



## KATY TANG

### Supervisor Tang's Lactation in the Workplace Ordinance

**The Lactation in the Workplace Policy:** *Requires San Francisco employers to have a policy regarding lactation in the workplace that specifies a process by which an employee requests lactation accommodation and defines minimum standards for lactation accommodation spaces. The policy also requires newly constructed or renovated buildings to include lactation spaces. Finally, the policy includes a requirement that the San Francisco Department of Public Health to provide a set of lactation accommodation best practices, a model policy for businesses, and a model lactation accommodation request form.*

#### Goals

- 1) Support mothers returning to the workplace who wish to continue to breastfeed their child(ren).
- 2) Create a higher standard for lactation accommodation than state and federal law.
- 3) Require a workplace lactation policy and administrative process to facilitate lactation accommodation requests.
- 4) Provide employers with lactation accommodation best practices.
- 5) Require new construction and significant renovations to include lactation facilities.

#### Lactation Accommodation Space and Break Time

- Lactation break time consistent with state and federal requirements.
- Lactation space cannot be a bathroom and must be in proximity to work area, shielded from view, and free from intrusion.
- Lactation location must:
  - Be safe, clean, and free of toxic or hazardous materials;
  - Contain a surface to place a breast pump and personal items;
  - Contain a place to sit; and
  - Have access to electricity.
- The employer must provide access to a sink with running water and a refrigerator in close proximity to the employee's workspace.
- Where multi-purpose rooms are also used for lactation, the use of the room for lactation will take precedence over other uses.
- Employers in multi-tenant buildings may fulfill their requirement by providing a shared space among multiple employers if they cannot first provide a lactation location within the employer's workspace.
- Exemptions are allowed where an employer can demonstrate undue hardship, which reflects existing federal law.

#### Employer Lactation Policy and Request Process

- Employers must develop and implement a policy regarding lactation accommodation that includes a statement about an employee's right to request lactation accommodation and the process by which they make the request.
- The policy must be included in an employee handbook or set of policies that the employer makes available to employees.
- The lactation policy must be distributed to new employees upon hiring and when an employee inquires about or requests parental leave.
- Employers must respond to an employee's request for lactation accommodation within 5 days.
- If employers cannot provide break time or a location that complies with the policy, they must provide a written response to the employee.
- Employers must maintain a written record of requests for three years from the date of request.



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### **Lactation Rooms in New Construction and Remodeled Buildings**

- Lactation space will be required in new construction of at least 10,000 square feet and in remodels of at least 10,000 square feet if the project costs more than \$1,000,000.
- Additional lactation spaces will be required based upon square footage and occupant loads in employee designated areas.
- Remodels are exempted from the requirements if they are already fulfilling requirements under the ordinance for lactation accommodation within existing space.
- Remodels are also exempted from building a sink if the plans do not already include plumbing.
- New lactation rooms require a permanent sign outside the door indicating its use as a lactation room.
- Lactation spaces shall be at least 50 square feet, have at least one electrical outlet, have access to a sink with running water, and shall be located no more than 500 feet from the farthest employee workspace.

### **Employer Best Practices**

- The Department of Public Health (DPH) shall create a model lactation accommodation policy, and a model lactation accommodation request form that can be downloaded from their website by employees and employers.
- DPH shall also create lactation accommodation best practices that provide guidance to employers and a list of optional but highly recommended amenities, including:
  - A permanent lactation location that is suitable for the preparation and storage of food;
  - A door that can be locked from the inside;
  - At least one electrical outlet;
  - A washable, comfortable chair;
  - A surface to place personal items;
  - Adequate lighting;
  - The ability to partition the room;
  - A refrigerator for storage of breast milk;
  - A sink with running water;
  - A hospital-grade breast pump(s);
  - A full length mirror;
  - A microwave;
  - Locker(s) to place personal belongings; and
  - A permanent sign outside designating the room for lactation accommodation.
- Best practices shall also state that temporary lactation spaces can be created due to operational, financial, or space limitations. These temporary spaces should be identified by signage, free from intrusion, and should remain lactation spaces for the duration of the employees need to express milk.
- Best practices shall also include a recommendation that employers consider flexible break times to accommodate changes in the employee's need to express milk over time.

