

Employers have found that supporting their breastfeeding employees helps save them money in health care costs, decrease employee turnover, decreased employee absenteeism, and improved recruitment and retention. Aetna, for example, found a 3:1 return on investment in supporting its lactating employees.

It costs you more money for smoking breaks than it does to accommodate your breastfeeding employees.

It costs employers \$1,897 in lost productivity per smoking employee each year. Employees who take four 10-minute smoking breaks a day actually work one month less per year than workers who don't take smoking breaks.

Breastfeeding mothers have one-third as many one-day absences from work to care for sick infants compared to mothers who are formula feeding.

The Affordable Care Act requires employers to provide time and space for their breastfeeding employees to express milk.

The actual cost of pumping breaks would be negligible because most of the time the breaks would be unpaid. Even if the employee was paid for break times, this would be offset by the reduction in maternal absenteeism, lower infant medical costs, reduced need for temporary employees to fill in, reduced staff turnover, and the resulting lower recruitment and training expenses for new employees.

**No matter what the job, there is a way to find suitable space to express milk:**

<b>Worksite or Job</b>	<b>Suggested Pumping Locations</b>
Retail sales, mall store, fast food business	Small storage closets or utility closets with a light, manager's offices, storage areas, shared space used by various tenant businesses in a mall, changing rooms
Airport	Airline lounge, little used offices and storage areas, sectioned off corner of a room with either permanent walls or portable partitions
Restaurant	Manager's office, some mothers work a split shift to avoid having to pump and return home to breastfeed the baby directly during slow work times
Transportation workers	May find pumping areas in stations along their route or in municipal buildings along their route
Law enforcement officers	Municipal buildings may provide spaces for pumping
Emergency medical technicians	May find pumping accommodations in local hospitals or the back of an unused ambulance
Military	Partitioned off sections of locker rooms, pilots and flight crew may pump in on-board crew quarters
Hospital workers, physicians, nurses, administrators	Dedicated lactation room, maternity unit unused rooms, closets, offices, conference rooms
Migrant workers, field workers, agricultural workers	Portable tents set up in the fields or under trees to provide shade; battery operated pumps, pedal pumps, or hand pumps can be available in each tent
Assembly line, factory workers	Dedicated room close to worker locations, sectioned off corner of a locker room, administrative offices, conference rooms, sectioned off corner of little used areas on a manufacturing floor
Teachers	Unused office of a speech pathologist, school psychologist, or guidance counselor; nurse's office or dispensary; mother's car; unused music or art room

Is it costly to provide suitable accommodations?

**Workplace Breastfeeding Options**

	<b>Basic Services</b>	<b>Advanced</b>	<b>State of the Art</b>
<b>Lactation Room Options</b>	Electrical Outlet (standard 110V)	Electrical Outlet (standard 110V)	Electrical Outlet (standard 110V)
	If this is not possible, an extension cord is available or mother can use a battery-operated pump or pedal pump.		
	Room locks from the inside.	Room locks from the inside.	Room locks from the inside.
	If this is not possible, the space should have a sign on the outside stating when it is in use.		
	Comfortable chair	Comfortable chair, footstool	Recliner
	Table or flat surface to hold the breast pump	Table or flat surface to hold the breast pump	Table or flat surface to hold the breast pump
	Disinfectant wipes or spray, paper towels, waste basket	Disinfectant wipes or spray, paper towels, waste basket	Disinfectant wipes or spray, paper towels, waste basket
	Room is located near a source of running water.	Room has a sink.	Room has a sink.
	If running water is not available, hand sanitizer and disinfectant wipes or spray are available.		
	Employee brings her own breast pump.	Employer pays for rental of a breast pump, or provides a hospital-grade	Employer subsidizes or provides a portable electric breast pump, or provides a hospital-grade

