

Creating Lactation-Friendly Workplaces for WIC Families

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Learning Objectives:

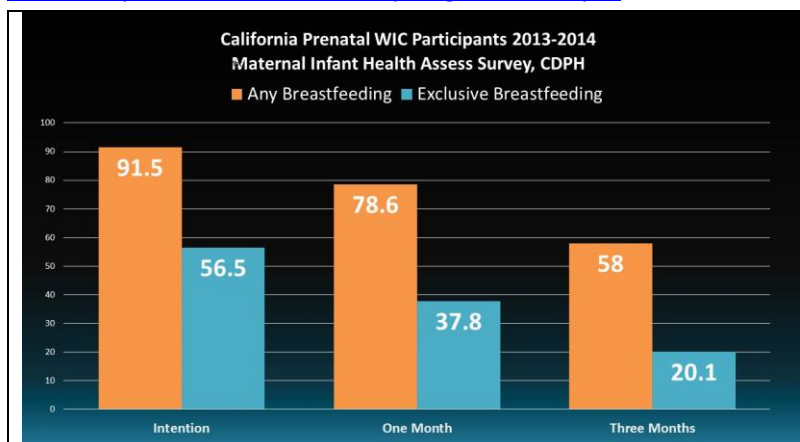
1. Discuss the status of workplace breastfeeding support in California
2. Explain the Federal Break Time for Nursing Mothers Law
3. List solutions to overcome barriers to accessing workplace breastfeeding support
4. Explain to how to file a complaint for lactation accommodation violations
5. Locate resources for workplace breastfeeding support

Profile of Working Women

- Today nearly 60% of women are in the workforce in the United States, and similar figures are seen in many developed countries across the world.
- Women with children are the fastest growing segment of the work force. Today in the U.S., 71.4% of women with children are in the work force, and 56% of women with infants under the age of 1 are in the workforce. (DOL, Bureau of Labor Statistics)

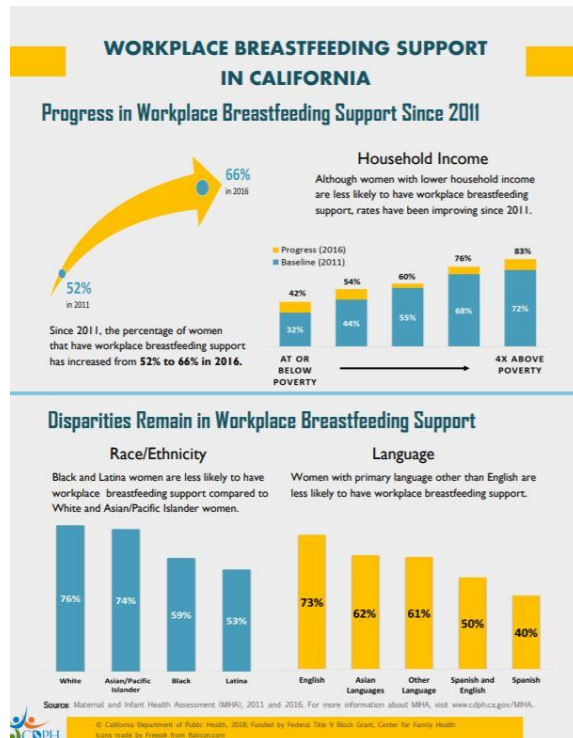
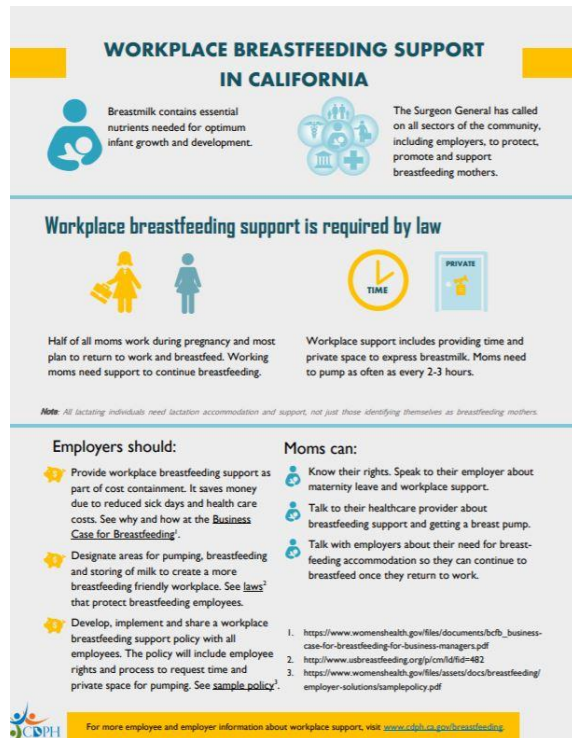
Breastfeeding Data Among WIC Participants - Maternal Infant Health Assessment Survey 2013-2014

