



OHIO
WORKPLACE
PLUS



Providing Lactation
Upgrades and Support

EMPLOYER
GUIDE

ACCOMMODATING BREASTFEEDING EMPLOYEES IN THE WORKPLACE CAN WORK FOR **YOUR** WORKPLACE

Over 80 percent of new parents in Ohio breastfeed their babies. Many want to continue after they return to work. Employer support with simple lactation accommodations can make all the difference. It's also required by law for hourly workers. Best of all, it's not hard to do and it can bring positive financial benefits to your business. Even if you already provide basic support, you can easily upgrade it to bring about even more positive benefits!

**This Guide gives simple, practical ideas
that you can use NOW!**



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What Breastfeeding Employees Need

Ohio families are breastfeeding! All major medical authorities recommend that babies receive human milk for at least the first year of life and beyond. Breastfeeding reduces the baby's risk of many illnesses and diseases, including certain kinds of cancer, respiratory infections, Type II diabetes, and allergies. Breastfeeding can also reduce the risk of breast and ovarian cancer, Type II diabetes, and heart disease in mothers. It also helps your employees recover from pregnancy and delivery more quickly.

In Ohio,



Returning to work is a major reason for discontinuing breastfeeding. Many employees say they know breastfeeding is best for themselves and their baby. However, it can be challenging to continue after they return to work. Some say they are afraid to ask about expressing milk at work. Your support can make it easier!

Breastfeeding employees say they need three simple accommodations at work:

- ▶ **Space**
A private, clean, and comfortable area to express milk that is not a bathroom - preferably with electricity to power their electric breast pump
- ▶ **Time**
Break time to express milk as needed
- ▶ **Support**
Positive encouragement from supervisors and colleagues



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Breastfeeding Support Is Good for Business!

Thousands of businesses across the country have found that lactation support in the workplace is good for business. They've learned that workplaces that support breastfeeding employees can realize a **3 to 1 return on investment** because of:

- ▶ **Lower healthcare costs...** because breastfeeding employees and their babies are healthier. Mutual of Omaha found that their newborn healthcare costs are three times less when employees participate in their lactation program. They save \$2,146 annually for each employee.¹
- ▶ **Lower absenteeism for both mothers and fathers...** less infant illness means fewer days off for parents to care for sick babies. CIGNA insurance company found a 77% reduction in lost work time because babies who receive their mother's milk are healthier. The company saves more than \$60,000 per year as a result of lower absenteeism rates.²
- ▶ **Lower turnover rates...** more employees return from family leave when they know their decision to breastfeed is supported in the workplace. Although one in five employees quit their jobs shortly before or after the birth of a child,³ a nine-company study found that the average return to work rate is 94% when a lactation program is provided.⁴

Breastfeeding support improves:

- Employee recruitment
- Employee productivity
- Employee loyalty
- Employee morale
- Your image as a family-friendly employer



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1 Mutual of Omaha 2001. Prenatal and lactation education reduces newborn health care costs. Omaha, NE: Mutual of Omaha.

2 Dickson V, Hawkes C, Slusser W, Lange K, Cohen R. The positive impact of a corporate lactation program on breastfeeding initiation and duration rates: help for the working mother. Unpublished manuscript. Presented at the Annual Seminar for Physicians, co-sponsored by the American Academy of Pediatrics, American College of Obstetricians and Gynecologists, and La Leche League, International, on July 21, 2000.

3 U.S. Census Bureau. Maternity leave and employment patterns of first-time mothers: 1961–2008: current population reports P70-128. Washington, DC: USCB; 2011. Available at: <https://www.census.gov/prod/2011pubs/p70-128.pdf>. Retrieved October 12, 2017.

4 Ortiz J, McGilligan K, Kelly P. Duration of breastmilk expression among working mothers enrolled in an employer-sponsored lactation program. *Pediatric Nursing*.

Federal Requirements

The Affordable Care Act amended Section 7 of the Fair Labor Standards Act (FLSA) of 1938 (29 U.S.C. 207) in 2010. The Break Time for Nursing Breaks Act requires that employers provide time and space for breastfeeding employees to express milk. The law states⁵:

An employer shall provide -

- ▶ 1. Reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk; and
- ▶ 2. a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.



