



LACTATION IN THE WORKPLACE

- 1 I'm breastfeeding my baby and need to express milk at work. What are my rights?**

Under California and federal law, most lactating employees are entitled to **private space** and **reasonable break time** to express milk at work. The space may not be a bathroom, must be close to your work area, and must be shielded from view and free from intrusion from coworkers and the public.
- 2 Are lactation breaks paid?**

Your employer may, but does not have to, pay you for lactation breaks that exceed your regular paid break time, so if you usually receive a 15 minute paid break, and you take 25 minutes to pump, your employer does not need to pay you for the last ten minutes.
- 3 Is there a time limit for lactation breaks?**

No. You may take the time you need for each break, as long as it is reasonable. You also may take breaks as frequently as you need them to express milk. You are not limited to taking lactation breaks during your normal break time.
- 4 Can my employer treat me worse because I request or take lactation breaks?**

No. It is illegal for your employer to discriminate or retaliate against you for breastfeeding or chestfeeding, requesting or taking lactation breaks, or for having a medical condition relating to lactation. It is also illegal for an employer to harass you (make unwelcome, offensive comments) based on lactation.
- 5 Can my employer refuse to accommodate me?**

There are limited exceptions under the law. Under federal law, companies with fewer than 50 employees do not have to comply if complying would cause an undue hardship, meaning it would cause the employer significant difficulty or expense, when considered in relation to the employer's size, finances, nature, or structure of its business. California law provides that an employer need not provide lactation breaks if to do so would seriously disrupt the operations of the employer. San Francisco's ordinance provides an undue hardship exception.
- 6 I work in San Francisco. Do I have additional lactation rights at work?**

YES. San Francisco employers must provide a lactation space that meets additional standards. The space must be clean, safe, free from toxic materials; contain a place to sit and a surface to place the pump; have access to electricity; and be near a sink and refrigeration. San Francisco employers also must distribute a written lactation accommodation policy to all employees, explaining how to request accommodations and that the employer must respond within five days.
- 7 What should I do if my employer violates my rights?**

For denials of accommodations, employees may file a complaint with the U.S. Department of Labor's Wage and Hour Division, California Department of Fair Employment and Housing (DFEH) and California Division of Labor Standards Enforcement (DLSE). For lactation discrimination or harassment, employees may file a complaint with the Equal Employment Opportunity Commission or the DFEH. For claims of discrimination or harassment based on lactation or breastfeeding, employees may file a complaint with the Equal Employment Opportunity Commission or the DFEH. San Francisco employees may file a complaint with the San Francisco Office of Labor Standards Enforcement (OLSE).