<https://www.cdph.ca.gov/Programs/CFH/DMCAH/MIHA/CDPH%20Document%20Library/MIHA-AnnualReport-2013-2014-County-Regional-WIC.pdf>



Workplace Breastfeeding Support in California Infographic

<https://www.cdph.ca.gov/Programs/CFH/DMCAH/CDPH%20Document%20Library/BFP/BFP-WorkplaceBreastfeedingSupportingCalifornia.pdf>



Barriers of Low-Wage Earners

For women working in low-wage jobs, additional challenges can make breastfeeding difficult, including:

- Maternity leave – women in low-wage jobs are less likely to take a sufficient maternity leave, which is crucial for establishing breastfeeding; they are less likely to meet the qualifications for FMLA and are often unable to afford leave without pay anyway.
- Job settings that are not conducive to milk expression or breastfeeding
- Lack of job autonomy and flexibility
- Erratic work schedules
- Lack of job security; perception that women are replaceable (therefore leading to hesitancy bringing up breastfeeding needs with supervisors)
- Lack of support from family members who may be caring for the child
- Hesitancy talking with a make supervisor about her needs
- Lack of awareness of federal and state laws that protect their breastfeeding rights in the workplace

Federal and State Laws

- National legislation in the United States under the Affordable Care Act now requires employers to provide hourly workers with reasonable time and private space that is not a bathroom to express milk during the work period. <https://www.dol.gov/whd/nursingmothers/>
- The State of California also has provisions requiring employers to accommodate women with both reasonable break time and the use of a room or other location for expressing milk that is not a toilet, is private, and is in close proximity to the employee's work area. Employers that do not comply could be subject to a civil penalty of one hundred dollars (\$100) for each violation by the Labor Commissioner.
http://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=LAB&division=2.&title=&part=3.&chapter=3.8.&article=

Workplace Lactation Policy

- Policies help ensure access to consistent support for all employees.
https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/NEOPB/CDPH%20Document%20Library/PP_PDS_9StepGuide_ADA.pdf

Workplace Lactation Accommodation **Step 7**

Provide and maintain effective lactation accommodation for all employees within the organization.

Guideline 7A

Develop an organizational policy that complies with state and federal law and outlines lactation support practices for employees and their supervisors, including the following components:

1. Purpose/Policy: Start with an affirmative statement that demonstrates support for breastfeeding women in your workplace.
2. Training: Specify how managers and supervisors will be trained to ensure implementation of the policy.
3. Communication: Communicate policies that describe employee rights prior to and upon returning from maternity leave and the process to request reasonable lactation accommodation.
4. Break time: Explain how lactation break time is scheduled and how additional lactation time will be accommodated.
5. Reasonable Space/Location: Define the space options and designated locations for lactation that are private and free from intrusion.
6. Equipment: Explain the process to acquire a breast pump (company provided and/or reimbursed by health insurance) and to safely store breastmilk.
7. Education: Describe how pregnant and postpartum women will be offered breastfeeding education, information and access to lactation consultants to be successful in their return to employment while breastfeeding. Include information about successful pumping tips, sample pumping schedule, breastmilk storage and talking with the childcare provider about breastmilk.
8. Atmosphere of Support: Ensure that breastfeeding does not constitute a source of discrimination or harassment in employment or in access to employment and ensure that procedures for reporting such actions are provided.