# Health Impact of Proposed Legislation: Lactation in the Workplace



Healthy Mothers  
Workplace Coalition

## Supporting Breastfeeding with Public Policy

The American Academy of Pediatrics recommends exclusive breastfeeding for the first six months of life and continued breastfeeding for at least the next six months, during which time appropriate complementary foods are added to the infant's diet.

### Breastfeeding Benefits Everyone

#### Infants & Children<sup>1</sup>



- Decreased risk of ear infections, diarrhea, pneumonia and gastroenteritis in infancy
- Decreased risk of Sudden Infant Death Syndrome (SIDS) and necrotizing enterocolitis (NEC), leading causes of infant death
- Reduced incidence of childhood obesity, asthma, hypertension and some cancers
- Improved IQ, academic performance and long-term productivity

#### Mothers & Families<sup>1</sup>



- Decreased risk of Type 2 diabetes, breast and ovarian cancers for mothers
- Reduces risk of mothers developing rheumatoid arthritis, high blood pressure and high cholesterol
- Strengthens mothers' bones and reduces the risk of osteoporosis
- Saves families \$ 1,100– 1,500 on formula expenses in the 1st year of an infant's life

#### Businesses & Economy<sup>2</sup>



- Offers a 3-to-1 return on investment for businesses
- Helps attract valued employees and lowers turnover rates
- Boosts employee job satisfaction, morale, loyalty and productivity
- Reduces \$ 312 million in annual healthcare costs in the U.S.
- Results in fewer insurance claims and decreased employee absenteeism due to better infant health

#### Environment<sup>2</sup>



- Reduces global carbon footprint as it generally requires no packing, fuel to prepare or transportation to deliver
- Does not create pollution or require disposal in landfill
- Creates a naturally renewable food source which is complete source of babies' nutrition for the first 6 months of life



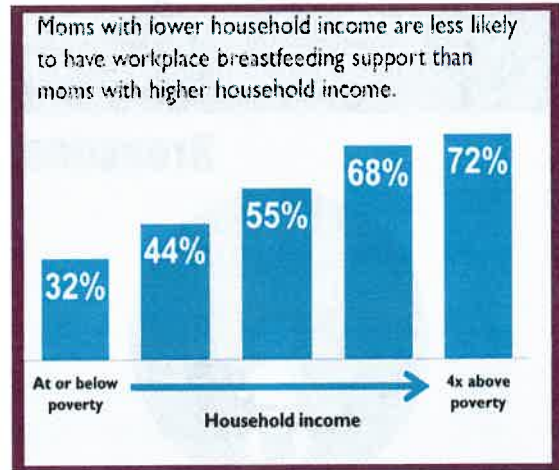
## Lactation in the Workplace Ordinance

Will require employers to have a policy regarding lactation in the workplace that specifies a process by which an employee will make a request for accommodation.

### Mothers in the Workplace

- Mothers are the fastest growing segment of the U.S. workforce; 75% are employed full-time.<sup>4</sup>
- Most women plan to breastfeed.<sup>3</sup>
- Two out of three moms return to work.<sup>3</sup>
- Only 52% of mothers have workplace breastfeeding support.<sup>3</sup>
- Women with adequate break time and private space are more than 2 times as likely to be breastfeeding exclusively at 6 months than women without lactation accommodations.<sup>5</sup>

### Disparities in Breastfeeding Rates<sup>3</sup>



- Breastfeeding rates for black infants are nearly 50 percent lower than those for white infants at birth, six months, and 12 months of age.<sup>1</sup>

*Low-income mothers are disproportionately impacted by lack of lactation accommodations.*

