

Making it

WORK

OTHER MATERIALS





Making it Work: Other
Materials

Letter: From Health Officer or WIC Director

Dear *[name of state or city]* Employer,

I am inviting all *[name of state or city]* employers to participate in an important worksite initiative that can be a win-win for both your company and your employees: establishing a worksite lactation support program as part of your company's health benefit program.

Supporting breastfeeding employees is the law.

The U.S. Fair Labor Standards Act (FLSA), amended in March 2010, and Section 206-c of the New York State Labor Law both require employers to provide:

- Reasonable time for employee to express milk during the work period
- Private space that is not a bathroom that is free from intrusion by co-workers and the public

New York law requires that these provisions be accommodated for up to three years after the birth of the child.

Supporting breastfeeding employees is good for business.

Employers who provide a supportive environment to help women continue breastfeeding after childbirth enjoy many proven benefits that directly affect your bottom line. These include:

- Lower healthcare costs
- Lower turnover rates
- Lower absenteeism rates
- Higher employee productivity and morale
- Positive public relations in the community as a "family-friendly" business

Supporting breastfeeding is good for employees and their families.

When an employee returns from maternity leave, she wants to be a productive and profitable employee *and* a good mother. The American Academy of Pediatrics recommends that babies be fed exclusively human milk for the first six months, and continue breastfeeding for at least a year or more. Breastfed babies are healthier, and have fewer infections and illnesses. Mothers who breastfeed also experience significant health benefits, including lower risk of breast cancer. It's no wonder that three out of four new mothers today choose to breastfeed.

Providing a lactation support program involves little investment of time and resources

Because the needs of breastfeeding employees are simple, a lactation support program can be implemented inexpensively.

We invite your company to join the hundreds of breastfeeding-friendly companies across the U.S. that have implemented lactation support programs and experienced bottom-line benefits.

I encourage you to institute breastfeeding-friendly policies in your workplace, and to seek ways to provide verbal and practical support. It's a business investment that will provide a return for your company, and multiply for years to come in better health for children throughout New York!

Sincerely

[Name of Health Commissioner, WIC Director, or other official]

[Adapted from the HHS Maternal and Child Health Bureau "Business Case for Breastfeeding" Resource kit.]

Sample letter: From WIC Staff to Send to Employers

Dear Employer:

I am writing on behalf of _____ *[Mother's Name]*. She will soon be returning to work at your facility, and has been strongly advised by her physician to continue providing breast milk to her baby after she returns to work. She wishes to use a breast pump to express her milk every 2-3 hours or so, using her usual breaks.

Because of the profound impact breastfeeding has in improving the health of both infants and mothers, supporting mothers to express their milk while at work is now required by law. The U.S. Fair Labor Standards Act (FLSA), amended in March 2010, as well as Section 206-c of the New York State Labor Law, require employers to provide reasonable time and a private space that is not a bathroom for breastfeeding employees to express milk during the work period. Most mothers use a breast pump to express their milk efficiently. These provisions are simple and have two basic components:

- **Reasonable time** to express milk at work (usually every 2-3 hours or so). This time can be unpaid. If the employee is taking breaks already provided by the company, then her breaks would be compensated in the same way they are for other employees.
- **A private space** that is not a bathroom where she can express milk in privacy, without intrusion from co-workers or the public

Even in non-office settings, these provisions can be accommodated. For instance, a manager's office, a small storage area or corner of a room, temporary partitions, a dressing room, or even a pop-up tent can provide the needed privacy.

We encourage you to alert your supervisors and co-workers about these important laws, and to explore creative options for compliance. There are many people who can help you, including the local WIC office, the local breastfeeding coalition, and lactation consultants in the community. We also encourage you to take a look at these helpful online resources: New York's Making it Work Toolkit, available at www.breastfeedingpartners.org and the national Business Case for Breastfeeding, published by the HHS Maternal and Child Health Bureau.

If you have any questions, we are happy to help you. Please contact us at:

Sincerely,

Letter: For Physician to Sign

Dear Employer:

I am writing on behalf of _____ [Mother's name] and _____ [Baby's name].

This mother will soon be returning to work at your facility. I have strongly advised her to continue providing breast milk to her baby after she returns to work. She wishes to use a breast pump to express her milk every 2 or 3 hours during her usual breaks so it can be provided to her childcare provider to feed the baby.

