



OHIO WORKPLACE PLUS

Providing Lactation
Upgrades and Support

) **BUSINESS** (
RESOURCES



Lactation Accommodation Implementation Checklist

- Form a team (to include current and previous nursing employees) to conduct a needs assessment to identify opportunities and gaps in lactation support.
- Develop a plan to address the needs identified by the team.
- Cultivate community partnerships (e.g., local hospital, public health department, WIC agency, or breastfeeding coalition) to support breastfeeding employees and assist with the plan as needed.
- Identify potential space for milk expression **that is not a bathroom**
 - Must be private (free from intrusion from co-workers or the public).
 - Must be functional for expressing milk (e.g., comfortable chair, flat surface for the breast pump, electrical outlet, and near running water).
 - If a multi-use space is set up, each individual space must provide privacy.
- Identify time solutions for nursing breaks.
 - Arrange for “reasonable breaks” to express milk (the amount of time needed varies from woman to woman).
 - Consider coverage options (e.g., supervisor, co-workers, or “floaters”).
- Review company policies and/or procedures for lactation support accommodations. Develop or revise as needed.
- Develop a communication and publicity plan to include:
 - Employee handbook
 - Family leave meeting prior to the baby’s birth
 - New employee orientation
 - Employee benefits webpage and documents
 - Staff recruitment interview
 - Training for supervisors and coworkers on the laws and company policies/procedures
- Education and Support
 - Prepare a list of local and web-based breastfeeding support resources to share with breastfeeding employees.
 - Provide breastfeeding educational materials in identified spaces.
- Feedback
 - Seek ways to secure ongoing feedback from employees and supervisors.

Resources for Workplace Lactation Support

Ohio Resources

- Ohio Workplace PLUS toolkit: www.odh.ohio.gov/breastfeeding
- FREE webinar archived at www.odh.ohio.gov/breastfeeding
- Ohio Breastfeeding Alliance: <http://www.ohiobreastfeedingalliance.org/>

U.S. Department of Labor

- Break Time for Nursing Mothers: <https://www.dol.gov/agencies/whd/nursing-mothers>
- Fact Sheet #73 - Break Time for Nursing Mothers under the FLSA
<https://www.dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers>
- Frequently Asked Questions - Break Time for Nursing Mothers:
<https://www.dol.gov/agencies/whd/nursing-mothers/fag>

U.S. Department of Health and Human Services, HHS Office on Women's Health

- *Supporting Nursing Moms at Work*: <https://www.womenshealth.gov/supporting-nursing-moms-work>
- *Business Case for Breastfeeding*:
<https://www.womenshealth.gov/breastfeeding/breastfeeding-home-work-and-public/breastfeeding-and-going-back-work/business-case>

National Conference of State Legislators

- Breastfeeding State Laws: <https://www.ncsl.org/research/health/breastfeeding-state-laws.aspx>

United States Breastfeeding Committee

- Workplace Support in Federal Law: <http://www.usbreastfeeding.org/workplace-law>

Sample Lactation Support Policy¹

[Name of Company] provides breastfeeding employees with the following:

Reasonable Time to Express Milk at Work

Supervisors/managers will work with employees and Human Resources [if applicable] to arrange reasonable time to express milk while at work for up to a full year [or more, if employer desires to provide more than the minimum required by the FLSA] after the child's birth. This time is available any time the employee needs to express milk. Employees should use usual break and meal periods for expressing milk, when possible. If additional time is needed beyond the provided breaks, employees may use personal leave or may make up the time as negotiated with their supervisors/managers.

Private Area for Milk Expression

Employees will be provided with a private place that is not a bathroom to express milk. The space will be shielded from view and free from intrusion from co-workers and the public. The area may be a space designated exclusively for the purpose of lactation. If this is not practical or possible, the employee will be provided with alternate space (e.g., a vacant office, conference room, employee break area, or other space) as long as it is free from intrusion from other workers while the employee is expressing milk.

The space will:

- Be in close proximity to the employee's workstation, when possible.
- Contain at a minimum a comfortable chair and a small table or other flat surface for the breast pump.
- Have a door with a functional lock to prevent intrusion. If this is not possible, the room will have a sign indicating the space is occupied and not accessible to other employees or the public.
- Be well lit and well ventilated.
- Ensure privacy with any windows covered with a curtain, blind, or other covering.
- Have no video surveillance cameras or, if unavoidable, the cameras will be turned off or covered while the employee is expressing milk.
- Ideally include an electrical outlet for the breast pump and nearby access to running water.

¹ Note: Although a policy is not required by law, it can, nonetheless, be a valuable tool to help a company standardized support and equitable access for all employees. This sample policy can be modified to fit the needs of the company. Keep in mind that the policy must align, at a minimum, with the basic provisions of Section 7 of the FLSA.



Discrimination²

- No employee shall be discriminated against for breastfeeding or expressing milk during the work period.³
- Reasonable efforts will be made to assist employees with lactation needs while at work.
- Any act determined to be intentional that invades a woman's privacy shall be treated as a disciplinary offense and reported to the appropriate manager or Company contact.
- Sexual or other harassment of a woman who expresses milk will not be tolerated.

