California Law Supports Breastfeeding

The law requires all California employers to provide a reasonable amount of break time to make a reasonable effort to provide space other than a toilet stall, close to the employee’s work area, to accommodate an employee desiring to express breast milk for her baby. The break time shall be unpaid if the break time does not run concurrently with the rest time authorized for the employee. An employer is not required to provide break time for pumping if taking break time beyond the usual time allotted for breaks would seriously disrupt the operations of the employer. Violation of this chapter is subject to a civil penalty of $100.

Additional breastfeeding laws in California:

California Civil Code § 210.5 (2000) allows the mother of a breastfed child to postpone jury duty for one year and specifically eliminates the need for the mother to appear in court to request the postponement. The law also provides that beyond the usual time allotted for breaks would seriously disrupt the operations of the employer. Violation of this chapter is subject to a civil penalty of $100.

Notes and References

California Civil Code § 43.3 (1997) allows a mother to breastfeed her child in any location, public or private, except the private home or residence of another, where the mother and the child are otherwise authorized to be present.

Useful Web Sites

- Academy of Breastfeeding Medicine, The [www.abm.org]
- American Academy of Family Physicians [www.aafp.org]
- American Academy of Pediatrics [www.aap.org]
- American College of Obstetricians and Gynecologists [www.acog.org]
- American Dietetic Association [www.eatright.org]
- Breastfeeding in the Workplace [www.wicworks.ca.gov]
- California Department of Public Health [www.cdph.ca.gov]
- Centers for Disease Control and Prevention [www.cdc.gov]
- Conference of State Health Officials [www.cshe.org]
- Greater Los Angeles Breastfeeding Task Force of LA WIC Program [www.breastfeedla.org]
- La Leche League International [www.llli.org]
- WIC (Women, Infants, and Children) Program [www.fns.usda.gov]

Acknowledgments

We thank the following individuals and agencies for their contributions to the development of this project:

- Drazen-Adams, MPH, CHES
- Health Educator, L.A. County Department of Public Health
Supporting Breastfeeding in the Workplace

**Benefits of Providing a Breastfeeding-Friendly Work Environment**

For Employers and Co-workers

- **Cost savings**
  - Increased productivity
  - Improved corporate image
  - Decreased absenteeism

Companies save $3 for every dollar they spend supporting breastfeeding in the workplace. Breastfed babies are healthier.

As a result, mothers working in a company that supports breastfeeding will take fewer days off to care for a sick child. The company will spend fewer healthcare dollars for both the mother and infant. In addition, employers report less staff turnover because staff are more satisfied with their jobs. As an added benefit, a family-friendly environment is an excellent recruitment tool.

For the Working Mother Who Breastfeeds

- **Healthier babies**
- **Smother transition back to work**
- **Reduced self-confidence and self-consciousness**
- **Cost savings**

Women who breastfeed their babies for longer periods accrue significant health benefits. Breastfeeding is linked to a reduction in risk for many diseases, such as breast and ovarian cancers, osteoporosis and type 2 diabetes. The practice has a calming effect on the mother and helps her better manage stress. It also has a contraceptive effect, which can lengthen the time between pregnancies and help reduce the need for replacement contraceptives.

For the Baby

- **Recommended method of infant feeding** by all health authorities
- **Stronger immune systems**
- **Fewer doctor visits and hospitalizations**

Health experts in the United States and worldwide recognize breastfeeding as the best way to feed an infant (see “Useful Web Sites” for a list of breastfeeding resources). Breastfed babies have fewer ear, respiratory and intestinal infections; less frequent allergies and asthma; and less risk of developing chronic diseases and conditions, such as SIDS, diabetes, and obesity. Breastfeeding reduces the risk of many diseases, such as breast and ovarian cancers, osteoporosis, type 2 diabetes and obesity over a lifetime.

For the Community

- **Reduced healthcare costs**
- **Increased long-term health**

Breastfeeding affects all members of society. In the United States, breastfed infants are healthier and have fewer healthcare-related expenses. As a result, employers report lower healthcare spending for both the mother and infant. In addition, mothers working in a company that supports breastfeeding will take fewer days off to care for a sick child. The company will spend fewer healthcare dollars for both the mother and infant. As an added benefit, a family-friendly environment is an excellent recruitment tool.

**Breastfeeding-Friendly Workplace Policy Template**

This template, which employers can customize to fit their individual workplaces, is available at www.LactMat.com/polliconcepts.