		multi-user electric breast pump that is purchased or rented.	multi-user electric breast pump.
			Breast pumps are also provided for partners of male employees.
	Employee brings her own attachment kit if hospital-grade pump is used.	Employer subsidizes the cost of attachment kits for hospital-grade pump.	Employer provides the attachment kit for employees.
	Employee stores milk in a public area refrigerator or personal cooler.	Employer provides personal coolers for storing milk.	Employer provides a small refrigerator within the room for storing milk.
	Room or space is clean.	Room is clean.	Room is clean.
		Bulletin board for posting baby photos and notes of support	Bulletin board for posting baby photos and notes of support
		Educational resources are available.	Educational resources are available.
		Desk or table top space is provided.	Desk or table top space is provided.
		Attractive wall hangings, floral arrangement, etc.	Attractive wall hangings, floral arrangement, etc.
			Telephone is available for employee to check voicemail messages.
			Computer terminal with VS PC/ internet access is available.
<b>Milk Expression / Child Feeding</b>	Employee takes usual lunch and break times to express milk; extra time needed is considered unpaid leave time.	Extra time that may be needed is made up as part of a flexible schedule (coming in early, staying late, etc).	Break time is considered paid time, whether the employee goes over the allotted break time or not.

<b>Education</b>	Company makes pregnancy and breastfeeding pamphlets, books, and videos available.	Company offers classes on pregnancy and breastfeeding during the lunch hour.	Education is available for dads, as well as partners of male employees.
<b>Lactation Consultant</b>	Company provides mothers with names of lactation consultants and other resources in the community.	Company contracts with an IBCLC or other lactation expert to assist employees with their questions or concerns.	Contract lactation expert services are also available for female partners of male employees.
<b>Other Workplace Supports</b>	<p>Names of local support group meetings are available to employees; a bulletin board for sharing notes of encouragement is provided in lactation room.</p> <p>Company provides near site childcare for quick and easy direct access to the baby during breaks or allows caregiver to bring baby to mother to breastfeed.</p>	<p>Company hosts regular support group meetings.</p> <p>Company allows mother to bring the baby to work during the first few months.</p>	<p>Company provides electronic options for staying connected in the lactation room and at home.</p> <p>Company provides onsite childcare for quick and easy direct access to the baby during breaks or allows mother to bring the baby to work during the first few months.</p>

Adapted from:

U.S. Department of Health and Human Services, Health Resources and Services Administration and Every Mother Inc. *The Business Case for Breastfeeding*. Rockville, Maryland: U.S. Department of Health and Human Services; 2008.

Slavit W, editor. *Investing in Workplace Breastfeeding Programs and Policies: An Employer's Toolkit*. Washington, DC: Center for Prevention and Health Services, National Business Group on Health; 2009.

There are many resources to help you provide accommodations for your breastfeeding employees

Health Resources and Services Administration, Department of Health and Human Services

*The business case for breastfeeding*

<http://www.womenshealth.gov/breastfeeding/government-programs/business-case-for-breastfeeding/index.cfm>

National Business Group on Health

*Investing in workplace breastfeeding programs and policies: an employer's toolkit*

[http://www.businessgrouphealth.org/healthtopics/breastfeeding/docs/BF\\_entire\\_toolkit\\_FINAL.pdf](http://www.businessgrouphealth.org/healthtopics/breastfeeding/docs/BF_entire_toolkit_FINAL.pdf)

*Workplace breastfeeding programs: employer case studies*

[http://www.businessgrouphealth.org/pdfs/NBGH%20Breastfeeding%20IB\\_Final%20Proof.pdf](http://www.businessgrouphealth.org/pdfs/NBGH%20Breastfeeding%20IB_Final%20Proof.pdf)

LifeCare

*Workplace breastfeeding support: a legal and business imperative*

[http://www.lifecare.com/docs/Breastfeeding\\_SpecialReport\\_2010.pdf](http://www.lifecare.com/docs/Breastfeeding_SpecialReport_2010.pdf)

Department of Labor, Women's Bureau

*National dialog on workplace flexibility*

<http://www.dol.gov/wb/media/natldialogue2.htm>

Department of Labor, Wage and Hour Division

*Break time for nursing mothers*

<http://www.dol.gov/whd/nursingmothers/>

*Current interpretation of the law*

<http://www.gpo.gov/fdsys/pkg/FR-2010-12-21/pdf/2010-31959.pdf>

Centers for Disease Control and Prevention

*Healthier worksite initiative*

<http://www.cdc.gov/nccdp/h/dnpao/hwi/toolkits/lactation/index.htm>

Society for Human Resource Management

*Examining employee benefits in a fiscally challenging economy*

[http://www.shrm.org/Research/SurveyFindings/Articles/Documents/09-0295\\_Employee\\_Benefits\\_Survey\\_Report\\_spread\\_FNL.pdf](http://www.shrm.org/Research/SurveyFindings/Articles/Documents/09-0295_Employee_Benefits_Survey_Report_spread_FNL.pdf)

