

Establishing a Lactation Room at the University of Kentucky

Laws related to breastfeeding at work

- **U.S. Department of Labor**
The U.S. Department of Labor’s Wage and Hour Division is responsible for enforcing the Fair Labor Standards Act and provides compliance assistance on federal requirements under the law. This includes the full language of the law and all provisions and information on how to comply. For more information, visit the [Department of Labor website](#) or call 1-866-4-USWAGE (1-866-487-9243).
- **United States Breastfeeding Committee**
The [United States Breastfeeding Committee](#) has detailed information on options and resources for compliance with the law.
- **HealthCare.gov**
Most insurance companies are required to cover [breastfeeding support, counseling, and equipment](#) for the duration of breastfeeding. This includes covering the cost of a breast pump and help or counseling from a health care professional about breastfeeding.
- **Breastfeeding laws by state** [Breastfeeding State Laws \(ncsl.org\)](#)
- Congress passed the [Fairness for Breastfeeding Mothers Act of 2019](#) in July 2019. The law requires certain public buildings to provide a shielded, hygienic space other than a bathroom, that contains a chair, working surface and an electrical outlet for use by members of the public to express milk.

How many lactation spaces does our business need to provide for nursing employees?

The number of lactation spaces needed depends on many factors. For example, companies will want to consider how many women of reproductive age (usually 18 to 50 years of age) are employed, the number and size of buildings, and the employees’ work schedules and job settings. A general guideline is to **provide at least one permanent milk expression space for every 50 to 100 women employed by the company** and to adjust as the employee needs increase.

Some businesses find that multi-user milk expression rooms are efficient, because they allow more than one woman to express milk at the same time. Multi-user spaces can be designed to accommodate two or more nursing employees, depending on the need. Privacy for individual users should be included as part of the plans. Learn more about [multi-user rooms](#).

The National Institutes of Health (NIH) compiled a formula for identifying the number of spaces needed. NIH estimates that at least six milk expression stations should be provided for every 1,000 female employees. This number is based on a pregnancy rate of 5% to 7% among the female population, a breastfeeding initiation rate of 75%, and an assumption that most nursing women’s milk expression periods cluster around a similar period from 10 a.m. to 3 p.m. during a standard workday.

The chart below is based on NIH’s general guide:

Milk Expression Spaces	
Number of Female Employees	Suggested Number of Stations Needed
Fewer than 100	1
Approximately 250	2
Approximately 500	3
Approximately 750	4

Milk Expression Spaces	
Number of Female Employees	Suggested Number of Stations Needed
Approximately 1,000	6
For every additional 1,000 employees	6 additional stations

Space Requirements

Regardless of the type of space an employer chooses to provide, it must meet certain requirements set forth by the U.S. Department of Labor’s Break Time for Nursing Mother’s Provision:

“An employer shall provide a reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child’s birth each time such employee has a need to express the milk; and a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.”

- [Break Time for Nursing Mothers](#), U.S. Department of Labor
- [Frequently Asked Questions – Break Time for Nursing Mothers](#), U.S. Department of Labor

[Fact Sheet on Break Time for Nursing Mothers under the FLSA](#), U.S. Department of Labor

A bathroom, even if private, is not a permissible location under the Act. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing employee’s use, **it must be available when needed in order to meet the statutory requirement.** A space temporarily created or converted into a space for expressing milk or made available when needed by the nursing employee is sufficient provided that the space is shielded from view, and free from any intrusion from co-workers and the public.

