



Fair Labor Standard Act (FLSA) in Support of Nursing Mothers

Quick Assessment for Businesses

Use this quick assessment to determine if and how your business may need assistance with the FLSA law in support of nursing mothers. The below “Five Simple Steps” offers clear guidance on how to create and implement workplace breastfeeding support and the FLSA changes.

Does your business:	YES	NO
Employ women between the ages of 15 and 44 years?		
Inform supervisors, human resource staff and employees of the federal law that requires all employers provide time and space for breastfeeding employees to pump milk at work?		
Provide flexible breaks and/or work options for employees to express breast milk?		
Provide a place, other than a bathroom, that is shielded from view and free from intrusion from the public and co-workers, to be used by an employee to express milk?		
Need support and education in accommodating nursing employees in your worksite?		

Five Simple Steps: Create & Implement Workplace Breastfeeding Support

<p>Step 1:</p> <p>IDENTIFY</p>	<p>Essentials Needed by a Nursing Mother in the Workplace</p> <p>There are a number of “must haves” to ensure that a nursing mother is successful in continuing to breastfeed when returning to work. These items already exist in many workplaces and include a door that locks, a small table, a fridge, a sink and an electrical outlet. Stress, noise and interruptions can all affect pumping. The more quiet and relaxing the space, the better and more efficient it is for the nursing mom.</p>
<p>Step 2:</p> <p>PROVIDE</p>	<p>Reasonable Breaks for Pumping</p> <p>The Fair Labor Standard Act in Support of Nursing Mothers does not define what is legally constituted as a “reasonable break,” as both the frequency and the duration of pump sessions will vary by mother.</p> <p>In general:</p> <ul style="list-style-type: none"> • Frequency of sessions: nursing mothers will typically pump two to three times during a typical 8 hour work day, depending on the age of the baby; at the age of three months, infants typically nurse every 2½ to 3½ hours. • Duration of sessions: as a general rule, it takes at least 15 - 20 minutes to pump plus another 10 minutes to get ready beforehand and clean up afterward; however, this can vary greatly by mother and her experience.

	<ul style="list-style-type: none"> • The frequency and length of sessions are generally reduced over time as the baby grows and is introduced to solids (around 5 - 6 months of age), and as a mother becomes more efficient. However, this again varies with each mother. • You are not required to pay employees for these breaks, unless you already provide compensated breaks. Be clear in the breastfeeding policy whether pumping breaks are paid or unpaid.
<p>Step 3:</p> <p>POLICY</p>	<p>Write a Simple, Straightforward Breastfeeding Policy</p> <p>A good breastfeeding policy doesn't need to be complex. It simply needs to include the essentials of how the company supports its nursing mothers. The policy should be written in the same tone and voice as your other corporate policies and should:</p> <ul style="list-style-type: none"> • Clearly state that the company supports nursing mothers returning to the workplace and that all staff are expected to do the same • Summarize the legal requirements for complying with the FLSA • Define or suggest reasonable break times and state whether these are paid or unpaid • List private places where a nursing mother can pump • State that the policy will be discussed with nursing mothers prior to their departure on maternity leave • Provide a means for a nursing mother to lodge a complaint if she feels that she is being harassed or discriminated against because of her decision to pump at work
<p>Step 4:</p> <p>COMMUNICATE</p>	<p>Share the Breastfeeding Policy to all Employees</p> <p>A working mother's nursing success depends on having not just the support of the company, but also that of her colleagues. All staff should understand the breastfeeding policy and what is expected of them. For example, nursing mothers require flexibility when scheduling pumping breaks; if their colleagues are familiar with what is needed, they can readily adapt.</p> <ul style="list-style-type: none"> • Explain the new policy in detail to all staff • Give each employee a copy of the written breastfeeding policy • Make it clear that all employees are required to provide support and respect a new mother's breastfeeding needs, and that there will be consequences in failing to do so • Use the policy as an opportunity to demonstrate a commitment and benefit to a very valuable group in the workforce • Add the new policy into your employee handbook in conjunction with any maternal policies that you may already have • The policy can be used as part of your recruitment process to highlight to women that you are attentive to their future needs
<p>Step 5:</p> <p>PREPARE</p>	<p>Plan your Employee's Return to Work Prior to her Maternity Leave</p> <p>This is the most critical step of all. For many women, the decision to breastfeed is both personal and private. The employee may not initiate the conversation with their employer prior to their maternity leave. Yet, planning ahead ensures greater peace of mind for the employee when she knows that she is supported in her decision to continue to breastfeed after returning to work. It also helps the company prepare for a new mother's return to work.</p>

Adapted from Bravado Breastfeeding Information Council (BBIC), Five Simple Steps to Create and Implement Breastfeeding Policy in the Workplace, August 2010, www.breastfeedinginformation.org

Developed collaboratively by the Nebraska Department of Health and Human Services, Nebraska Breastfeeding Coalition, Nebraska Women's Health Advisory Council, and MilkWorks.