The American Academy of Pediatrics recommends that mothers give their babies nothing but breast milk for the first six months of life, and continue giving breast milk for at least one year or longer. The evidence overwhelmingly shows that the powerful boost to an infant's immune system through breastfeeding helps lower the baby's risk of many common childhood infections and diseases, as well as more serious issues such as cancer, diabetes, and Sudden Infant Death Syndrome. Research also shows that the longer a woman breastfeeds, the more she reduces her risk of diseases such as breast cancer and diabetes. Supporting breastfeeding employees also gives you bottom-line benefits, including less absenteeism and lower health care costs due to healthier babies, and more productive employees.

Breastfeeding support at work is now required by law. Both the Fair Labor Standards Act (FLSA), amended in March 2010, and Section 206c of the New York State Labor Law require employers to provide reasonable time and a private space that is not a bathroom for breastfeeding employees to express milk during the work period. There are several key ways you can comply with the law and help her reach her breastfeeding goals:

- Allow her reasonable time to express milk at work.
- Provide a safe, clean area where she can express milk in privacy, without intrusion from coworkers or the public.
- Encourage supervisors and co-workers to become familiar with the law.
- Assure her you will support her decision to continue breastfeeding.

If you have any questions, there are numerous local resources with information on supporting breastfeeding employees. To learn more about the national law, visit the website of the U.S. Department of Labor at www.dol.gov/whd/nursingmothers. Information about the New York law is available at: www.labor.ny.gov/workerprotection/laborstandards/pdfs/guidelinesexpressionofbreastmilkfinal.pdf

Sincerely,

[Adapted from the HHS Maternal and Child Health Bureau "Business Case for Breastfeeding" Resource kit.]

Sample Worksite Lactation Policy

[Name of company] acknowledges the worksite accommodation law in the U.S. Patient Protection and Affordable Care Act enacted in March 2010, which amends the Fair Labor Standards Act (FLSA), and Section 206-c of the New York State Labor Law, and therefore provides breastfeeding employees the following lactation accommodations:

Lactation Accommodation Provisions

■ Reasonable Time to Express Milk at Work

Employees shall be provided reasonable time to express milk while at work for up to three years following the child's birth each time the employee has need 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.

■ A Private Area for Milk Expression

Employees will be provided with a private place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, to express breast milk. The room can be a designated space for lactation. If this is not practical or possible, a vacant office, conference room, or other small area can be used so long as it is not accessible or visible to the public or other employees while the nursing employee is using the room to express milk. The room will:

- Be in close proximity to the employee's work station when possible
- Have a door equipped with a functional lock or, if this is not possible, the room will have a sign advising that the room or location is in use and not accessible to other employees or the public
- Be well lit
- Ensure privacy by covering any windows with a curtain, blind, or other covering
- Contain at a minimum a chair and a small table, counter, or other flat surface
- Ideally include an electrical outlet and nearby access to clean water

No employee shall be discriminated against for breastfeeding or expressing milk during the work period, and reasonable efforts will be made to assist employees in meeting their infant feeding goals while at work.

This policy shall be communicated to all current employees and included in new employee orientation training. Any act found to be intentional that invades a nursing mother's privacy shall be treated as a disciplinary offense and reported to the appropriate manager.

Employer Responsibilities

[Name of company] will:

- Maintain the cleanliness of the room or location set aside for the use of employees expressing breast milk at work.
- Notify employees returning to work following the birth of a child of their rights under New York State Labor Law 206-c and the national worksite lactation accommodation law in the U.S. Patient Affordable Care Act. This notice may either be provided individually to affected employees or to all employees generally through posting in a central location.

Employee Responsibilities

Breastfeeding employees utilizing lactation support services will:

- Give supervisors advance notice of the need for lactation accommodations, preferably prior to their return to work following the birth of the child. This will allow supervisors the opportunity to establish a location and work out scheduling issues.
- Maintain the designated area by wiping the pump (if provided) and surfaces with microbial wipes so the area is clean for the next user.
- Insure the safekeeping of expressed breast milk stored in any refrigerator on the premises. Breast milk can be stored in a general company refrigerator, in a refrigerator provided in the lactation room, or in the employee's personal cooler.





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New York State prohibits discrimination based on creed, marital status and sexual orientation. Persons who believe they have been discriminated against based on the New York State Human Rights Law should call the Growing Up Healthy Hotline at 1-800-522-5006, or write to the WIC Program Director, NYSDOH, Riverview Center, 6th Floor West, Room 650, 150 Broadway, Albany NY 12204.

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