Why Do Employers Care [BF entire toolkit FINAL.pdf \(uri.edu\)](#)

Workplace breastfeeding programs may help to mitigate health care costs, lost productivity and absenteeism by

- Reducing the risk of some short- and long-term health issues for women and children;
- Decreasing employee absences associated with caring for a sick child;
- Promoting an earlier return from maternity leave; and
- Increasing retention of female employees.
 - Lower health care costs
 - Lower Absenteeism
 - Keeping valuable employees
 - Positive public relations
 - Employment legislation

Roles and responsibilities [What employers need to know | Office on Women's Health \(womenshealth.gov\)](#)

- **Companies and businesses** can educate supervisors, managers, and employees about the benefits of and legal requirements for supporting nursing employees.
- **Supervisors** can assume responsibility for informing all pregnant employees about their options for expressing milk before maternity leave and for working out scheduling and space for individual employees as needed.

- **Employees** can assume responsibility for notifying supervisors as soon as possible of their needs, keeping the milk expression space clean, and storing the milk safely. It is the employee's responsibility to identify a lactation space that will work for them.
- **Coworkers** can support lactating employees by filling in during pumping breaks, knowing that breastfeeding employees need to pump about every 2-3 hours, understanding that employees who need a break to pump are not trying to avoid their work duties, and being supportive of the flexibility that is needed to balance pumping with work. Coworkers can also be assured that breastfed babies are healthier, which means that an employee who breastfeeds is less likely to miss work to care for a sick baby.

What Employers Need to Know [What employers need to know | Office on Women's Health \(womenshealth.gov\)](#)

- Minimal space required
 - Needs to fit a chair, table/shelf surface, and a small dorm-size refrigerator at minimum; hospital grade-pump space ideal
- Cannot be a bathroom or closet (unless a large closet is converted into a new space)
- Must be able to be locked (or otherwise secured) from the inside of the space
- Must have at least one electrical outlet
- Plumbing
 - Sink with running hot/cold water does not have to be IN the room, though preferred, so consider a space that is near a restroom or kitchenette
- Adequate lighting
- Temperature regulation/air circulation
- Trashcan(s)
- If a partition is used to separate lactation areas within one space, it needs to be at least 7 feet high to protect the woman's privacy.
- Not required, but additional considerations:
 - Cleaning supplies
 - Signage with instructions for maintaining the lactation space
 - Keypad or card swipe for room access
 - Sign-up process to monitor room usage and availability
 - Single or multi-station room
 - If multi-station, hospital curtains are an acceptable and preferred option for privacy between stations
 - If single-station, signage for outside the door indicating the room is in use
 - Options for storage of accessory kits and parts (wall mounted cabinets, etc.)
 - Sound machines to help increase calm and relaxation to help stimulate milk production and to disguise the sounds of the pump and alleviate any stress, embarrassment, or discomfort experienced by the employee
 - Full length mirror
 - Coat hooks/rack for employees to hang their belongings while using the space
 - Framed photos or posters. Examples include, nature scenes, babies, families to name a few
 - Bulletin board for information, announcements, and photo sharing of milk beneficiaries
- Cost is usually a 1-time expenditure with a big return on investment

Examples of a permanent, dedicated space for breastfeeding employees include: [Location for breaks | Office on Women's Health \(womenshealth.gov\)](#)

Checklist for employers when employees request lactation accommodations

[BreastfeedingToolkit_Employers-Screen.pdf \(workwellnc.com\)](#)

- 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 the employee is away.
- Tell the employee you will support their decision to breastfeed.
- Assure that the direct supervisor and other relevant managers are aware of their needs.
- Review the employee's typical work/break schedule to arrange for milk expression breaks.
- Arrange for coverage if needed (such as using "floaters") while employee is away from their workstation.
- Identify private space that is not a bathroom.
- Seek feedback from the employee and their 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. The U.S. Surgeon General issued the Call to Action to Support Breastfeeding, urging employers to provide basic lactation accommodations to help employees continue to give their milk to their baby after returning to work.

Gaining Co-worker buy-in [BreastfeedingToolkit_Employers-Screen.pdf \(workwellnc.com\)](#)

- Managers and supervisors set a positive tone by educating employees about the breastfeeding-friendly policies of the company and ways they will be supportive and communicate 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.
 - Co-workers 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
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