

## **Pumping at Work: How Medical Professionals Can Support Breastfeeding Patients**

You can support your patients in continuing to breastfeed after returning to the workplace by helping them get what they need to express or “pump” breast milk during the workday. Many workers in the U.S. return to work relatively soon after childbirth, often due to economic necessity. Your patients may face obstacles that make it difficult to continue breastfeeding. Here’s what you need to know to help.

### **1. Breastfeeding Employees Typically Need Accommodations at Work**

**Breaks:** Breastfeeding workers who are away from their babies during the workday typically need to express milk using a breast pump 2–3 times during an 8-hour work period and 3–4 times during a 12-hour shift to maintain their milk production and avoid health complications. In addition to the 15-20 minutes it takes to express milk, most need additional time to walk to and from the pumping location, set up their pump, clean up, and store their milk. **Many work under circumstances where they do not have the flexibility to take breaks without permission**, and therefore must request an accommodation to take regular pumping breaks.

**Space:** Employees who are breastfeeding require private space that is free from intrusion where they can relax and pump. **Most do not have an office with a door and require special permission to use a private pumping space**, like a lactation room, a vacant office, a conference room, or a supply room. Managers may not understand that breast milk is food that should not be prepared in a bathroom.

**Other Accommodations:** Pumping at work may also be made easier by employers providing a chair, a flat space like a table, electrical outlets, running water, and access to a refrigerator or permission to store a small cooler. There may be circumstances where other accommodations are needed because workplace conditions pose a risk, such as exposure to harmful substances or the need to wear restrictive safety equipment that may be incompatible with breastfeeding. In these unique circumstances, more substantial accommodations like job restructuring or temporary reassignment may be needed.

### **2. Employers May Be Legally Required to Provide Lactation Accommodations**

Three sources of law may entitle breastfeeding employees to lactation accommodations at work:

**Break Time for Nursing Mothers Law:** Provision of the Affordable Care Act that requires employers to provide reasonable break time for employees to express breast milk as needed throughout the workday, as well as a pumping space that is shielded from view, free from intrusion, and not a bathroom. This law protects only employees who are entitled to receive overtime compensation under federal law and only during the first year after the baby’s birth.

**Pregnancy Discrimination Act:** Federal law requires employers to treat employees who are breastfeeding as well as they treat non-nursing employees, including in the provision of workplace accommodations. Employers are also prohibited from using workplace policies that harm women as a group unless there is no feasible alternative. This means that employers generally should not be permitted to force workers onto unpaid leave because they are breastfeeding, but should instead provide them with on-the-job accommodations. Breastfeeding employees must have the same freedom to address lactation-related

needs that co-workers have to address other needs. E.g., if an employer allows employees to change their schedules for routine doctor appointments, then it must allow breastfeeding employees to change their schedules for pumping. Similarly, nursing employees must be free to use break time for pumping breast milk where other employees are allowed to use break time for their own purposes. Applies to employers with 15 or more employees.

**State Lactation Accommodation Laws:** Many states have laws requiring employers to provide break time and space for pumping. Check out the National Conference of State Legislators’ Breastfeeding State Laws webpage to learn more: <http://www.ncsl.org/research/health/breastfeeding-state-laws.aspx>.

### 3. You Can Help Your Patient Secure an Accommodation

**Speak with your patient before the birth about practical solutions** (breaks, space, etc.) that would allow her<sup>1</sup> to pump at work, and inform her that her employer may be legally *required* to provide accommodations. Talk with your patient about what she thinks might present obstacles in her workplace and encourage her to think creatively about how they can be overcome. Industry-specific pumping solutions identified by the Office on Women’s Health can be found at [www.womenshealth.gov/breastfeeding/employer-solutions](http://www.womenshealth.gov/breastfeeding/employer-solutions).

**Encourage your patient to speak with her supervisor or human resources *before* returning to work** about the accommodations she’ll need when she returns. Your patient should prepare a plan for how she and her employer can work together to meet her needs. Waiting until the first day back at work to arrange pumping breaks and space can create unnecessary stress as well as conflict with the employer.

**Write an effective work note for your patient if she anticipates or experiences difficulty with her employer.** This may help her get the accommodation she needs.

The most effective notes:

- Educate the employer about why breastfeeding and regular pumping are important
- Make clear that the accommodations are necessary for the *patient’s* own health, in addition to the health of the baby, for as long as they are breastfeeding
- Describe specifically what the patient requires in order to be able to pump, including:
  - The **frequency** and **duration** of the required breaks—for example, X minutes of break time every X-Y hours (typically 20-30 minutes every 2-3 hours for newborns)
  - A private space that is not a bathroom

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<sup>1</sup> This publication sometimes uses the term “woman,” “women,” and female gendered pronouns “she” and “her” because most people in need of workplace accommodations related to breastfeeding are women. It is important to recognize, however, that this population also includes workers who do not identify as women, including some gender non-conforming people and some transgender men.

- You can also note additional accommodations that would be helpful (such as electricity, fridge space, or permission to bring/store a small cooler)
- Communicate that the patient is able to continue working
- Communicate that the accommodations are medically necessary for the patient's health for as long as she is breastfeeding
- Note that the requested accommodation is temporary. If you include a projected duration for the accommodation, make clear that the time period may change in the future so your patient has flexibility to determine for how long she wishes to breastfeed.
- Note if the patient or baby has a specific medical condition that requires additional accommodations (e.g., low milk supply, tongue tie, or premature birth).