**Purpose**

To establish guidelines for promoting a breastfeeding-friendly work environment in the [Agency] and the [Agency’s] Breastfeeding-Friendly Workplace policy shall be disseminated to every employee and will be negotiated between the [Agency] and [Agency].

**Policy**

[Agency] recognizes that breastfeeding is the optimal food for growth and development of infants and [Agency] encourages employees and management to have a positive, supporting attitude toward working women and breastfeeding. [Agency] promotes and supports breastfeeding and the expression of breastmilk by employees who are breastfeeding when they return to work.

**Discrimination and harassment of breastfeeding employees in any form is unacceptable and will not be tolerated at [Agency].**

It shall be the policy of [Agency] to provide:

- **Training**
  - [Agency’s] Breastfeeding Friendly Workplace policy shall be disseminated to every incoming and current employee in the [Agency] by [Agency].

Information about breastfeeding support after returning to work shall be provided to employees prior to their maternity leave.

- **Time to Express Milk or Breastfeed (Lactation Time)**
  - Lactation times shall be established on a case-by-case basis based on her work schedule. If possible, the lactation time is to run concurrently with any break time already provided.

Lactation time beyond the regular break time is unpaid and will be negotiated between the employee and [Agency].

- **Space and Equipment for Expressing Milk or Breastfeeding**
  - Employers shall be provided the use of a clean, comfortable space or “Lactation Area.”

- **Space and equipment for expressing milk or breastfeeding**
  - Employers shall be provided the use of a clean, comfortable space or “Lactation Area.”

- **Appropriate signage and/or other security measures may be used to identify the occupied status of the “Lactation Area.”**

**Recommendations**

- **Additional recommendations for providing breastfeeding promotion and support include:**

**Highly recommended**

- The [Agency] breastfeeding employee may be offered a flexible schedule to accommodate pumping or breastfeeding.

- The [Agency] breastfeeding employee may be offered flexible assignments to accommodate pumping or breastfeeding.

- The [Agency] may provide appropriate labeling for the “Lactation Area.” (Images of bottles or pacifiers are not suitable symbols.)

- The [Agency] may provide a refrigerator labeled exclusively for breastmilk storage.

- **Appropriate signage and/or other security measures may be used to identify the occupied status of the “Lactation Area.”**

- The [Agency] may provide a refrigerator labeled exclusively for breastmilk storage.

- The [Agency] may provide appropriate signage to identify the occupied status of the “Lactation Area.”

- The [Agency] may provide a refrigerator labeled exclusively for breastmilk storage.

- **Also suggested**

- The [Agency] may provide options of part-time work, telecommuting/working from home or job sharing to the breastfeeding employee.

- The [Agency] may provide extended maternity leave beyond the Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA).

- The [Agency] may provide on-site or nearby day care.

- The [Agency] may provide referrals to breastfeeding resources and services in the community.

- The [Agency] may incorporate breastfeeding information into the employee wellness program.

- The [Agency] may provide on-site or agency-wide lactation services that include some or all of the following:
  - Professional lactation consultant
  - Purchase of electrical pump(s) for the “Lactation Area”
  - Discounted breast pump purchasing/rental program for employees
  - A breastfeeding support group for working mothers

- The [Agency] may provide breastfeeding benefits with a lactation services coverage rider.
Human milk is considered by the best nutrition for infants. Leading health organizations strongly advise that mothers should exclusively breastfeed babies for the first six months, and that breastfeeding should continue for at least one year or as long as mutually desired.

Women often stop breastfeeding their babies, however, when they go back to work. Seventy percent of working mothers in the United States with children under age 3 work full-time. Approximately one-third of these mothers return to work within three months of giving birth, and two-thirds return before the baby is six months old.

Women who want to keep breastfeeding after returning to work have relatively few and simple needs. Employers who create workplace breastfeeding support programs that help a mother to breastfeed her baby longer will find that they have made a sound business decision. They will also help to bolster the baby’s health.

Benefits of Providing a Breastfeeding-Friendly Work Environment

For Employers and Co-workers
- **Cost savings:** Increased productivity, decreased absenteeism.
- **Improved employee retention:** Decreased healthcare costs, improved employee satisfaction, and reduced employee turnover.
- **Enhanced corporate image:** Increased job productivity, improved employee loyalty and retention, and additional recruitment tool.

Companies save $3 for every dollar they spend supporting breastfeeding in the workplace. Breastfed babies are healthier. As a result, mothers working in a company that supports breastfeeding will take fewer days off to care for a sick child. The company will spend fewer healthcare dollars for both the mother and infant. In addition, employers report less staff turnover because staff are more satisfied with their jobs. As an added benefit, a family-friendly environment is an excellent recruitment tool.

