

Supporting Breastfeeding Employees: *Your legal responsibilities*



Supporting breastfeeding employees is good for employers, good for parents, and good for babies.

Are you complying with the law?

Subject employers are required by state and federal law to make certain accommodations for their employees who are lactating (breastfeeding). Are you doing what you need to be doing?

What do I have to do?

Employers must provide time and space for employees to express or pump breast milk during the workday. Accommodations must be made for employees until their child is 18 months old.

Give employees at least 30 minutes every 4 hours to pump:

- Employers must provide reasonable break time for an employee to express breast milk each time the employee has a need to express milk; a minimum of 30 min. every 4 hours worked.
- Break times may be combined with regular or paid breaks.
- Employers must count pumping time for the purpose of determining eligibility for health insurance.

Provide a clean, private space:

- Must be in close proximity to the employee's work area, and cannot be a toilet stall or restroom. If a location is further than 5 minutes from the primary work area, travel time must be paid.

- Needs to be private, shielded from view, and free from intrusion from coworkers and the public. Spaces that work well for pumping will be clean and have a chair, desk or table, appropriate lighting, signage or lock, and a sink nearby.
- The space must be available when needed by the employee in order to meet the requirement. A space can be temporarily created or converted if a permanent space is not feasible.

What if I don't do it?

Oregon's Lactation Law specifies that there is a \$1,000 fine per incident for non-compliance. The fine may be imposed by the State of Oregon Bureau of Labor and Industries (BOLI) if employers are not complying with the law.

Employers with fewer than 50 employees in Oregon can ask BOLI to be exempted from this law because of undue hardship. Exemptions based on the size of business are not automatic.

Why is breastfeeding so important?

For Employers

- Greater employee satisfaction and increased retention of employees.
- Employees are less likely to use sick leave and health insurance costs may be lower.

For Parents

- Employees don't need to miss as much work, because breastfed babies are sick less often.
- Breastfeeding reduces a mother's risk of serious health issues including breast, ovarian, and endometrial cancers, osteoporosis and bone fractures, postpartum depression, and insulin needs in diabetic mothers.

For Babies

- Breastfeeding reduces the risk of overweight, obesity, diabetes, allergies, asthma, and high cholesterol in babies and children.

RWRE/RPEH/IRPHHO □

Información en Inglés y Español

- <http://www.familiesandwork.org/employer-lactation-toolkit-for-employers/>



Employer resources

- **Restaurant and food service examples:** <http://www.womenshealth.gov/breastfeeding/employer-solutions/industry/accommodation.html>
- **The Oregon minimum wage poster:** Explains a worker's right to express milk and is available on the BOLI website in English or Spanish.
- **HCWC Lactation in the Workplace toolkit:** <https://multco.us/healthy-columbia-willamette-collaborative/hcwc-lactation-workplace-toolkit>
- **More resources for breastfeeding employees:** <https://multco.us/children-and-family-health-services/breastfeeding-support>
- **More about state and federal law:** <https://public.health.oregon.gov/HealthyPeople-Families/Babies/Breastfeeding/Pages/Laws.aspx>