

Policy Statement

Lactation in the Workplace

It is the policy of the County of Monterey to strongly support and encourage the practice of breastfeeding by striving to accommodate the needs of employees, and by ensuring that employees are provided with adequate facilities for breastfeeding, and/or the expressing of milk for their children. Further, it is the policy of the County of Monterey to provide support and awareness of the importance of breastfeeding to County employees and the community.

The County of Monterey recognizes that breast milk is the optimal food for growth and development of infants. The County supports employees and management in the creation of a positive, accepting attitude toward working women and breastfeeding. Discrimination and/or harassment of breastfeeding mothers in any form is unacceptable and may subject the offender to disciplinary action.

Purpose

The purpose of this policy is to comply with state laws regarding breastfeeding and expressing milk for the nourishment of children. In 1997 the State of California added Section 43.3 to the Civil Code to provide for the ability of a mother to breastfeed in public.

Additionally, this policy will establish guidelines for promoting:

- Breastfeeding behavior among County of Monterey employees while on parental leave
- The establishment of a work environment that encourages and supports continued lactation upon return to work
- Policies and practices in the Monterey County Health Department (MCHD) that generate support and awareness of the importance of breastfeeding to community wellness that may serve as a model to other communities.

Guidelines

1. Training

- a. A Monterey County Breastfeeding and Lactation website will be developed and hosted by the County Wellness Program. Site content will be provided and updated by the Wellness Program Coordinator in consultation with the Monterey County Breastfeeding Coordinator.
- b. A breastfeeding educational pamphlet will be included in the new employee orientation packet.
- c. A breastfeeding education packet, including a copy of this policy and information about breastfeeding support after returning to work, shall be provided to employees prior to their maternity leave. This packet shall also be provided to expectant spouses prior to taking Family Medical Leave.
- d. Information promoting the benefits of breastfeeding shall be displayed in County Department break areas and be featured in the Employee Wellness Program's newsletter at least once a year.
- e. Expectant and breastfeeding employees and expectant spouses may use their Wellness release time for pre-approved breastfeeding education and support classes.

Additional educational resources will be posted on the MCHD Website Wellness Program page.

- f. Wellness Program staff will be available to consult with any employee or supervisor regarding lactation accommodation issues and may conduct site visits as necessary to promote a positive, accepting attitude toward working women who are breastfeeding.

2. Scheduling

Employees shall be allowed a flexible schedule for pumping breast milk. The time allowed may exceed a normal lunch or break period. Any time in excess of a normal lunch or break period will not be paid as regular work time but with supervisory approval, the employee may make up her time with either sick leave, annual/vacation leave, or a flexed work schedule. At the request of an employee or a supervisor, Wellness Program staff will be available to help design a break schedule.

3. Facilities

Employees shall be provided the use of a clean, comfortable space or "Lactation Area." If a designated Lactation Area is not available, vacant offices or conference rooms are possible options. A restroom is not acceptable. The Lactation Area should be secure, equipped with an electrical outlet, be in close proximity to the employee's work area, and contain comfortable seating with a table or other flat surface to hold a breast pump. Windows should be covered. Ideally, the Lactation Area should be near a sink with hot water and soap for hand washing and cleaning of equipment and access to a refrigerator for storage of expressed breast milk.

Managers, supervisors and employees may contact the Wellness Program if they desire assistance in lactation accommodation in their facility. Other resources will be available on the MCHD website on the Employee Bulletin Board link.

4. Compliance

Department Human Resources will be responsible for designating Lactation Areas. In remote and/or small facilities, HR will work with the employee and with management to ensure reasonable accommodations are made.

Managers and supervisors shall respond to any request for lactation accommodation in a manner consistent with the procedures outlined in this policy.

5. Atmosphere of Tolerance

Each Monterey County Department shall create an atmosphere of tolerance regarding lactation in the workplace. Breastfeeding shall not be a source of discrimination in employment or in access to employment. It is prohibited under this policy to harass a lactating employee or exercise any conduct that creates an intimidating, hostile or offensive working environment. Any incident of harassment of a lactating employee will be addressed in accordance with County of Monterey policies and procedures for discrimination and harassment.