Employer Responsibilities:

[Name of company or organization] will:

- Maintain the space allocated for the purpose of milk expression.
- Notify employees taking leave for the birth of their child of their rights under this policy. This notice may be provided individually to affected employees or to all employees through general posting, electronic or physical, in a central location.
- Promote an atmosphere of support for breastfeeding employees.
- Educate all supervisors and co-workers about the lactation policy.

Employee Responsibilities:

Breastfeeding employees utilizing lactation support services will:

- Give advance notice to supervisors regarding their need for time and private space to express milk. Ideally, the notice will be given before the birth to enable supervisors to make necessary adjustments. If notice is not given during the prenatal period, the employee will notify the supervisor upon return to work following the child's birth.
- Follow all required Company procedures related to expressing milk in the workplace.
- Maintain the designated area by wiping surfaces with anti-microbial wipes after each use so the area is clean for the next user.
- Ensure the safekeeping of expressed milk stored in any refrigerator on the premises. Breastmilk can be stored in a general company refrigerator, in a refrigerator provided in the lactation room, or in the employee's personal cooler.
- Provide feedback to the supervisor/manager and/or Human Resources regarding maintaining the space and any issues that might arise.

This policy shall be communicated to all current employees and included in new employee orientation.

²Note: the Pregnancy Discrimination Act amended Title VII of the Civil Rights Act of 1964 to prohibit sex discrimination "on the basis of pregnancy, childbirth, or related medical conditions." Lactation is considered a "pregnancy-related condition."

³ Employers should be aware of state law requirements when creating a policy.



Sample Lactation Accommodation Policy Announcement

Company Newsletter Announcement

[*Name of Company*] announces that lactation accommodations are available for breastfeeding employees upon return to work after the birth of a child. The accommodations are part of the Company's health and family-friendly benefit services. A new lactation policy outlines the support services available and can be accessed at [*list how to access*]. Support provides a private space and the ability to use established breaks and meal period for expressing milk during the work period. Milk expression areas are located [*give location(s)*]. The space(s) include(s) several amenities designed for comfortable milk expression, including [*list amenities provided*]. Pregnant and breastfeeding employees who request accommodations should notify their supervisor/manager or the Human Resource Department so accommodations can be made available.

[*Name of Company*] is proud to join thousands of businesses across Ohio and the country that provide lactation support as part of their health benefits. We urge all supervisors/managers and employees to lend support to breastfeeding families as they merge the important priorities of family and work.



Lactation Accommodations Feedback⁴

For Breastfeeding Employees

Thank you for continuing to breastfeed your baby after returning to work, and for participating in the company lactation support program. Please take a few moments to let us know how the program is meeting your needs and suggestions to improve the program. We hope you will continue to inform other pregnant and breastfeeding employees about the lactation support accommodations.

Name (optional) _____

Position/Title (optional) _____

Business Unit or Department _____

How old was your baby when you returned to work?

_____ Months _____ Weeks

How long did you breastfeed or provide expressed milk to your baby?

_____ Months _____ Weeks

How did you learn about the Company's lactation provisions? (Check all that apply)

- Human Resources during family leave meeting
- Supervisor/manager
- Other workers
- New employee orientation/tour
- Company policy manual or website
- Other _____

⁴ Adapted from the HHS *Business Case for Breastfeeding*, available at www.womenshealth.gov.

How valuable were the company’s lactation services to help you meet your infant feeding goals? On a scale of 1 to 5 with 5 being “Extremely Valuable” and 1 being “Did not participate.”

Milk Expression Space	Extremely Valuable 5	Valuable 4	Somewhat Helpful 3	Not Helpful 2	Did not participate 1
Company designated room					
My own office					
Other location (please indicate)					
Breastfed baby at work					

Nursing Breaks	Extremely Valuable 5	Valuable 4	Somewhat Helpful 3	Not Helpful 2	Did not participate 1
Established breaks and meal period					
Additional breaks taken					
Flexibility to make up extra time needed					

Milk Storage	Extremely Valuable 5	Valuable 4	Somewhat Helpful 3	Not Helpful 2	Did not participate 1
General company refrigerator					
Refrigerator in lactation area					
My own cooler bag or ice chest					

Breastfeeding Educational Materials	Extremely Valuable 5	Valuable 4	Somewhat Helpful 3	Not Helpful 2	Did not participate 1
List of local breastfeeding resources					
Breastfeeding Information given by HR					
Other (please explain):					



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Support	Extremely Valuable 5	Valuable 4	Somewhat Helpful 3	Not Helpful 2	Did not participate 1
Support from supervisor/manager					
Support from coworkers					
Support from breastfeeding employees					

What support services did you find MOST helpful to you in meeting your breastfeeding goals?

What challenges made it difficult to reach your breastfeeding goals?

What recommendations should the company consider to further improve the support for other breastfeeding employees?

Other comments: