

Subject: **Supporting Lactating Employees**

Date _____

Purpose

State law requires employers to provide reasonable break time, either compensated or uncompensated throughout the day for the employee to express milk and make reasonable accommodation to provide an appropriate space that is not a bathroom stall. 21 V.S.A. § 305

The Fair Labor Standards Act, 29 U.S.C.A. 207(r) (1) (a) requires employers to provide a “reasonable break time for an employee to express breast milk for her nursing child.” Employers are required to provide “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.” 29 U.S.C.A. 207(r)(1)(b)

The Fair Labor Standards Act was amended in 2022 to include the Providing Urgent Maternal Protections for Nursing Mothers Act, known as the “PUMP Act”. The law extends the rights to receive break time to pump and a private place to pump to more employees, including agriculture workers, nurses, teachers, truck and taxi drivers, home care workers, and managers. States with laws providing stronger protections, such as the Vermont state law provides, are not preempted.

Statement of Support

(Employer name) supports people to continue to breastfeed/chestfeed and pump at work.

Lactating employees returning to work have relatively few and simple work needs: a convenient, safe, private and comfortable location at the worksite, the ability to take several breaks during the work shift to express milk, and support from supervisors and colleagues. In support of the above, VDH will provide the following:

1. A flexible schedule for lactating parents. This time should not exceed the normal time allowed for lunch and breaks. For any time needed above lunch and breaks, annual or personal leave will be used, or the employee may request supervisory approval to adjust their workday to accommodate this need (i.e., come in 15 minutes later and stay 15 minutes later).
 - a. *(Employer name)* will allow children in the workplace in support of breastfeeding/chestfeeding, but only as it is needed for this purpose.
2. A designated, suitable location in which to breastfeed or pump, which means a clean, private, lockable area other than a bathroom, where an employee can express milk or breastfeed their child privately. If the location is not their own office or cubicle, employee will receive approval from the appropriate party prior to using the space. If space is not available in the employee’s immediate work area, *(Employer name)* has designated rooms _____ for use as lactation space.

3. Every location will create a guide and protocol for reserving the lactation space.
4. Notification/Support: When an employee notifies their supervisor that they will be taking parental leave to deliver or adopt a newborn infant, the supervisor is encouraged to provide the employee with a copy of this most current policy on how we support nursing and pumping in the workplace.

Implementation Guidelines for Lactation Space

Minimum requirements for a Lactation Room:

- 1) A safe and private space (that is not a bathroom) with a chair and a small table or shelf to set the breast pump on and includes an electrical outlet, a door that can be locked from the inside, a nearby sink, and a small refrigerator.
 - a) Furnishings include a chair, table/counter, a work station (computer and phone).
 - b) Optimal lactation space includes sink and a dedicated refrigerator located in the pumping space.
- 2) Space is either a dedicated, private pumping/breastfeeding room, or a floating, multipurpose room (space available) that is located within a 5-minute walk of employee work stations.
- 3) Lactation Room Standards:
 - a) Electrical Outlet (standard 110V)
 - b) Room locks from the inside
 - c) Comfortable chair
 - d) Table, desk, or flat surface to hold the breast pump
 - e) Room has a sink or nearby sink for washing hands and equipment
 - f) Small refrigerator nearby or within the room for storing milk
- 4) Detailed Standards:
 - **Lactation Room:** Lactation rooms should provide, at a minimum, a lockable door and a coded keypad; a chair that provide adequate back support; a table or work surface to rest breast pump and other supplies in front of the chair; a small utility-type sink; storage for cleaning supplies and paper towels; adequate HVAC service, including a thermostat; soft lighting and well-placed electrical outlets. Accessibility guidelines should be met for all the features of the room. One room for every 100 female employees or 200 male and female employees.
 - **Size:** A minimum footprint of 7 feet by 7 feet is recommended as it allows for a 5-foot radius circle with 24-inch deep counters on two walls. Other configurations such as 10 feet by 5 feet work well, too.
 - **Location:** Lactation rooms should be located in a safe area accessible to all. They should not be located in areas that would not be suitable for the preparation and storage of food.
 - **Privacy:** Install a user-operated deadbolt for privacy. The best locks are indicator dead bolts that display an “occupied” message to discourage interruptions.

- **Sound Privacy:** Walls should reach up to the structure above to minimize sound transmission over them into adjacent spaces. Install sound attenuation in walls to minimize sound transmission. Install fabric panels, curtains, carpeting, or other sound-dampening materials to minimize echoes.
- **Chair:** Provide a task chair suitable for a workstation. Seat, back, armrest, lumbar, tension, and height adjustments are preferable. Casters are also important to allow the user freedom of movement when hands are occupied with bottles of milk and pump parts. A seat that can be wiped down is preferable to a cloth seat.
- **Table/Counter:** Provide a minimum 20-inch deep by 30-inch wide plastic laminate or solid work surface for the pump and bottles to rest on in front of the task chair. Provide a 30-inch wide clear knee space beneath the counter. Provide above counter outlets at the work area. If a telephone is provided, it should be within easy reach of the work area.
- **Sink:** Provide a sink and faucet combination deep enough to wash bottles and pump parts. Goose neck or kitchen type faucets are recommended. If possible, locate the sink adjacent to the work area.
- **Lighting and HVAC:** Task lighting should be provided over the sink and the work area. Overhead lighting is also appropriate if light levels at the work surfaces are adequate. Temperature should be maintained year-round at a comfortably warm level such as in a dressing room. Install a thermostat in the room to increase user control and thermal comfort.
- **Milk Storage:** Install a midsize or compact refrigerator for milk storage. Under-counter models help conserve floor space but should not take up the knee space beneath the work area.
- **Accessories:** Useful accessories in a lactation room include a trash can, a paper towel dispenser, a coat rack or coat hooks, a full-length mirror. If many parents will be sharing the room, using a shared online calendar or installing a clipboard or bulletin board outside the door will help schedule room use.

Further information

Creating a Healthy Workplace: A step-by-step guide to help your program be a success

The [Worksite Wellness Resource](#) provides employers with the steps and supporting information to aid in planning, developing, implementing, and evaluating a worksite wellness program. The Resource focuses on the major risk factors related to chronic disease: poor nutrition, physical inactivity and tobacco use.

Slavit W, editor. *Investing in Workplace Breastfeeding Programs and Policies: An Employer's Toolkit*. Washington DC: Center for Prevention and Health Services, National Business Group on Health; 2009.