



Making it

**WORK**

FOR EMPLOYERS



**NEW YORK**  
state department of  
**HEALTH**

New York State  
**WIC**  
Together Growing Stronger Families



## **Making it Work:** For Employers

Accommodating nursing mothers in the workplace can work for **YOUR** business! Learn how!

More than three out of every four women choose to nurse their baby, and many plan to continue once they return to work. Your support will make that possible! The requirements are simple: a clean private area to express milk and a short break every 2 or 3 hours.

## Good for Business!

Providing support for nursing women at work is good for your business! Hundreds of companies across America provide lactation support programs as part of their family friendly benefit platform. They've learned that lactation accommodations at work produce a **3 to 1 return on investment** due to:

- **Lower health care costs due to healthier babies and moms**

*Mutual of Omaha found that their newborn health care costs are **three times less** when employees participate in the lactation program. They save \$2,146 for each employee!<sup>1</sup>*

- **Reduced rate of absenteeism due to infant illness (among both mothers and fathers)**

*A major insurance company, CIGNA, found a 77% reduction in lost work time since babies who receive their mother's milk are healthier. The company saves more than \$60,000 per year in lower absenteeism rates.<sup>2</sup>*

- **Lower turnover rates**

*A 9-company study found that the average return to work rate is 94% when a lactation program is provided.<sup>3</sup>*

- **Improved employee productivity and loyalty**

*Many companies report that their employees are more productive and loyal when they provide women with lactation support such as time and space to express milk at work.*



<sup>1</sup>Mutual of Omaha Mutual of Omaha. (2001). Prenatal and lactation education reduces newborn health care costs. Omaha, NE: Mutual of Omaha.

<sup>2</sup>Dickson V, Hawkes C, Slusser W, Lange L & Cohen R. (2000). The positive impact of a corporate lactation program on breastfeeding initiation and duration rates: help for the working mother. Unpublished manuscript. Presented at the Annual Seminar for Physicians, co-sponsored by the American Academy of Pediatrics, American College of Obstetricians and Gynecologists, and La Leche League International, on July 21, 2000.

<sup>3</sup>Ortiz J, McGilligan K & Kelly P. (2006). Duration of breast milk expression among working mothers enrolled in an employer-sponsored lactation program. Pediatric Nursing. 30(2):111-119

## We Made it Work in New York!

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“ I am not worried that if a mom pumped, she would be less or more productive... giving the mother that option to pump would increase the morale of the employee because then they would feel they have an understanding and caring place of employment.”

- *Retail Business Manager*

“ My office has a section that doubles as a lactation room. Employees are allowed to use hospital grade pumps and all of the accessory equipment. They are also allowed to use our storage... Women come all the time that are employees, inpatient, outpatient, during the day to pump.”

- *Hospital Human Resources Manager*



“ When we were planning the first floor renovation I thought it was important for breast-feeding moms to have a dedicated place to pump breast milk.”

- *Community College Health Office Manager*

“ If managers were able to allow mothers to just pump, you are allowing employees to stay working and not lose them... better than choosing not to work.”

- *Childcare Center Director*



## Accommodating Nursing Mothers at Work is the LAW

The Fair Labor Standards Act (FLSA) was amended in 2010 with the passage of the federal Patient Protection and Affordable Care Act<sup>4</sup>, requiring employers to accommodate nursing women who wish to express milk for their infants during the work period.<sup>5</sup> The law stipulates that employers must provide:

- Reasonable time
- Private space to express milk (that is not a bathroom)

Section 206-c of the New York State Labor Law<sup>6</sup> goes a step further by requiring businesses to provide this support for up to three years following the birth of the child, and to make reasonable effort to provide the private area in close proximity to the employee's work station. In addition, employees may not be discriminated against for choosing to express milk while at work. [www.labor.ny.gov/workerprotection/laborstandards/pdfs/guidelinesexpressionofbreastmilkfinal.pdf](http://www.labor.ny.gov/workerprotection/laborstandards/pdfs/guidelinesexpressionofbreastmilkfinal.pdf)

Compliance is possible in nearly every work setting, and there are many resources to help. For more information about these laws, see Making it Work: Worksite Lactation Accommodation Law at [www.breastfeedingpartners.org](http://www.breastfeedingpartners.org) or visit the website of the U.S. Department of Labor at: [www.dol.gov/whd/nursingmothers](http://www.dol.gov/whd/nursingmothers).