For the Working Mother Who Breastfeeds
- **Healthier babies:** Healthier and more immune competent babies.
- **Healthier mothers:** Decreased conflict between career and motherhood; improved stress levels; decreased self-confidence and self-esteem.
- **Cost savings:** Increased child spacing (time between births) for families. Women who breastfeed their babies for longer periods accrue significant health benefits. Breastfeeding is linked to a reduction in risk for many diseases, such as breast and ovarian cancers, osteoporosis and type 2 diabetes. The practice has a calming effect on the mother and helps her to better manage stress. It also has a contraceptive effect, which can lengthen the time between pregnancies and help make the next child healthier. Financially, breastfeeding means families save on formula costs, healthcare expenses and alternative care when a baby is sick.

For the Baby
- **Recommended method of infant feeding by all health authorities.
- **Stronger immune system.
- **Fewer doctor visits and hospitalizations.

Health experts in the United States and worldwide recognize breastfeeding as the best way to feed an infant (see “Lactation Web Sites” for a listing of professional health organizations). Breastfed babies have fewer ear, respiratory and intestinal infections; less frequent allergies and asthma; and less risk of developing chronic diseases and conditions, such as SIDS, diabetes and childhood obesity. Breastfeeding also reduces the risk of breast cancer in women and heart disease in men. These facts add in reducing the number of medical visits, prescriptions and hospitalizations. The benefits of breastfeeding last a lifetime.

For the Community
- **Reduced healthcare costs.
- **Environmentally friendly.

The U.S. Department of Agriculture estimates that a minimum of $3.6 billion in medical expenses annually would be saved if the number of children breastfed for six months were to increase by 50 percent. If the number of children breastfed for six months were to increase by 50 percent.

Benefits include decreased infant hospitalizations and increased adult healthy years of life. Breastfeeding is the recommended method of infant feeding by all health authorities. If the number of children breastfed for six months were to increase by 50 percent.

For Employers and Co-workers
- **Cost savings:** Increased productivity, decreased absenteeism.
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Benefits of Providing a Breastfeeding-Friendly Work Environment

For Employers and Co-workers
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For the Community
- **Reduced healthcare costs.
- **Environmentally friendly.

The U.S. Department of Agriculture estimates that a minimum of $3.6 billion in medical expenses annually would be saved if the number of children breastfed for six months were to increase by 50 percent. If the number of children breastfed for six months were to increase by 50 percent.
Supporting Breastfeeding in the Workplace

Breastfeeding-Friendly Workplace Policy Template
This template, which employers can customize to fit their individual workplaces, is available at www.LactationLibris.org/WorkplacePolicy.

Purpose
To establish guidelines for promoting a breastfeeding-friendly work environment in the [Agency].

Policy
Any [Agency] employee who breastfeeds her infant or expressed breastmilk in accordance with the [Agency]’s policies and procedures for discrimination and harassment. Breastfeeding mothers in any form is unacceptable and will not be tolerated at [Agency].

It shall be the policy of [Agency] to provide:

1. A detailed plan (Agency, Breastfeeding Friendly Workplace policy) shall be disseminated to every incoming and current employee in the [Agency].

Information about breastfeeding support after returning to work shall be provided to employees prior to their maternity leave.

Time to Express Milk or Breastfeed (Lactation Time)
The employer may determine the amount of time based on her work schedule. If possible, the lactation time is to run concurrently with any break time already provided.

Lactation time beyond the regular break time is unpaid and will be negotiated between the employer and [Agency].

Space and Equipment for Expressing Milk or Breastfeeding
Employers should be provided the use of a clean, comfortable space or “Lactation Area.”

• Is equipped with an electrical outlet
• Is in close proximity to the employer’s work area
• Contains comfortable seating

Ideally, the Lactation Area will be near: a sink with hot water and soap for hand washing and cleaning of equipment; a refrigerator for storage of expressed breastmilk.

Atmosphere of Tolerance
Breastfeeding should not constitute a source of discrimination in employment or in access to employment. It is prohibited under the policy to harass a breastfeeding employee, subject-consciously interfere with an employee’s work performance and creates an intimidating, hostile or offensive working environment.

Any incident of harassment of a breastfeeding employee will be addressed in accordance with the [Agency]’s policies and procedures for discrimination and harassment.