Desired Outcomes:

- ☐ The organization's lactation accommodation policy will comply with all elements described in Guideline 7A.



Source: California Breastfeeding Coalition

Helping WIC Families Achieve Work Life Balance

- Support for mothers begins by helping her identify her goals and then providing information and support to help her reach her family's goals.
- For low-wage mothers these needs are often magnified.
- Mother's need:
 - A supportive work environment
 - Adequate maternity leave
 - Flexible return to work options
 - Direct access to the baby
 - Private time and space to express milk
 - Access to professional support
 - Support from managers and coworkers
 - Support from family (partner and female relatives are especially critical)

Supporting WIC Families with Breastfeeding

- Emotional considerations – role conflict, competing demands, fatigue, stress, guilt
- Family Support – partner, family caregivers
- Beginning the conversation with supervisors
 - Begin during pregnancy
 - Focus on her needs
 - Share information
 - Document the request for assistance
 - “Lactation and Work Plan” (New York DOH, available at www.breastfeedingpartners.org or in the presentation platform, Supporting Nursing Moms at Work: Employer Solutions, available at www.usbreastfeeding.org/SNMW-platform)
- Dealing with co-workers
 - “Breaks are predictable; absences are not!”
 - Establishing a sense of teamwork

Creating Space Solutions for expressing milk at work

- Retail – dressing rooms, manager's office, break rooms
- Restaurant – manager's office, shared space
- Hotel – vacant guest rooms, conference/hospitality rooms
- Manufacturing – converted office space, storage areas, creating new spaces
- Agriculture – pop-up tents, portable lactation stations
- Schools – nurses office, teacher resource room, office space of teacher or guidance counselor

Breastfeeding Resources for Supporting WIC Families

- Federals Employment Laws: Break Time for Nursing Mothers
<https://www.dol.gov/whd/nursingmothers/>
For more information, Contact:
U.S. Department of Labor, Wage & Hour Division
1-866-4-USWAGE (1-866-487-9243)
 - Jennifer Kihnley, Regional Enforcement Coordinator, Kihnley.Jennifer@dol.gov, Direct: 415-241-3570, 90 7th Street, #4-390, San Francisco, CA 94103-6714
 - Rosanna Santana, Community Outreach, Santana.Rosanna@dol.gov, Direct: 619-798-3517, 550 West C Street, San Diego, CA 92101

- California Breastfeeding Coalition webpage with information about pumping in the Workplace and School Rights <http://californiabreastfeeding.org/breastfeedingrights/breastfeeding-at-work/>

- Legal Aid at Work
 - Know Your Rights Videos on the bottom of the front page along with Fact Sheets and Resources <http://legallaidatwork.org/our-programs/work-and-family-program/>
 - Rights for Breastfeeding Mothers: Lactation Accommodation and Discrimination <https://legallaidatwork.org/wp-content/uploads/2018/12/Lactation-in-the-Workplace-Factsheet-June-2018-00543688.pdf>
 - Work and Family Helpline: 800-880-8047

- Pregnant at Work <https://www.pregnantatwork.org/>

- Work Well NC, Making It Work Toolkit resource to help breastfeeding mothers return to work. It is designed to provide assistance to breastfeeding mothers, their employers and their families. <https://workwellnc.com/NCMakingItWork.php>

- The HHS Office of Women’s Health “Supporting Nursing Moms at Work” <https://www.womenshealth.gov/supporting-nursing-moms-work>

- United States Breastfeeding Committee –Online Guide: *What you need to know about the “Break Time for Nursing Mothers” Law* at <http://www.usbreastfeeding.org/p/cm/ld/fid=200>

- Guide to the Rights of Breastfeeding Employees in California <http://californiabreastfeeding.org/wp-content/uploads/2017/07/California-Analysis-FINAL.pdf>

- Babies at Work <https://www.babiesatwork.org/>