### Simple Steps to Compliance

1. Discuss needs of nursing women in your workplace.
2. Develop a plan to address those needs.
3. Contact community resources for assistance, including the local breastfeeding coalition or public health department.
4. Review your company policies and revise as needed.
5. Identify space and time options that comply with the law.
6. Train supervisors and coworkers on the laws and company policies.
7. Promote your lactation support services



<sup>4</sup>Language of the law detailed at [http://www.dol.gov/whd/nursingmothers/Sec7rFLSA\\_btnm.htm](http://www.dol.gov/whd/nursingmothers/Sec7rFLSA_btnm.htm)

<sup>5</sup>Although the federal law stipulates that accommodations must be provided to employees who are not exempt from Section 7 of the FLSA (i.e., are eligible for overtime), the New York State Labor Law does not include that distinction, and requires employers to accommodate all nursing mothers, regardless of overtime status.

<sup>6</sup>New York State Department of Labor, Division of Labor Standards. [www.labor.ny.gov/workerprotection/laborstandards/pdfs/guidelinesexpressionofbreastmilkfinal.pdf](http://www.labor.ny.gov/workerprotection/laborstandards/pdfs/guidelinesexpressionofbreastmilkfinal.pdf)

## Did You Know?

Thousands of research studies<sup>7,8</sup> show significant health reasons to breastfeed.

### Babies who receive their mother's milk:

- Have a lower risk of cancer and diabetes
- Are less likely to die from Sudden Infant Death Syndrome
- Have fewer ear infections, respiratory infections, stomach issues, and allergies
- Have fewer digestive problems
- Are less likely to be obese

### When your employee breastfeeds, she:

- Reduces her risk of breast and ovarian cancer
- Is less likely to develop diabetes
- Is less likely to develop cardiovascular disease throughout life
- Recovers faster from pregnancy and childbirth
- Has lower stress levels

Studies show the U.S. could save more than \$13 billion in health care costs and save the lives of nearly 1,000 babies if 90% of women nurse their infants exclusively to at least 6 months.<sup>9</sup> The U.S. Surgeon General has issued the *Call to Action to Support Breastfeeding*, urging employers to provide basic lactation accommodations to help women continue to give their milk to their baby after returning to work.<sup>10</sup>

## Basic Needs of Employees

### Support

Nursing mothers at work need information, support, and simple accommodations to reach their infant feeding goals. Providing a little extra break time and space to express their milk is a temporary need. Be sure to inform women about their nursing options prior to their maternity leave. Employers and supervisors set the tone for an environment of support that enables women to feel comfortable and confident using lactation services, so don't forget to train supervisors on how to identify and respond to requests (See "*Checklist for Employers*"). Human resource staff are a valuable resource to help both employees and supervisors find solutions that will work in your situation. Some companies also establish lactation policies to be sure consistent support is provided for all women who need lactation services (See *Sample Worksite Lactation Policy* at [www.breastfeedingpartners.org](http://www.breastfeedingpartners.org)).

### Expressing Milk

Moms make milk continuously. To keep production high, women must either feed the baby directly or remove their milk with a breast pump every 2-3 hours or so. Once the milk is removed, the body replaces the milk. If it is not removed, the amount of milk she makes declines. Many women choose to express their milk when they are at work and cannot be with their baby. The milk can be safely stored in a small refrigerator in or near the lactation room, in an insulated lunch bag, or in a general employee refrigerator.

<sup>7</sup>Agency for Health Care Research and Quality. (2007). Breastfeeding and Infant and Maternal Health Outcomes in Developed Countries. [www.ncbi.nlm.nih.gov/books/NBK38337](http://www.ncbi.nlm.nih.gov/books/NBK38337).

<sup>8</sup>Schulz E, Ray R, Stuebe A, Allison M, Nes R, Freilberg M & Cauley J. (2009). Duration of lactation and risk factors for maternal cardiovascular disease. *Obstetrics and Gynecology*, 113(5): 974-982.

