



## World Breastfeeding Week

August 1-7, 2015

## National Breastfeeding Month

August 2015

**BREASTFEEDING AND WORK, LET'S MAKE IT WORK!**



### TALKING POINTS

#### California's Lactation Accommodation Law

1. A majority of women with babies work outside the home, and must return to work shortly after giving birth.
2. This can be a major obstacle for mothers who want to breastfeed, so much so that many don't start or only do so for a short period of time.
3. Helping breastfeeding mothers succeed can be as simple for employers as providing break time and a private space to pump breast milk at work, which is required in California and Federal law.<sup>1, 2</sup>
4. California's Lactation Accommodation law was found to increase the odds of a baby being breastfed at birth by 225% and an increased odds of 102% at 6 months, simply because of its enforcement provision.<sup>3</sup>
5. Workplaces should create breastfeeding policies, ensure all staff are aware of their policies and talk with expectant mothers about accommodating their breastfeeding needs when they return to work.
6. Many employers still think that bathrooms are an appropriate location for lactation. A recent poll of Human Resources professionals indicates that 13% still think bathrooms are appropriate, despite clear statements in the law to the contrary.
7. The US Department of Health and Human Services, Office on Women's Health has provided a comprehensive database of more than 200 businesses, from 22 business sectors, describing how they have met the minimum guidelines for the federal law.<sup>4</sup>
8. Studies show that breastfeeding mothers who are supported in the workplace take fewer sick days and have higher retention rates, which is good for employee morale and for businesses' bottom line.
9. Many women are afraid to assert their rights for fear of retaliation from their employers. The Department of Industrial Relations, Division of Labor Standards Enforcement has indicated that the penalty for retaliation for this type of complaint is approximately \$10,000.

## California's Paid Family Leave Act

1. California's legislature passed the Paid Family Leave Act<sup>5</sup> in 2002 and it was implemented in 2004. This program is administered by California's Employment Development Department, which also administers the State Disability Insurance Fund.
2. California's first-in-the-nation Paid Family Leave insurance program provides up to six weeks of *partial* wage replacement benefits per year to workers on leave to bond with a new child or care for a seriously ill family member. Nearly the entire private workforce in California contributes a portion of every paycheck to the program. Not all municipality employees pay into State Disability and this program.
3. Paid Family Leave is funded by worker contributions to California's State Disability Fund and it provides workers and their families by providing much-needed economic security at key times and has been found to have a neutral or beneficial impact on employers.

## Breastfeeding and Paid Family Leave

1. Former US Surgeon General Dr. Regina Benjamin issued a "Call to Action to Support Breastfeeding", encouraging policy makers to take an active role in supporting women to breastfeed, with a specific action step for policy makers to "ensure all employed mothers have access to paid maternity leave".<sup>6</sup>
2. Paid Family Leave was found to double the median duration of breastfeeding<sup>7</sup> among those who used it, including women in low-wage jobs.
3. Breastfeeding is a short-term health behavior with long term health benefits for both acute and chronic health issues, contributing to improved infant and maternal health.
4. A woman's employment status is a frequent barrier to the initiation and duration of exclusive breastfeeding.
  - a. Plans for employment after birth affect breastfeeding decisions. Families need effective knowledge of all of California's benefits, like Paid Family Leave and our strong lactation laws in order to make an informed choice.
  - b. Early return to work often means ending breastfeeding sooner. Researchers have found that mothers who return to work before six weeks postpartum are more than three times more likely to stop breastfeeding than women who return later.
  - c. The effects of short maternity leaves on breastfeeding are compounded by other job quality factors.

- i. Women who work in administrative or service-oriented work frequently give up on breastfeeding because they experience further discrimination and are not provided with appropriate lactation accommodations.
  - ii. Because employers lack institutional supports like, lactation accommodation policy, employees assume that there is no way to succeed.
  - iii. In our survey of local HR professionals, more than half stated they had no policy to support lactating mothers
  - iv. In the 2013 SHRMS Employer Benefits national survey, only 21% offered Paid Family Leave
  - v. Many of California's mothers are working poor, with about half of all being WIC eligible.
5. Every week counts – research shows that additional time off increases breastfeeding duration and intensity. The positive effects of breastfeeding are dose related – the more breastmilk a baby can get, the better the health outcomes.
6. The American Academy of Pediatrics<sup>8</sup> in its 2012 policy, states “given the documented short- and long-term medical and neurodevelopmental advantages of breastfeeding, infant nutrition should be considered a public health issue and not only a lifestyle choice.”
7. [Your counties] exclusive breastfeeding rates are [far below or above] the state average. [Your county] was ranked [#]th out of the 50 Counties in the state for exclusive breastfeeding<sup>9</sup>.
8. According to a field poll, awareness of California's Paid Family Leave Program was lowest among key disadvantaged groups, such as those with lower household incomes, renters and those with limited education.<sup>10</sup>
9. Public awareness in California has been limited with at least half of all workers surveyed experiencing a qualifying life event, but being unaware of this benefit.
10. Further, approximately 37% of workers surveyed feared their employers would retaliate against them for applying for and taking Paid Family Leave, even though they had paid into the program through payroll deductions.
11. A recent field report shows that just one in three California registered voters (36%) is aware of the state's Paid Family Leave Program, a decrease from 43% observed in a similar Field Poll survey three years ago.<sup>11</sup>

## FAMILY Act

1. With the exception of the few states with family leave insurance programs or temporary disability insurance programs, working people in the United States have few options for taking paid family and medical leave because:
  - a. Only 12 percent of workers in the United States have access to paid family leave through their employers.
  - b. Fewer than 40 percent have access to personal medical leave for serious illnesses through employer-provided temporary disability programs; and
2. The American Public Health Association<sup>12</sup> in its 2013 policy statement specifically calls on policy makers to expand coverage of paid sick days and leave for working families by creating national programs.
3. Similar to state family leave insurance and temporary disability insurance programs, a national family and medical leave insurance program would provide workers with a portion of their usual pay while they take limited, necessary time away from their jobs for family or medical purposes.
4. A family and medical leave insurance program called the Family and Medical Insurance Leave Act (FAMILY Act) was introduced in the United States Senate and United States House of Representatives in December, 2013.
5. The FAMILY Act<sup>13</sup> would provide eligible employees with up to 12 weeks of partial income when they take time away from their jobs for the birth or adoption of a child; their own serious health condition (including pregnancy or childbirth); the serious health condition of a child, parent or spouse (including a domestic partner); the injury of a family member who is in the military; or exigencies arising from a servicemember's deployment; and
6. The FAMILY Act would bring to the nation's working people, families, employers, and communities the same types of economic and health benefits that California enjoys.

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