



Senator Scott Wiener

Senate Bill 142 – Lactation in the Workplace

SUMMARY

Senate Bill 142 addresses the barriers working parent's face that make it difficult to maintain breastfeeding after returning to work. It requires employers to have a written lactation policy and to provide employees with a safe and comfortable lactation space that meets minimum requirements. It also requires newly constructed or renovated buildings of a certain size and classification to include lactation spaces, and encourages the Department of Labor Standards Enforcement to provide a set of lactation accommodation best practices and a model policy for employers.

BACKGROUND/EXISTING LAW

Mothers are the fastest growing segment of the US workforce, and most plan to breastfeed. Even though two out of three employees return to work after childbirth, only 52% have workplace lactation support. Parents with adequate break time and private space are more than two times as likely to be breastfeeding exclusively at six months as those 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 federal and state 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 bathroom) in close proximity to the employees' work area.

PROBLEM

Even with existing federal and state law, there are still severe disparities in breastfeeding rates between parents 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. Parents with lower household income are less likely to have workplace breastfeeding support than those with higher household income.

Inadequate lactation accommodations are, unfortunately, still a common obstacle for those in the workforce. This barrier forces a parent 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 infant's first year.

Lower-income parents 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 parent and infant.

SOLUTION

SB 142 ensures that employees who are pregnant or considering pregnancy know that breastfeeding will be accommodated – and supported – by their employer. Future construction will be required to provide lactation spaces as a newly established requirement in the California Building Code, ensuring newly built workplaces integrate the lactation policy into their building plans. For parents, this eases the transition of returning to work after the birth of a child and facilitates a healthy work-life balance. In return, employers retain talented employees and control healthcare costs as parents have fewer insurance claims and decreased employee absenteeism due to better infant health.

Under SB 142, employers would be required to support working parents by:

- Educating employees on their right to a lactation space upon hiring and upon inquiry about pregnancy leave
- Accommodating lactation requests when a parent returns to work by providing a clean, comfortable, and private space that meets minimum requirements
- Requiring the Department of Labor Standards Enforcement to produce a model request form for accommodation and authorizing the Department to provide a set of best practices for employers.
- Including lactation space requirements for new construction in the 2020 California Building Code based on the standards set forth in the San Francisco Lactation in the Workplace Ordinance.

- Protecting employees from potential retaliation by their employer for requesting or exercising rights under the lactation policy.

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SUPPORT

California Breastfeeding Coalition (sponsor)

California WIC Association (sponsor)

Legal Aid at Work (sponsor)

9to5 National Association of Working Women
 Academy of Lactation Policy and Practice
 AHMC Healthcare, Inc.
 American Academy of Pediatrics, California
 American Civil Liberties Union of California
 A Family Affair
 American Civil Liberties of California
 American College of Obstetricians and Gynecologists
 American Association of University Women of California
 Asian Americans Advancing Justice California
 Before and After Baby
 BreastfeedLA
 California Academy of Family Physicians
 California Child Care Resource & Referral Network
 California Employment Lawyers Association
 California Food Policy Advocates
 California Hospital Medical Center's Lactation Specialists
 California Women's Law Center
 California WIC Association
 California Work & Family Coalition
 Caring Across Generations: Faith Based Alliance of Southern California
 Carlsbad Children's Dentistry
 Central Coast Early Childhood Advocacy Network
 Child Care Law Center
 City and County of San Francisco
 City of San Jose
 Clinica Romero
 Consumer Attorneys of California
 Contra Costa Breastfeeding Task Force
 California State University Northridge (Kacie Blackman)
 Department on the Status of Women, City and County of San Francisco

Equal Rights Advocates
 FIRST 5 Alameda County
 FIRST 5 Santa Clara County
 First 5 Ventura County
 Flourishing Families
 Hands on Parenting LLC
 Healthy Children Project, Inc.
 Islay Hill Dentistry Co.
 Inland Mendocino County Breastfeeding Coalition
 Legal Aid at Work
 NARAL Pro-Choice California
 National Council of Jewish Women California
 National Health Law Program
 Organization of SMUD Employees
 Parent Voices California
 Positive Discipline Community Resources
 Public Counsel
 Sacramento Breastfeeding Coalition
 Santa Monica Commission on the Status of Women
 San Diego County Court Employees Association
 South Bay Baby Care, INC.
 Stronger California Advocates Network
 Sutter Health
 Tri Counties Breastfeeding Alliance Coalition
 Women's Foundation of California
 Several Individuals

FOR MORE INFORMATION

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