Holes milk is considered to be the best nutrition for infants. Leading health organizations strongly advise that mothers should exclusively breastfeed babies for the first six months, and that breastfeeding should continue for at least one year or as long as it mutually desired. Nurses often stop breastfeeding their babies, however, when they go back to work. Seventy percent of working mothers in the United States with children under age 3 work full-time. Approximately one-third of these mothers return to work within three months of giving birth, and two-thirds return before the baby is 6 months old. Mothers who want to keep breastfeeding after returning to work have relatively few and simple needs. Employers who create workplace breastfeeding support programs that help a mother breastfeed her baby longer will find that they have made a sound business decision. They will also help to bolster the baby’s health.

Benefits of Providing a Breastfeeding-Friendly Work Environment
For Employers and Co-workers
• Increased job productivity
• Improved employee satisfaction and morale
• Reduced employee liability and reputation
• Additional recruitment incentive

Companies save $3 for every dollar they spend supporting breastfeeding in the workplace.1 Breastfed babies are healthier. As a result, working mothers in a company that supports breastfeeding will take fewer days off to care for a sick child. The company will spend fewer healthcare dollars for both the mother and infant. In addition, employers report less staff turnover because staff are more satisfied with their jobs. As an added benefit, a family-friendly environment is an excellent recruitment tool.

For the Working Mother Who Breastfeeds
• Healthier babies
• Smoother transition back to work
• Increased self-confidence and self-reliance
• Cost savings

Women who breastfeed their babies for longer periods experience a significant and health benefits. Breastfeeding is linked to a reduction in risk for many diseases, such as breast and ovarian cancers, osteoporosis and type 2 diabetes. The practice has a calming effect on the mother and helps her better manage stress. It also has a contraceptive effect, which can lengthen the time between pregnancies and help make the next child healthier. Financially, breastfeeding means families will save on formula costs, healthcare expenses and alternative care when a baby is sick.

For the Baby
• Recommended method of infant feeding by all health authorities
• Stronger immune system
• Fewer doctor visits and hospitalizations

Health experts in the United States and worldwide recognize breastfeeding as the best way to feed an infant (see “Useful Web Sites” for a listing of professional health organizations). Breastfed babies have fewer ear, respiratory and intestinal infections; decreased risk of developing chronic diseases, and conditions, such as SIDS, diabetes and obesity; and decreased risk for type 2 diabetes. All of these factors aid in reducing the number of medical visits, prescriptions and hospitalizations. The benefits of breastfeeding last a lifetime.

For the Community
• Reduced healthcare costs
• Enhanced long-term health

The U.S. Department of Agriculture estimates that a minimum of $3.6 billion in medical expenses annually would be saved if the number of children breastfed for six months were to increase from 20% to 40%. It is estimated that 764 billion per infant in Women, Infants, and Children (WIC) costs and Medicaid expenditures if infants were breastfed during the first six months of life. Allowing breastfeeding in the workplace requires no environmental costs in terms of production, packaging or waste disposal.
allows the mother of a breastfed child to postpone jury duty for one year and allows a mother to breastfeed her child in any location, public or private, except the private home or residence of another, where the mother and the child are otherwise authorized to be present. (AB 157)

California Civil Code § 210.5 (2000) allows the mother of a breastfed child to postpone jury duty for one year and specifically eliminates the need to request the postponement. The law also provides that the one-year period may be extended upon written request of the mother. [Chap. 266 (AB 1814)]

California Civil Code 43.3 (1997) allows a mother to breastfeed her child in any location, public or private, except the private home or residence of another, where the mother and the child otherwise authorized to be present. (AB 137)

Additional Breastfeeding Laws in California:

California Lactation Accommodation Law

Useful Web Sites

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We thank the following individuals and agencies for their contributions to the development of this project:

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Health Educator, I. County Department of Public Health

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Director of Programs, LA Best Babies Network

Kathleen Perina, MBA, BC, CIC
Director, WIC Breastfeeding Services, Northeast Valley Health Corporation—WIC Program

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President, Breastfeeding Task Force of Greater Los Angeles

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LA Best Babies Network

Healthy Babies, Our Future

Funded by First 5 LA

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January 2008
Allows the mother of a breastfed child to postpone jury duty for one year and make a reasonable effort to provide space other than a toilet stall, close to the employee’s work area, to accommodate an employee desiring to express breast milk for her baby. The break time shall be paid if the break time does not occur concurrently with the time authorized for the employee. An employer is not required to provide break time for pumping if taking break time beyond the usual time allowed for breaks would seriously disrupt the operations of the employer. Violation of this chapter is subject to a civil penalty of $100.

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