**A BATHROOM IS NOT AN ACCEPTABLE OR
LAWFUL OPTION FOR EXPRESSING MILK.**

**AIRBORNE BACTERIA IN RESTROOMS
CAN PUT INFANTS AT RISK!**

Who Is Covered

The Break Time for Nursing Mothers Act applies to employees who are not exempt from the FLSA's overtime pay requirements. In addition, the U.S. Department of Labor encourages employers to provide accommodations to all breastfeeding employees, regardless of their status under the FLSA.⁶

State Laws

Some states have laws that provide additional coverage for breastfeeding workers. Ohio businesses with corporate offices in other states should check the laws of those states to be sure you are following all appropriate guidelines. Ohio-based businesses must follow, at a minimum, the federal FLSA guidelines.



+ Consider upgrading lactation support for *ALL* employees. This extends a sense of "fairness" to all of your valued workers, which can boost morale.

Space Solutions Abound!

Compliance with the federal FLSA standards is possible in nearly every industry and work situation! According to the Society for Human Resource Management's annual employee benefits survey⁷, over half of U.S. companies provide dedicated lactation rooms as part of their family-friendly benefit platform.

Companies in all industries have found both permanent and flexible solutions that work! Federal law does not require a business to have a designated lactation room, though businesses with a large number of employees may find having one useful. More industry-specific ideas are included in the Ohio Workplace PLUS "Tip Sheets."



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5 U.S. Department of Labor. Section 7(r) of the Fair Labor Standards Act - Break Time for Nursing Mothers Provision. Available at <https://www.dol.gov/agencies/whd/nursing-mothers/law>.

6 U.S. Department of Labor. Frequently Asked Questions - Break Time for Nursing Mothers. Available at <https://www.dol.gov/agencies/whd/nursing-mothers/faq>.

7 Society for Human Resource Management. Family-Friendly and Wellness: SHRM Employee Benefits 2019. Available at <https://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/pages/benefits19.aspx>.

Industry

Ideas

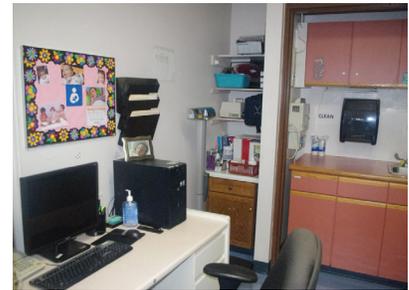
Accommodations (e.g., hotel and hospitality)

- Conference room
- Hospitality room
- Manager office
- Empty guest room
- Employee break area



Education

- Administration building
- Small office space
- Conference room
- Converted closet or storage room
- Faculty lounge area
- Locker room
- Teacher resource area



Health Care

- Conference room
- Office area
- Consultation room
- Empty exam room
- Curtained off area for multiple users



Manufacturing

- Building space with shelving units or partitions
- Storage room
- Room with portable room dividers or curtains for multiple employees
- Portable lactation station using pop-up tent or partitions



Personal Services (e.g., salons, child care, home care)

- Massage room
- Empty treatment room
- Employee break area
- Storage room
- Partitions or screens to section off private area



Industry

Ideas

Restaurants

- Split shifts
- Manager office
- Storage room
- Flexible space created with partitions
- Shared space in a mall or nearby businesses



Retail

- Dressing room
- Manager office
- Employee break room
- Divider screens in the back to create private space
- Shared space in a mall
- Employee brings baby to work
- Caregiver brings baby to the mom for feedings



Small Business

- Employee's private office (if available)
- Manager's office
- Partition or privacy screen
- Small room or area in the back of the business
- Shared space with a nearby business
- Employee brings baby to work
- Caregiver brings baby to the mom for feedings



Transportation (e.g., bus drivers, train stations, delivery truck drivers)

- Space in city building (e.g., fire station, library, etc.)
- Space in regional center
- Partitioned area in warehouse
- Portable pods or pop-up tents in safe location
- Private office
- Employee break area



A "Funny Little Space"

Sometimes a "funny little space" can work! This might be an odd-shaped area that is not used much that could easily be sectioned off with a wall or partition for privacy to express milk.





+ Although using the private office of a manager or coworker is a flexible option, many employees feel uncomfortable asking colleagues to give up their office 2-3 times a day every day. Other solutions that enable access to the space when needed may help employees feel more relaxed and comfortable.

Glad You Asked!

How big should the space be?

A small space (minimum 4'x5') works if it can accommodate a chair and a flat surface for the breast pump, and is large enough for the employee to move around.

Can more than one woman share a lactation room?

Some companies with large numbers of employees provide multi-user rooms to allow more than one employee to express milk at a time. However, under the FLSA requirements, each breastfeeding employee is entitled to privacy from “coworkers and the public.” This means employees must be provided privacy from other employees who are expressing milk at the same time. An easy solution is to create individual private “stations” within a lactation room using partitions or other barriers.

