



Senator Scott Wiener & Senator Connie Leyva

Senate Bill 937 – Lactation in the Workplace

SUMMARY

Senate Bill 937 defines minimum standards for lactation accommodation spaces, requires newly constructed or renovated buildings to include lactation spaces, and requires that the Department of Labor Standards Enforcement provide a set of lactation accommodation best practices in a model policy for employers.

BACKGROUND/EXISTING LAW

Mothers are the fastest growing segment of the US workforce, and most mothers plan to breastfeed. Even though two out of three moms return to work after childbirth, only 52% of mothers have workplace lactation support. Women with adequate break time and private space are more than two times as likely to be breastfeeding exclusively at six months as women without this support. The American Academy of Pediatrics recommends exclusive breastfeeding for the first six months of life and continue breastfeeding for at least the next six months, during which time appropriate complementary foods are added to the infant's diet.

Existing law requires employers to provide a reasonable amount of break time to employees desiring to express milk, and requires employers to 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 employees' work area.

PROBLEM

Even with existing federal and state labor standards, there are still severe disparities in breastfeeding rates between mothers who are supported with adequate lactation accommodation and those who are not. Breastfeeding rates for black infants are nearly fifty percent lower than those for white infants at birth, six months, and twelve months of age. Mothers with lower household income are less likely to have workplace breastfeeding support than those with higher household income.

While some women are unable, or choose, not to breastfeed, many women are not supported by sufficient protections and accommodations at their workplace and do not have a fair choice to both continue breastfeeding *and* continue working after childbirth.

Inadequate lactation accommodations are, unfortunately, still a common obstacle for those in the workforce. This barrier can lead to a mom having to make a difficult decision between leaving the workforce and forgoing pay, or exclusively depending on expensive formula for her child's nutrition, totaling \$1,100-1,500 in the first year of the infant's life.

Lower-income mothers in particular are hit the hardest with this difficult choice between pay, buying expensive formula as a replacement for nutrition, and dealing with increased health care costs for the mother and infant.

SOLUTION

SB 937 ensures that mothers who are pregnant or considering pregnancy know that breastfeeding will be accommodated – and supported – by their employer. This eases the transition of mothers who return to work following the birth of a child and assists employees to experience a work-life balance. In return, employers retain talented employees and control healthcare costs as mothers have fewer insurance claims and decreased employee absenteeism due to better infant health.

Under SB 937, employers would be required to support working mothers by educating employees on their right to a lactation space upon hiring and upon inquiry about pregnancy leave, by accommodating lactation requests when a mother returns to work, and by including lactation space requirements for new construction over 15,000 square feet in the 2020 California Building Code.

CO-AUTHORS

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SPONSORS

California Breastfeeding Coalition
Legal Aid at Work

FOR MORE INFORMATION

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