State of Texas employee wellness program

*Building healthy Texans*

<http://www.wellness.state.tx.us/mothers.htm>

State of Oregon, Department of Human Services

*Working and breastfeeding*

<http://www.oregon.gov/DHS/ph/bf/working.shtml>

Vermont Department of Health  
*Breastfeeding friendly employer project*  
<http://healthvermont.gov/wic/food-feeding/breastfeeding/friendly-employer-project.aspx>

Wisconsin Department of Health Services  
*Building breastfeeding friendly-communities in Wisconsin*  
<http://www.dhs.wisconsin.gov/health/Nutrition/Breastfeeding/bffriendlycomm.htm>

United States Breastfeeding Committee  
*Workplace support*  
<http://www.usbreastfeeding.org/Workplace/WorkplaceSupport/tabid/105/Default.aspx>

Colorado Breastfeeding Coalition,  
*Employer perspective on accommodating breastfeeding employees*  
videos at [www.youtube.com/user/cobfcvideos#p/c/1/NlIQHlop6yA](http://www.youtube.com/user/cobfcvideos#p/c/1/NlIQHlop6yA)

Breastfeeding Coalition of Washington  
*Working and breastfeeding...It's worth it*  
[http://www.breastfeedingwa.org/working\\_packet](http://www.breastfeedingwa.org/working_packet)

New Hampshire Department of Health and Human Services  
*Healthy worksites*  
<http://www.dhhs.nh.gov/dphs/nhp/worksites/index.htm>

International Lactation Consultant Association  
*Worksite lactation support directory: a listing of IBCLCs who assist businesses lactation support programs*  
[http://www.ilca.org/i4a/member\\_directory/feSearchForm.cfm?directory\\_id=6&pageid=3725&showTitle=0](http://www.ilca.org/i4a/member_directory/feSearchForm.cfm?directory_id=6&pageid=3725&showTitle=0)

## **Other Resources**

### **For Childcare Providers**

US Department of Agriculture  
List of childcare provider resources on breastfeeding  
[http://healthymeals.nal.usda.gov/nal\\_display/index.php?info\\_center=14&tax\\_level=4&tax\\_subject=264&topic\\_id=1364&level3\\_id=5168&level4\\_id=10015](http://healthymeals.nal.usda.gov/nal_display/index.php?info_center=14&tax_level=4&tax_subject=264&topic_id=1364&level3_id=5168&level4_id=10015)

### **For Mothers**

#### **Books**

Berggren K. (2006). *Working without weaning*. Amarillo, TX: Hale Publishing.

Colburn-Smith C, Serrette A. (2007). *The milk memos*. New York: Jeremy P. Tarcher/Penguin.

Hicks J. (2005). *Hirkani's daughters: women who scale modern mountains to combine breastfeeding and working*. Schaumburg, IL: La Leche League International.

Moquin C. (2008). *Babies at work: bringing new life to the workplace*.  
<http://www.babiesatwork.org/babiesatworkbook.html>

Moquin C. (2008). *How to start a babies at work program*.  
<http://www.babiesatwork.org/babiesatworkbook.html>

Peterson A, Harmer M. (2010). *Balancing breast & bottle: reaching your breastfeeding goals*.  
Amarillo, TX: Hale Publishing.

Pryor G, Huggins K. (2007). *Nursing mother, working mother*. Revised edition. Boston, MA:  
Harvard Common Press.

Roche-Paull R. (2010). *Breastfeeding in combat boots: a survival guide to successful breastfeeding while serving in the military*. Amarillo, TX: Hale Publishing.

West D, Marasco L. (2009). *The breastfeeding mother's guide to making more milk*. New York:  
McGraw-Hill.

## **Websites**

Breastfeeding and working

<http://www.workandpump.com/>

Parenting in the Workplace Institute

<http://www.babiesatwork.org/home.html>

<http://www.parentingatwork.org/>

Companion website to the book *Balancing breast and bottle: reaching your breastfeeding goals*  
[www.Breastandbottlefeeding.com](http://www.Breastandbottlefeeding.com)