<sup>9</sup>Bartick M & Reinhold A. (2010). The burden of suboptimal breastfeeding in the United States: a pediatric cost analysis. *Pediatrics*, 125:e1028-e1056.

<sup>10</sup>U.S. Surgeon General (2011). Call to Action to Support Breastfeeding. [www.surgeongeneral.gov](http://www.surgeongeneral.gov).

### Time to Express Milk

It takes around 20 minutes for most women to express their milk (not counting the time to get to and from the milk expression area), though some women might require a little longer at first. Most women do this every 2-3 hours or so. (See “Sample Nursing Break Schedules”.) Most women are able to use their regular breaks or meal period and will clock in and out as usual. If extra time is needed, they can discuss options with the supervisor, such as taking it as unpaid time, coming in a little early or later, or taking a shorter meal period.

### Did You Know?

A woman’s nursing needs at work may change from time to time. Right after maternity leave, moms may need to express milk a little more often. When babies begin taking solid foods around 6 months, many moms find they do not need to express milk as often. Babies also go through periods of rapid growth from time to time, requiring mom to add an extra milk expression session at work for a few days to keep up with baby’s demand. At other times, babies will seem to need less. Ongoing dialogue with women will help assure that her needs and the needs of the business are being addressed.



### Private Space

The law requires a private area free from intrusion from co-workers and the public. Privacy can be assured with a lock on a door, or signage that protects her privacy, covering windows as needed, etc. A quiet, private area will also help her relax so milk expression is quicker and more efficient. There are lots of options, including the employee’s own office if it is private, the office of a co-worker or supervisor, a conference room, or other small private area not in use. Many companies create a designated lactation space if they have more than one employee who would benefit from it. The room can be as simple or as elaborate as desired, and a space large enough to accommodate a chair and a flat surface for the pump is all that is needed. Ideally, the room will be located near running water, and will include an electric outlet for plugging in the breast pump and a door that can be secured.

## Checklist for Employers

When an employee requests lactation accommodations, the following checklist can help you plan.

- ❑ Discuss the company's lactation policy for supporting nursing women prior to the employee's maternity leave, if possible, so you can make any arrangements needed while she is away.
- ❑ Praise her! Tell her you will support her decision to breastfeed.
- ❑ Assure that her direct supervisor and other relevant managers are aware of her needs.
- ❑ Review the employee's typical work/break schedule to arrange for milk expression breaks (see "Sample Nursing Break Schedules").
- ❑ Arrange for coverage (such as using "floaters") while she is away from her work station.
- ❑ Identify private space that is not a bathroom (see "Solutions for Non-Office Environments").
- ❑ Seek feedback from the employee and her supervisor.

Studies show the U.S. could save more than \$13 billion in health care costs and save the lives of nearly 1,000 babies if 90% of women nurse their infants exclusively to at least 6 months.<sup>3</sup> The U.S. Surgeon General has issued the Call to Action to Support Breastfeeding, urging employers to provide basic lactation accommodations to help women continue to give their milk to their baby after returning to work.<sup>4</sup>





### Did You Know?

Breaks are predictable and can be planned around; absences due to sick children are much harder to plan for!

## Solutions for Non-Office Environments

Employers of all types and sizes have found many creative solutions for complying with the law. Here are a few examples.

### Retail Stores



- Dressing room converted into a lactation space
- Manager's office
- Converted utility closet
- Partition or privacy screen in an employee lounge or other area
- Small room or area in the back of the store
- Constructing a private area in the corner of the warehouse using cubicle-type partitions or metal shelving and plywood
- Shared space with other stores (ex: a mall or shopping center lactation room that can be shared by several retail stores)
- Planned coverage during nursing breaks while the employee is not on the floor; scheduled breaks planned in advance and use of "floaters" can help

## Restaurants



- Manager's office
- Converted utility closet
- Partition or privacy screen in a corner of the kitchen area
- Asking a caregiver to bring the baby to the employee for feeds during slower "down" times
- Allowing the employee to work "split shifts" by working during the busier lunch and dinner periods and going home between shifts to breastfeed the baby directly
- Planned coverage while employee is taking a nursing break; scheduled breaks planned in advance can help

## Small Businesses



- Manager's office
- Partition or privacy screen
- Small room or area in the back of the business
- Converting a small storage space area into a temporary lactation room
- Shared space with other nearby small businesses
- Asking a caregiver to bring the baby to the work setting for feedings
- Bringing the young baby to work in a sling-type carrier to breastfeed directly

## Did You Know?

New York State Labor Department guidelines state that if a partition is used for a nursing area, it must be at least seven feet (7') high to protect the woman's privacy.