**By increasing access to workplace lactation accommodations, the Lactation in the Workplace Ordinance would address these inequities in breastfeeding.**

### Lactation in the Workplace Ordinance will help:

- Ease the transition of mothers who return to work following the birth of a child.
- Ensure women who are pregnant or considering pregnancy know that breastfeeding will be accommodated by their employer.
- Provide a motivating, employee-supportive work environment for all employees.
- Assist employees to experience work-life balance
- Employers retain talented employees
- Employers control healthcare costs

**Breastfeeding: Let's make it work!**

#### References

- <sup>1</sup> Surgeon General's Call to Action to Support Breastfeeding 2011
- <sup>2</sup> Office on Women's Health (2015) The Business Case for Breastfeeding Support. [womenshealth.gov](http://womenshealth.gov).
- <sup>3</sup> Maternal and Infant Health Assessment (MIHA), 2011
- <sup>4</sup> U.S. Department of Labor 2016
- <sup>5</sup> Kozhimannil, K. B., Jau, J., Gjerdingen, D. K., & McGovern, P. M. (2016). Access to Workplace Accommodations to Support Breastfeeding after Passage of the Affordable Care Act. *Women's Health Issues, 26*(1), 6-13.



# WORKPLACE BREASTFEEDING SUPPORT IN CALIFORNIA



Breast milk contains essential nutrients needed for optimum infant growth and development.



The Surgeon General has called on all sectors of the community, including employers, to protect, promote and support breastfeeding.

## Workplace breastfeeding support is required by law



Most women plan to breastfeed, and 2 out of 3 moms return to work. Working moms need support to continue breastfeeding.

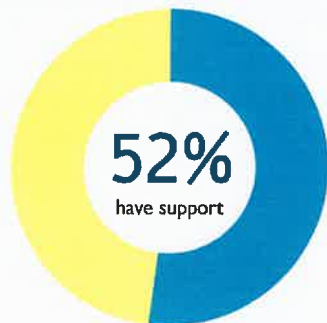


Workplace breastfeeding support includes providing time and private space to express breast milk. Moms need to pump as often as every 2-3 hours.

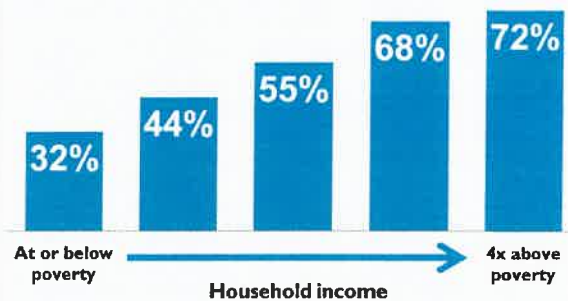
Source: Maternal and Infant Health Assessment (MIHA), 2011

## Not all working moms have equal access to workplace breastfeeding support

Only half of moms have workplace breastfeeding support.



Moms with lower household income are less likely to have workplace breastfeeding support than moms with higher household income.



Moms with support are **2x** more likely to exclusively breastfeed at 3 months.

Source: Maternal and Infant Health Assessment (MIHA), 2011

## Improving workplace breastfeeding support

Employers should:

- Develop a workplace breastfeeding support policy that includes time and private space for breastfeeding moms.

Moms can:

- Know their rights. Talk to their employer about maternity leave and workplace breastfeeding support.
- Talk to their healthcare provider about breastfeeding support and getting a breast pump.

For more information, visit [www.cdph.ca.gov/breastfeeding](http://www.cdph.ca.gov/breastfeeding).



California Department of Public Health, Center for Family Health. For more information about MIHA, visit [www.cdph.ca.gov/MIHA](http://www.cdph.ca.gov/MIHA). Notes: Percentage of moms with workplace breastfeeding support limited to respondents who intended to breastfeed and had or planned to return to a job they held during pregnancy. Impact of workplace breastfeeding support on exclusive breastfeeding only assessed among respondents who had returned to work. Selected icons made by Freepik from flatiron.com.

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