



SAN BENITO COUNTY

HEALTH & HUMAN SERVICES AGENCY

ELIZABETH FALADE, M.D., M.P.H.
HEALTH OFFICER

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PUBLIC HEALTH SERVICES
Healthy People in Healthy Communities

San Benito County Health and Human Services Agency Policy

Breastfeeding and Lactation Accommodation

July 1, 2010

Purpose

To establish guidelines for compliance with the Lactation Accommodation Law (Labor Code 1030-1033), and to promote breastfeeding behavior among San Benito County Health & Human Services Agency (SBC HHSA) employees; the establishment of work environment that encourages and supports continued lactation upon return to work from parental leave; and policies and practices in the San Benito County Health & Human Services Agency, Public Health Division, that generate support and awareness of the importance of breastfeeding to community wellness that may serve as a model to other County departments.

Background

In January 2002, the Lactation Accommodation Law (Labor Code 1030-1033) took effect in California requiring employers to provide a reasonable amount of break time and a private room for the employee to express/pump her breast milk. The designated space may not be a toilet stall.

Scientific research indicates that breastfeeding results in positive outcomes not only for the mother, infant and their family, but for the workplace, community and environment as well.

An infant who is breastfed has a lower risk of infectious disease, Sudden Infant Death Syndrome (SIDS), overweight/obesity, Type 1 and 2 diabetes, heart disease, hypertension, asthma, and certain types of cancer. A mother who breastfeeds has reduced risk of breast and ovarian cancer, Type 2 diabetes, and osteoporosis.

The workplace benefits by supporting expectant and breastfeeding employees because of less employee absenteeism and turnover, higher productivity, lower health care costs, faster return from maternity leave and improved employee morale and loyalty.

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The community benefits from breastfeeding with a healthier population, with fewer medical interventions for acute childhood illness and associated financial and quality-of-life costs associated with decreased obesity, diabetes, and other chronic illnesses. Our environment benefits from breastfeeding because of the significant environmental costs associated with the manufacture, distribution and disposal of infant formula.

Policy

San Benito County Health & Human Services Agency recognizes that breast milk is the optimal food for growth and development of infants. SBC HHSA will support and encourage employees and management to have a positive, accepting attitude toward working women and breastfeeding.

SBC HHSA promotes and supports the practice of breastfeeding, and the expression of breast milk by employees who are breastfeeding when they return to work. Discrimination and harassment of breastfeeding mothers in any form is unacceptable and will not be tolerated.

Procedures

Training:

- Information promoting the benefits of breastfeeding shall be made available to all employees with local resources identified. Educational resources for breastfeeding will also be posted in the Maternal, Child and Adolescent Health section of the SBC HHSA Public Health Division website.
- This Advisory shall be included in the SBC HHSA new employee orientation packet.
- Expectant and breastfeeding employees and expectant spouses may use their Family Medical Leave Act (FMLA) time for pre-approved breastfeeding education and support classes.
- The Director Nursing, or designee will be available to consult with any employee or supervisor regarding lactation accommodation issues.

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Scheduling:

Employees shall be allowed a flexible schedule for pumping breast milk. The time allowed may exceed a normal lunch or break. Any time in excess of a normal lunch or break will not be paid as regular work time but with supervisory approval, the employee may make up her time with either sick leave, vacation leave, or a flexed working schedule. At the request of an employee or a supervisor, the Director of Nursing, or designee, will be available to help design a break schedule.

Facilities:

Employees shall be provided the use of a clean, comfortable, private space. If a designated Lactation Area is not provided, vacant offices or conference rooms are possible options. A restroom is not acceptable. The Lactation Area should be secure, equipped with an electrical outlet, be in close proximity to the employee's work area, and contain comfortable seating with a table or other flat surface to hold a breast pump. Windows should be able to be covered. Ideally, the Lactation Area should be near a sink with hot water and soap for hand washing and cleaning of equipment and access to a refrigerator for storage of expressed breast milk.

Compliance:

Managers and supervisors shall respond to any request for lactation accommodation in a manner consistent with the procedures outlined in this policy.

Atmosphere of Tolerance:

San Benito County Health & Human Services Agency shall create an atmosphere of acceptance regarding lactation in the workplace. Breastfeeding should not constitute a source of discrimination in employment or in access to employment. It is prohibited under this policy to harass a lactating employee or exercise any conduct that creates an intimidating, hostile or offensive working environment. Any incident of harassment of a lactating employee will be addressed in accordance with departmental policies and procedures for discrimination and harassment.

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References

California Labor Code Division 2,, Part 3, Chapter 3.8 - Lactation Accommodation,
Sections 1030-1033, inclusive.

Elizabeth Falade, MD 7/21/10
San Benito County Health Officer Date

Kathy Flores 7/15/10
San Benito County HHSA Director Date

APPROVED AS TO LEGAL FORM:

Matt Granger, San Benito County Counsel

By James L. W. DePuy
Date: 7-13-10

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