### Agriculture or Construction Site



- Pop-up privacy tent
- Constructing a portable structure for privacy
- Small travel trailer
- Manager's office in a portable building
- Taking scheduled breaks that are planned in advance.

### Manufacturing Plant



- Scheduled breaks that are planned in advance
- Use of "floaters" to cover when nursing breaks are needed
- Private offices of managers, foremen, or other personnel
- Small spaces converted into milk expression areas
- Constructed space using cubicle partitions or metal shelving and plywood

## Health Care Agencies



- Empty patient or exam room(s)
- Closet or storage area that is not always in use
- Office of a supervisor or manager
- Conference or board room
- Converted utility closet

### Did You Know?

Nursing moms appreciate a space that is cozy and comfortable. When they are relaxed, milk expression is more efficient. If you are creating a special designated room for nursing moms, consider painting it a warm color and hanging a bulletin board for moms to post photos of their babies. The New York WIC Program has FREE posters that can also help make the room warm and inviting.

## Hotels



- Empty guest room
- Unused meeting room
- Converted utility closet
- Office of a supervisor or manager

## Emergency Personnel



- Emergency medical technicians: back of an ambulance not in use
- Police officers: private office of another officer, or temporary assignment to desk duty
- Fire fighters: partition that provides privacy, office of the fire chief or other personnel
- Locating lactation rooms in key locations throughout the community
- Emergencies are always priority; nursing breaks can be taken during “down” time

## Schools



- Coverage provided by the principal, assistant principal, guidance counselor, teacher aids, or other personnel
- Small closet converted for dedicated lactation space
- Private space in the school nurse clinic, guidance counselor’s office, principal’s office, rooms used by speech therapist or other staff, or another small space

### Special Tip to Try:

Look for a “funny little space” in your work area. This might be an odd-shaped area that is not used much, but could easily be sectioned off with a partition or wall to accommodate a nursing mother needing privacy.

## Gaining Co-Worker Buy-In

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Managers and supervisors set a positive tone for support by educating employees about the policies of the company and ways they will be supported, and communicating those policies to other workers during new staff orientation or if questions arise. Supervisors should respect the privacy of women who may not want the entire workplace to know about her nursing needs, while assuring that they receive the support they need. Coworkers who have questions about the lactation policy can be reminded about the benefits of lactation support, including lower health care costs, absenteeism rates, and turnover rates that benefit everyone in the workplace. Lactation accommodations also help reinforce the company's sensitivity to family needs of workers. This helps create a culture of teamwork and mutual support that builds productivity and loyalty among all workers.

## Frequently Asked Questions

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**Are we required to provide a *designated* lactation room?** No. The law does not require companies to construct or develop a designated lactation room, though companies with several breastfeeding employees may find this is helpful. Some companies establish a temporary lactation room that can be used for other purposes when it is not needed for lactating mothers.

**Must time taken to express milk be paid?** No. The law does not require a company to pay their employees break time for expressing milk, though some employers feel it is easier to do so than keeping track of time taken. If your company provides standard breaks for other employees and the woman chooses to use that time to express milk, she must be compensated in the same way other employees are when they take breaks.

**What if she needs more time than is provided by the break?** If more time is needed than the usual breaks provide, employers can discuss options such as unpaid leave, allowing the employee to take a shorter lunch break to make up the difference, or asking the employee to come in earlier or leave later to make up the time.