How much will it cost?

Usually it costs nothing! Most businesses use an existing space and office furniture. If the business builds or renovates a space, costs will depend on the renovations. For example, costs are higher if constructing walls. If converting an existing space such as a well-ventilated storage room, costs can be nominal.

What is the liability risk?

Risks are quite low. The Occupational Safety and Health Administration (OSHA) considers human milk to be food, not a biohazard. Human milk can be stored safely in an employee refrigerator. Potential liability from using a breast pump (if provided by the company) is easily addressed by asking employees to sign a release of liability. If a business allows a caregiver to bring a baby to the mother during breaks for feedings, employees can sign a similar release of liability.

What goes in the space?

The U.S. Department of Labor Fact Sheet #73 states that the space must be “functional” for milk expression. This includes a comfortable chair (ideally one that can be easily wiped clean between users) and a table or flat surface for the breast pump. An electrical outlet is also helpful for employees who use an electric breast pump. Options for other amenities include:

- Ability to lock or secure the space while in use
- Small refrigerator for storing expressed milk
- Access to nearby running water to wash breast pump parts
- Hand sanitizer or wipes
- Signage outside the room
- Artwork or bulletin board to post photos of babies
- Soft lighting to help with relaxation



+ Going beyond the basic requirements makes you a more competitive employer, which will improve your ROI. Ask breastfeeding and pregnant employees what amenities they would find most useful!

TIME Solutions

Talk with breastfeeding employees about their needs for break time to express milk. The U.S. Department of Labor notes that nursing breaks do not have to be paid unless women are using already established paid break periods to express milk.

Most women need to express milk two to three times in an 8-hour work period. Many employees use their usual paid breaks and meal period to express milk. They typically need around 15-20 minutes to express milk, depending on the employee and the age of her baby. This does not include set-up/clean-up and time to get to and from the milk expression area. Policies need to be flexible enough to accommodate the individual needs of each breastfeeding employee. If employees need extra time beyond the established breaks, discuss options for making up the extra time, such as arriving earlier or staying later, or taking a shorter meal period.

Keep in mind that lactation support is a temporary accommodation for your breastfeeding employees. Most employees will need less time for milk expression as they gain experience using their breast pump and as their child grows. Around 6 months of age, infants may begin eating other foods and might need less breastmilk in their diet.



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+ Many companies do not ask employees to clock in and out when taking milk expression breaks because this can add stress which can negatively impact a woman's ability to express milk. When employees feel supported, they are able to relax to express milk more easily and even more quickly.

Communication

Ongoing, proactive communication can help assure lactation accommodations function well for your company and your employees. Ongoing communication assures that Human Resources (HR) or supervisors/managers receive timely feedback when adjustments are needed. Employees who know about the company's lactation support are able to make well-informed feeding decisions for their baby. Consider a defined communication plan that is operationalized within standard HR procedures to assure that all staff are informed and breastfeeding employees receive needed accommodations. For example⁸:



1
Employee
Informs HR or
Supervisor

**At family leave meeting,
HR gives employee:**

1. Worksite lactation policy
2. Employee checklist for returning to work
3. List of local breastfeeding resources



2
HR and
Supervisor
Confirm Plans

**Before employee takes leave,
HR and supervisor confirm plans.
Employee is given:**

1. List of milk expression areas
2. Plan for schedule adjustments and coverage



3
Ongoing
Comm

**HR, supervisor, or administrative
staff meet with employees:**

1. Before they go on family leave
2. Within 10 days after return to work
3. Again within 30 days after return to work

See sample communication messaging in the "Business Resources" section of the Ohio Workplace PLUS Toolkit.



+ Supervisors can be proactive by alerting employees during their pregnancy that lactation accommodations are available. Some women are nervous about speaking up about their needs, especially to their supervisors. Letting them know breastfeeding is supported can help employees feel empowered as they make their infant feeding decisions.

⁸ Adapted from the Kansas Breastfeeding Coalition at <http://www.ksbreastfeeding.org>.

Especially for HR...

