



Hawaii Breastfeeding Coalition

Time and Place to Pump at Work

Breastfeeding leads to healthy outcomes for families and workplaces, saving tremendously on health care costs. The new health care reform (*Patient Protection and Affordability Care Act*) provides nursing women the right to unpaid time and place to pump breast milk at work. Provision §4207 of the health care reform package (Reasonable Break Time for Nursing Mothers)

Types of employers covered? All employers are covered; those with less than 50 employees do not have to comply if they show complying would cause “undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer’s business.”

What workers are covered? As part of the US minimum wage and overtime laws, so-called “non-exempt workers” are covered. Generally, the law covers hourly workers and others who work on an hourly basis and subject to overtime laws.

When does the law go into effect? This provision went into effect when the new health care reform act became law, March 2010. It is now the federal minimum standard.

How much time must be given? The law provides for a *reasonable break time* each time a mother needs to express her milk for up to one year after birth.

What type of location must be provided? A place ‘*other than a bathroom*’ which protects the worker from view and a place where co-workers or the public will not intrude.

Who will determine what is a ‘reasonable amount’ of time and whether the place is sufficient? U.S. Department of Labor is the regulatory agency.

Are the pumping breaks paid? It is not required to pay the worker but employers that voluntarily provide paid break times can still continue to do so.

What can employers do now? Find out more-

About the law and wonderful resources for employers from the United States Breastfeeding Committee:

<http://www.usbreastfeeding.org/Workplace/WorkplaceSupport/WorkplaceSupportinHealthCareReform/tabid/175/Default.aspx>

About workers covered: <http://www.dol.gov/compliance/guide/minwage.htm>

Contact the Wage and Hour Division: http://www.dol.gov/whd/contact_us.htm

1 Melissa Bartick and Arnold Reinhold, *The Burden of Suboptimal Breastfeeding in the United States: A Pediatric Cost*, Pediatrics (published online April 5, 2010).

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What about Hawaii employers?

In Hawaii, with the vast majority of businesses employing less than 50 employees, staff satisfaction, employee retention, early return after maternity leave and reduced absences can greatly impact the bottom line. For that reason lactation support in the work place can make sense and may be an inexpensive way to make changes improve the bottom line. The **Hawaii Breastfeeding Coalition, Business Team** is ready to assist businesses with lactation support, on Oahu and the neighbor islands.

Contact Joan Kaneshiro for resources and live assistance: 223-9082 or e-mail: fcjkaneshiro@pacthawaii.org

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