**How much does a lactation room cost?** If the business chooses to create a designated room for lactation, costs will vary, depending on the company and the amenities chosen. If walls must be constructed or painted, costs will be higher. Basic requirements are a way to secure privacy (such as a lock or key pad), a chair to sit on, and a shelf or other flat surface for the pump. Additional expenses to make the rooms more relaxing and comfortable could include providing a breast pump for employees, wiring it for electricity, including a small refrigerator for storing milk, wall art, soft lighting, a telephone, a bulletin board for posting pictures of babies, or other decorations.

**Can more than one woman share the lactation room?** Many companies provide multiple-use rooms to allow more than one woman to express milk. Under the federal law, nursing mothers are entitled to privacy from "coworkers and the public" and therefore cannot be forced to express milk in the presence of other nursing mothers. Many businesses create nursing "stations" within a larger room with privacy partitions.

**What is the liability risk?** Risks are quite low. OSHA considers human milk to be food, not a biohazard, so human milk can be safely stored in the employee refrigerator. Potential liability from using breast pump equipment (if provided by the company) is easily addressed by asking women to sign a release of responsibility to the company. If the business allows a caregiver to bring the baby to the mother during breaks for feedings, employees can sign a similar release of responsibility (see example at [www.babiesatwork.org](http://www.babiesatwork.org)).



## Helpful Resources

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- *Making it Work: Worksite Accommodation Law* ([www.breastfeedingpartners.org](http://www.breastfeedingpartners.org))  
Basic tenets of the U.S. Patient Protection and Affordable Care Act, Section 4207, which amends the Fair Labor Standards Act, and key components of the New York State Labor Law. Published by the New York State Department of Health at [www.health.ny.gov/community/pregnancy/breastfeeding](http://www.health.ny.gov/community/pregnancy/breastfeeding)
- *Guidelines from the New York State Department of Labor*  
[www.labor.ny.gov/workerprotection/laborstandards/pdfs/guidelinesexpressionofbreastmilkfinal.pdf](http://www.labor.ny.gov/workerprotection/laborstandards/pdfs/guidelinesexpressionofbreastmilkfinal.pdf)
- *The Business Case for Breastfeeding.*  
[www.womenshealth.gov/breastfeeding/government-in-action/business-case-for-breastfeeding](http://www.womenshealth.gov/breastfeeding/government-in-action/business-case-for-breastfeeding)  
(download) or [www.ask.hrsa.gov](http://www.ask.hrsa.gov) (to order)  
Free resources with bottom-line benefits for employers establishing comprehensive lactation support programs, easy steps for implementing, options for space, time, education, and support, reproducible templates that can be tailored to the business, and employee educational materials. Published by the U.S. Department of Health and Human Services Maternal and Child Health Bureau.
- New York State Department of Health: [www.health.ny.gov/community/pregnancy/breastfeeding](http://www.health.ny.gov/community/pregnancy/breastfeeding)  
[www.health.ny.gov/prevention/nutrition/wic/breastfeeding](http://www.health.ny.gov/prevention/nutrition/wic/breastfeeding)  
Free resources and information from the Women, Infants and Children (WIC) program for employers, families, and health care providers.
- New York State WIC Program Breastfeeding Partners: [www.breastfeedingpartners.org](http://www.breastfeedingpartners.org)  
Website with breastfeeding information and resources for mothers and their families. Published by the New York State WIC Training Center in partnership with the New York WIC Program.
- New York Statewide Breastfeeding Coalition: [www.nysbreastfeeding.org/index.html](http://www.nysbreastfeeding.org/index.html)  
Links to resources and national and state laws, as well as a listing of local coalitions across the state with experts who can assist businesses with setting up a lactation support program.
- United States Breastfeeding Committee: [www.usbreastfeeding.org](http://www.usbreastfeeding.org)  
Links to numerous national resources and a listing of state breastfeeding coalitions.
- International Lactation Consultant Association: [www.ilca.org](http://www.ilca.org)  
“Worksite Lactation Support Directory” lists lactation consultants available to assist businesses with an employee lactation support program.
- United States Surgeon General: [www.surgeongeneral.gov](http://www.surgeongeneral.gov).  
“Surgeon General’s Call to Action to Support Breastfeeding” and “National Prevention Strategy.”



## **Making it Work: For Employers**

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