As a human resource professional, you assure that lactation support provisions and policies align with FLSA and pertinent state laws. You communicate policies and practices with supervisors and employees. You can:

- Include lactation information in recruitment and onboarding of new staff.
- Include the company policy and legal requirements in new supervisor training programs. *[See the PowerPoint presentation in the Ohio Workplace PLUS Toolkit to assist you!]*
- Check in with supervisors to assure that appropriate space and scheduling to accommodate the needs of lactating women.
- Give employees information on how to obtain a breast pump through the company's insurance plan.
- Monitor usage of milk expression areas and expand, if needed, to additional locations.
- Seek feedback from breastfeeding employees. A standard feedback form can help you assure continued improvements to your support provisions.
- Provide educational resources for breastfeeding employees at work. Contact Ohio resources such as the Ohio State Department of Health and the Ohio Breastfeeding Alliance to periodically review resources that employees might find helpful. *[See the "Breastfeeding Resources" document in your Ohio Workplace PLUS Toolkit.]*



- + Form a task force of current and previous breastfeeding employees. Find out what additional support they believe would be helpful for future employees. Consider coordinating a mentor program to pair experienced "mentor mothers" with employees returning to work after the birth of their baby, and/or employees considering pumping at work after returning to work.

Especially for Supervisors...

Managers and supervisors set a positive tone for support. Inform your employees about lactation policies and provisions (preferably during their pregnancy) and arrange for coverage during nursing breaks, if needed. Ways to set a positive tone:

- Inform pregnant employees about the company's lactation provisions and locations of milk expression areas. Even a simple message that *"We have a lactation support program should you need it"* can help pregnant employees know they will be supported.
- Adjust scheduling and coverage options as needed.
- Inform coworkers of the company's lactation policy and benefits of lactation support.
- Promote a culture of teamwork and mutual respect.
- Work with HR for solutions to address questions or concerns that arise.
- Maintain ongoing communication to assure that employee needs are met.

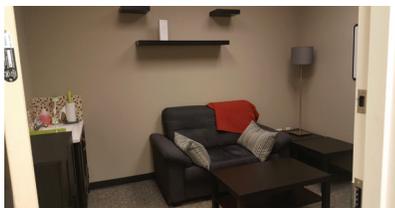


Ohio Businesses Making It Work!

Fitch

Fitch is a global brand consultancy specializing in collaborating with brands to develop consumer experiences. In our North America locations—Columbus, New York, Los Angeles, and Scottsdale—we develop our own “associate experiences.” For our associates, lactation support is part of the company’s progressive, forward-thinking approach that deserved special attention. Our “Mother’s Room” was included in the planning phase when our Columbus facility was built to provide a proper level of accommodation and a pleasant experience for our valued associates. Our private room has a locking door (with “occupied” notification to minimize disturbances), and mom’s practical needs are met in a counter with sink, storage, and under-counter refrigerator. Power is near and plentiful for devices, including the recharging of devices (multi-tasking). While Mom is nourishing her baby we nourish her soul: a comforting chair in a fabulous color that she feels good about sitting in, a soft throw to keep the chill away, footrest to help take the load off, soothing light and sound (available bluetooth speaker), pleasing aromas from candles, and plants provide a natural touch.

Fitch sees this room as a benefit to our associates, and potential candidates are informed about the lactation accommodations as part of the company tour. Pregnant employees visit with HR to discuss family leave, and lactation needs are included as part of the visit. According to HR, “lactation support is normalized and organic to our culture. It’s as natural for us as taking a lunch break.”



Kimball Midwest Maintenance and Repair Operations

Kimball Midwest provides maintenance, repair, and operational products and services that serve agriculture, fleet, automotive, manufacturing, commercial, and government markets. The Columbus location employs 450-500 workers, half of whom are women of childbearing age. The company’s lactation accommodations evolved over time. Today, nursing women can access a comfortable dedicated lactation room with refrigerator, sofa, locked door, and comfortable amenities. When HR learns that an employee is pregnant, they proactively reach out to them to discuss the support services available. Frequent articles in the company newsletter also inform all employees of the provisions. According to HR, feedback among employees has been “fantastic.” “They often express how easy it is to breastfeed because of the support from our company.”

Stark County Park District

Stark Park in Canton, OH manages 15 parks, 4 lakes, and over 120 miles of hiking, biking, and equestrian trails. Many of the employees are females of childbearing age. The company describes itself as a “family first” workplace that values family needs as part of its company culture. The Wildlife Rehabilitation Center was designed with a Mother’s Room in the initial plans. Other buildings provide lactation accommodations by adapting other spaces. All locations have a keyed entrance for extra privacy. The company’s lactation policy is reviewed with employees when they return to work after childbirth. Supervisors are given the freedom to exercise flexibility in supporting workers to take time for milk expression on an as-needed basis.





The **Ohio Workplace PLUS Toolkit** is published by the Ohio Department of Health. It is available as a free resource for Ohio businesses at the website www.odh.ohio.gov/breastfeeding. The State of Ohio is an Equal Opportunity Employer and Provider of ADA Services.

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