

# **Making It Work**

## Advocating for Breastfeeding Accommodations





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North Carolina's Making It Work tools, adapted with permission from the New York State Department of Health, provide essential information for employers, mothers, their families, and community advocates to support breastfeeding.

## Sample Letter to Employers Advocating for a Worksite Lactation Support Initiative

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Dear Employer,

I am inviting all [County/City/Town] 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, requires employers to provide nonexempt (hourly) employees with the following:

- Reasonable break time for an 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\*

### 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 in addition to providing for her baby. The American Academy of Pediatrics recommends that babies be fed human milk exclusively 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 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 North Carolina. For more information, visit the Making It Work Tool Kit at [ncbfc.org/making-it-work](http://ncbfc.org/making-it-work). If your workplace already has breastfeeding-friendly policies, or you choose to implement them, you may qualify for North Carolina Breastfeeding Coalition's Breastfeeding-Friendly Employer Award. For more information, visit [ncbfc.org/business-case-for-breastfeeding-1](http://ncbfc.org/business-case-for-breastfeeding-1).

Sincerely,

[Name, Title]

\*Businesses employing fewer than 50 people may file for an undue hardship exemption.

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

## Sample Letter from Peer Counselor, Lay Leader, Community Health Worker, etc. about Supporting Employee

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Dear Employer:

I am writing on behalf of \_\_\_\_\_ [Mother's Name] as her \_\_\_\_\_ [fill in the blank: peer counselor, lay leader, community health worker, etc.]. 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.

Many workplaces, including yours, may already be breastfeeding-friendly and also complying with federal law. If so, then hopefully some of the suggestions and info below will reinforce what will be needed for \_\_\_\_\_ [Mother's Name]. If not, then I hope this information highlights the need to provide breastfeeding support not only for this employee but for others as well.

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, requires employers to provide reasonable time and a private space that is not a bathroom for nonexempt (hourly), 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. This time can be unpaid. If the employee is taking breaks already provided by the company, 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.

Typically, a mom would express milk around the time her baby normally feeds, generally every 2–3 hours. \_\_\_\_\_ [Mother's Name] will coordinate with her supervisor when break times will be needed for expressing milk.

I encourage you to alert your supervisors and co-workers about these important laws and to explore creative options for compliance. There are many people, including those at the local health department, local breastfeeding coalition, and lactation consultants in the community, who can help you.

The Business Case for Breastfeeding, published by the U.S. Department of Health and Human Services, details the bottom-line benefits of supporting breastfeeding in the workplace and is available at [womenshealth.gov/breastfeeding/breastfeeding-home-work-and-public/breastfeeding-and-going-back-work/business-case](http://womenshealth.gov/breastfeeding/breastfeeding-home-work-and-public/breastfeeding-and-going-back-work/business-case).

I also encourage you to explore North Carolina's breastfeeding and employment tool kit series, Making It Work, found at [ncbfc.org/making-it-work](http://ncbfc.org/making-it-work).

If you have any questions, I am happy to help you. Please contact me at \_\_\_\_\_.

Sincerely,

[Name, Title]

\*Businesses employing fewer than 50 people may file for an undue hardship exemption.

## Sample Letter from Doctor about Supporting Employee

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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 human milk to her baby after she returns to work. She wishes to use a breast pump to express her milk so it can be provided to her child care provider to feed the baby. Typically, time to express milk is needed around the time her baby normally feeds, generally every 2–3 hours.

The American Academy of Pediatrics recommends that, for optimal nutrition, mothers give their babies only human milk for the first six months of life and continue giving human milk for at least one year or longer. The evidence overwhelmingly shows that the powerful boost to a child's immune system through breastfeeding helps lower their 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.

Many workplaces, including yours, may already be breastfeeding-friendly and also complying with federal law. If so, then hopefully some of the suggestions and info below will reinforce what will be needed for \_\_\_\_\_ *[Mother's Name]*. If not, then I hope this information highlights the need to provide breastfeeding support not only for this employee but for others as well.

Breastfeeding support at work is required by law. The Fair Labor Standards Act (FLSA), amended in March 2010, requires employers to provide reasonable time and a private space that is not a bathroom for nonexempt (hourly), 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 co-workers or the public, that is not a bathroom.
- 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 [dol.gov/whd/nursingmothers](http://dol.gov/whd/nursingmothers). I also encourage you to explore North Carolina's breastfeeding and employment tool kit series, Making It Work, found at [ncbfc.org/making-it-work](http://ncbfc.org/making-it-work).

Sincerely,

*[Name, Title]*

\*Businesses employing fewer than 50 people may file for an undue hardship exemption.

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

## Sample Worksite Lactation Policy

[Company Name] 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 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 one year 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, blinds, 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



SOURCE: UNITED STATES BREASTFEEDING COMMITTEE



SOURCE: UNITED STATES BREASTFEEDING COMMITTEE

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

[Company Name] 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 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.
- Ensure 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.

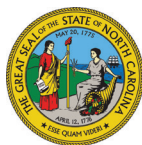


To learn more about what employers are required to provide breastfeeding mothers, visit [womenshealth.gov/supporting-nursing-moms-work/what-law-says-about-breastfeeding-and-work/what-employers-need-know#10](https://www.womenshealth.gov/supporting-nursing-moms-work/what-law-says-about-breastfeeding-and-work/what-employers-need-know#10)



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[ncbfc.org/making-it-work](http://ncbfc.org/making-it-work)



**NC DEPARTMENT OF  
HEALTH AND  
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