You should be prepared to modify the note if the employer needs more information. You may also be requested to resubmit the note periodically in order to certify that the patient is still breastfeeding.

See **Appendix A** for the text of a sample work accommodation note.

**Direct your patient to free resources if she is denied an accommodation or treated unfairly.** Breastfeeding (and pregnant and parenting) employees nationwide seeking support may contact:

- The Center for WorkLife Law for information about legal rights and attorney referrals as appropriate: email [hotline@worklifelaw.org](mailto:hotline@worklifelaw.org), or call 415-703-8276.
- American Civil Liberties Union: email [womensrights@aclu.org](mailto:womensrights@aclu.org), or call 212-549-2644
- Many state breastfeeding coalitions provide support for individuals working to implement workplace-support programs and policies. Visit the United States Breastfeeding Committee's Coalitions Directory to find your state breastfeeding coalition: [www.usbreastfeeding.org/coalitions-directory](http://www.usbreastfeeding.org/coalitions-directory).
- See Appendix B for additional resources

**Thank you for your work and commitment to your patients!**

## Appendix A: Sample Lactation Accommodation Work Note

[Your professional letterhead]

[Date]

To whom it may concern:

I am the [treating physician, nurse practitioner, etc.] for [Patient] who requires temporary accommodations at work that will allow her to continue breastfeeding her infant.

I have recommended that [Patient] breastfeed for at least the first year of her child's life, both for her own health and the health of her child. This recommendation is in accordance with the current guidelines issued by the American Academy of Pediatrics. The benefits of breastfeeding, which include fewer illnesses and improved health for both mothers and their babies, impact employers as well by reducing health care costs and absences and increasing employee retention.

In order to continue breastfeeding following return to work, employees who are breastfeeding like [Patient] must pump breast milk regularly throughout the day when they are away from their babies to produce enough milk to meet the child's nutritional needs and to prevent reduction in milk supply, painful engorgement, and harmful infection.

[Patient] must take breaks every [2-3 hours, adjust based on patient's needs] as needed to express (or "pump") breast milk using a breast pump. Each pumping session is expected to last approximately [20-30 minutes, adjust based on patient's need], not including the time it takes to walk between the pumping location and/or the milk storage location and [Patient's] work area.

[Patient] also requires a private, clean, secure space where she can pump milk during the workday. Please note that [Patient] should not be required to pump in the bathroom, as breast milk is food that must be handled in a sanitary space. Ideally, the designated location would include a chair, table, running water, and an electrical outlet needed to power the breast pump. [IF APPLICABLE] [Patient] informs me that a [type of space] may be available for this purpose.

[List any additional requested accommodations here, such as permission to store breast milk in fridge or bring a cooler to the job site].

[List any additional health issues or conditions here]

[Patient] is able to continue working. She will require these medically necessary accommodations for her health for as long as she is breastfeeding. Thank you for your concern and presumed flexibility in providing this temporary accommodation for [Patient].

Sincerely,

[Your Name]

## Appendix B: Additional Resources

American Academy of Pediatrics breastfeeding guidelines:

<http://pediatrics.aappublications.org/content/129/3/e827>

American Public Health Association breastfeeding guidelines: <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/09/15/26/an-update-to-a-call-to-action-to-support-breastfeeding-a-fundamental-public-health-issue>

*The Surgeon General's Call to Action to Support Breastfeeding:*

<https://www.surgeongeneral.gov/library/calls/breastfeeding/>

Primary Care Interventions to Support Breastfeeding, US Preventive Services Task Force Recommendation Statement:

<https://www.uspreventiveservicestaskforce.org/Page/Document/UpdateSummaryFinal/breastfeeding-primary-care-interventions>

U.S. Breastfeeding Committee Coalitions Directory: [www.usbreastfeeding.org/coalitions-directory](http://www.usbreastfeeding.org/coalitions-directory)

U.S. Breastfeeding Committee Online Guide: *What You Need to Know About the "Break Time for Nursing Mothers" Law* <http://www.usbreastfeeding.org/workplace-law>

U.S. Department of Labor: [www.dol.gov/whd/nursingmothers/](http://www.dol.gov/whd/nursingmothers/)

U.S. Department of Labor, Fair Labor Standards Act Advisor (for help determining eligibility under the "Break Time for Nursing Mothers" law): <http://webapps.dol.gov/elaws/flsa.htm>

U.S. Equal Employment Opportunity Commission, *Enforcement Guidance: Pregnancy Discrimination and Related Issues*: [https://www.eeoc.gov/laws/guidance/pregnancy\\_guidance.cfm](https://www.eeoc.gov/laws/guidance/pregnancy_guidance.cfm)

Health Resources & Services Administration, *The Business Case for Breastfeeding*: <http://mchb.hrsa.gov/pregnancyandbeyond/breastfeeding/businessmanagers.pdf>

Office on Women's Health, *Supporting Nursing Moms at Work: Employer Solutions*: <https://www.womenshealth.gov/breastfeeding/employer-solutions>

Pregnant@Work, How to Write Effective Work Accommodation Medical Notes for Pregnancy and Breastfeeding: <https://www.pregnantatwork.org/healthcare-professionals/>

ACLU, Know Your Workplace Rights, Pregnancy and Breastfeeding: <https://www.aclu.org/know-your-rights/federal-law-and-pregnant-post-partum-and-breastfeeding-workers>