

LACTATION ACCOMMODATION – LEVELS & OPTIONS

LEVEL 1 – Meets Labor Law Requirements of California Labor Code 1030-1033 *see back panel

Company Policy: Maintains lactation accommodations per California Labor Code 1030

Room/area: Private area that is not a toilet stall to provide for pumping as needed by the mother. If no room is available a space must be given such as manager's office, conference room, or a private corner with a screen. Time does not have to be paid (unless taken in conjunction with typical break time) and can be taken as needed to maintain milk supply.

Equipment: Employee purchases and brings own pump and kit and is responsible for storage.

LEVEL 2 – Expanded

Company Policy: Encompasses above plus ensures employees are given educational information on importance of breastfeeding and availability of local resources prior to leave. Company policy includes language on pumping and milk storage.

Room/area: If no room is available, designate an office, conference room, or private corner with screen. Clean, electrical outlet (standard 110V), locks from the inside, comfortable chair & footstool, small table/surface for pump, disinfectant wipes, sink, desk space, information on resources in room. Time to pump is paid either by making up time or as policy for company wellness if goes past normal paid breaks.

Equipment: Employer ensures breast pump access through resource information about rentals or purchases and subsidizes partial cost of individual kit OR subsidizes partial purchase of single user pump for employee (**check group health insurance**), employer provides coolers or fridge for use of storing milk (can be community fridge).

LEVEL 3 – Best Practice (highest profit return for company)

Company Policy: Encompasses above plus breastfeeding classes on-site or other convenient location; educational information on importance of breastfeeding and availability of local resources as well as paid support after delivery for female employees or partners of male employees (**check group health insurance**).

Room/area: Encompasses everything above plus a designated room for pumping only, attractive room arrangements such as pictures or wall hangings, information on resources in room, journal or bulletin board for support to fellow employees to write or post information to each other, telephone to check voicemails or make calls, computer terminal available. If no room is available, designate an office, conference room, or private corner with screen.

Equipment: Employer provides breast pumps through rentals for office use and the cost of individual kits OR purchases single user pump for employee (**check group health insurance**), employer provides refrigerator in room for storing milk or personal cooler.

Lactation Accommodation for All California Employees

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=lab&group=01001-02000&file=1030-1033>

California Labor Code § 1030-1033.

2002: Chapter 3.8, Section 1030, Part 3 of Division 2 of the Labor Code

1030. Every employer, including the state and any political subdivision, shall provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. Break time for an employee that does not run concurrently with the rest time authorized for the employee by the applicable wage order of the Industrial Welfare Commission shall be unpaid.

1031. The employer shall make reasonable efforts to provide the employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private. The room or location may include the place where the employee normally works if it otherwise meets the requirements of this section.

1032. An employer is not required to provide break time under this chapter if to do so would seriously disrupt the operations of the employer.

1033. (a) An employer who violates any provision of this chapter shall be subject to a civil penalty in the amount of one hundred dollars (\$100) for each violation.

(b) If, upon inspection or investigation, the Labor Commissioner determines that a violation of this chapter has occurred, the Labor Commissioner may issue a citation. The procedures for issuing, contesting, and enforcing judgments for citations or civil penalties issued by the Labor Commissioner for violations of this chapter shall be the same as those set forth in Section 1197.1.

(c) Notwithstanding any other provision of this code, violations of this chapter shall not be misdemeanors under this code.

Benefits of Lactation Accommodation

- ✓ At least double the amount of absences for male or female employees when children are NOT breastfed
- ✓ Less healthcare costs for doctors visits, prescriptions, and hospitalizations (average *increased* cost of \$2,146 when NOT breastfed)
- ✓ Higher retention rates of employees (94% for support programs vs. 59% nat'l average) turnover costs average 1.5x annual salary or more
- ✓ Improved morale, satisfaction, and higher productivity
- ✓ Improved recruitment abilities and company image; local and state awards within California

For more information see <http://www.usbreastfeeding.org/Employment/WorkplaceSupport/tabid/105/Default.aspx> or call (209) 384-2229

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