



LACTATION IN THE WORKPLACE IN CALIFORNIA

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

In California, lactating employees are entitled to **private space** and **reasonable break time** to express milk at work. The space must 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. In addition, the space must contain a place to sit and a surface to place a pump; have access to electricity or ways to operate an electric or battery-powered pump; and be located near refrigeration and a sink with running water.
- 2 Are lactation breaks paid?**

Possibly. Your employer may, but does not have to, pay you for lactation breaks that take longer than 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. However, reasonable travel time to and from the lactation space is not considered break time and should be paid.
- 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 may also 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 having a medical condition related to lactation. It is also illegal for an employer to harass you (for example, make unwelcome, offensive comments) because you are breastfeeding, chestfeeding, or pumping at work.
- 5 Can my employer refuse to accommodate me?**

Possibly. If you work for an employer that has less than 50 employees, they may deny you a place to pump as described above if they can show that providing the space 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. If your employer does deny you a space as described above, they must give you a written explanation for the denial. If you work for an employer with more than 50 employees, they must accommodate you.
- 6 What should I do if my employer violates my rights or does not accommodate me?**

Different government agencies enforce different parts of the law. To enforce all your rights, you may want to file a complaint with the California Department of Fair Employment and Housing, the California Division of Labor Standards Enforcement's Retaliation Investigation Unit and Bureau of Field Enforcement, and the U.S. Department of Labor.

**LEGAL
AID AT
WORK**

If you have questions about your right to lactation accommodations at work or believe your rights are being violated, you can contact Legal Aid at Work's Work and Family Helpline at (800) 880-8047