6. Unusual Circumstance

The County recognizes that some remote locations (such as a remote Library) may not have adequate facilities to accommodate a lactating employee. In such instances, the Department Head and Department Human Resources staff will work with the employee to effect a mutually acceptable solution. This may include a flexible schedule to allow the employee to return home for such activity, a temporary transfer to a larger facility, or other resolution.

Background & Legal Authority

Civil Code section 43.3 provides as follows:

"Notwithstanding any other provision of law, a mother may breastfeed her child in any location, public or private, except the private home or residence of another, where the mother and the child are otherwise authorized to be present."

In 1998 the California State Assembly passed Assembly Resolution No. 155 resolving the following:

"Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature encourages the State of California and all California employers to strongly support and encourage the practice of breastfeeding by striving to accommodate the needs of employees, and by ensuring that employees are provided with adequate facilities for breastfeeding, or the expressing of milk for their children; and be it further

"Resolved, That the Legislature respectfully memorializes the Governor to declare by executive order that all State of California employees shall be provided with adequate facilities for breastfeeding, or the expressing of milk"

In 2002 the State of California added Labor Code Sections 1030-1033 to provide the following:

"1030. Every employer, including the state and any political subdivision, shall provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. Break time for an employee that does not run concurrently with the rest time authorized for the employee by the applicable wage order of the Industrial Welfare Commission shall be unpaid.

"1031. The employer shall make reasonable efforts to provide the employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private. The room or location may include the place where the employee normally works if it otherwise meets the requirements of this section.

"1032. An employer is not required to provide break time under this chapter if to do so would seriously disrupt the operations of the employer.

"1033. (a) An employer who violates any provision of this chapter shall be subject to a civil penalty in the amount of one hundred dollars (\$100) for each violation.

(b) If, upon inspection or investigation, the Labor Commissioner determines that a violation of this chapter has occurred, the Labor Commissioner may issue a citation. The procedures for issuing, contesting, and enforcing judgments for citations or civil penalties issued by the Labor Commissioner for violations of this chapter shall be the same as those set forth in Section 1197.1.

(c) Notwithstanding any other provision of this code, violations of this chapter shall not be misdemeanors under this code."

Scientific research indicates that breastfeeding and the use of human milk for infant feeding results in positive outcomes not only for the mother, infant and their family, but for the workplace, community and environment as well. An infant who is breastfed has a lower risk of

infectious diseases, Sudden Infant Death Syndrome (SIDS), overweight/obesity, Type 1 and 2 diabetes, heart disease, hypertension, asthma, and certain types of cancer. A mother who breastfeeds has reduced risks of breast and ovarian cancer, Type 2 diabetes, and osteoporosis. Epidemiologic research shows that human milk and the breastfeeding of infants provide advantages with regard to general health, growth, and development, while significantly decreasing risk for a large number of acute and chronic diseases.

The May, 1998 Resolution passed by the California State Assembly cites the following benefits social economic and environmental benefits of breastfeeding:

- Hundreds of millions of dollars continue to be spent by the United States government to purchase artificial milk for babies. One study indicated that the national Women, Infants, and Children (WIC) nutrition program could save \$93 million a month in lower food package costs alone if all mothers breast fed their infants. According to a report released in the fall of 1996, compared to formula-fed babies, each breast-fed baby saved \$478 in WIC and other health care costs for the first six months of life. The International Journal of Gynecology and Obstetrics reported in 1994 that, in the United States, two to four billion dollars could be saved in annual health care costs if women breast fed their infants for as little as 12 weeks.
- Employers, employees, and society benefit by supporting a mother's decision to breast feed and by helping reduce the obstacles of continuing to do so after returning to work. A study found that infants who were breast fed for a minimum of six months experienced \$1,435 less in health care claims than formula-fed infants, and a study from the University of California at Los Angeles School of Nursing found that breast-fed babies have 35 percent fewer illnesses than formula-fed babies, and their nursing moms have a corresponding 27 percent lower absence rate.
- Employers clearly benefit by having lower health care costs, less employee absenteeism, and better morale, and employees are also more likely to return to work earlier from maternity leave if they do not foresee complications with being able to continue to breast feed.
- The community benefits from breastfeeding by a healthier population, with fewer medical interventions for acute childhood illnesses and the associated financial and quality-of-life costs associated with obesity, diabetes, and other chronic diseases. Monterey County and the earth benefit from breastfeeding because of the significant environmental costs associated with the manufacture, distribution and disposal of infant formula.