

NOTE TO USER:

This sample Lactation Accommodation Policy is based on Medela's own employee policy, and we believe it reflects best practices that meet or exceed the requirements of federal law under the Fair Labor Standards Act and the newly enacted PUMP Act.

This template should be customized as appropriate to meet the needs of your organization and your local laws and regulations.

POLICY STATEMENT

[EMPLOYER] supports new parents in our workforce and their choices when it comes to breastfeeding upon their return to work after the arrival of a baby, recognizing that breast milk is the optimal food for growth and development of infants. This policy is to establish guidelines for promoting a breastfeeding-friendly work environment and supporting lactating employees for [up to one (1) year following the birth of a child / as long as they desire (see footnote 1)]. [EMPLOYER] supports the legal right and necessity of employees who choose to express milk in the workplace.

REASON FOR POLICY

The goals of this Policy include:

- To establish guidelines promoting a work environment that supports breastfeeding at [EMPLOYER].
- To acknowledge that employees have a right to lactation accommodation.
- To acknowledge [EMPLOYER]'s obligation to respond to lactation requests from employees.
- To acknowledge the employee's right to file a complaint with the U.S. Department of Labor Wage and Hour Division for any related violation.
- To comply with federal regulations under the Providing Urgent Maternal Protections for Nursing Mothers Act (the "PUMP Act") and other requirements per the Fair Labor Standards Act, and any applicable state or local laws where [EMPLOYER] employees reside.

WHO SHOULD READ THIS POLICY

All [EMPLOYER] employees – including all members of the [Leadership / Executive Team], employees inquiring about parental leave, all supervisors and business managers, and all new and current employees.

- (1) INSTRUCTION: ensure your policy reflects a timeline that meets minimum legal requirements. Federal law protects accommodations for up to one (1) year following the birth of a child. State or local laws and regulations may extend that timeline to two (2) or more years. Best practice is to allow employees to express milk for as long as desired.
- (2) INSTRUCTION: modify the Complaints section to reflect your own reporting and whistleblower practices as appropriate.

POLICY TEXT

In accordance with the PUMP Act and other applicable state and local regulations, breastfeeding employees will be provided breaks to express milk during working hours in a lactation space that meets minimum stipulated requirements described below. The break time shall, if possible, run concurrently with the employee's lunch and break time. If the time for an employee's break time does not run concurrently or when additional time is necessary, the break time may be unpaid only if an employee is relieved of all duties and is not interrupted during their break.

Lactation Breaks

Employees have the right to take reasonable break time to express breast milk for **[up to one (1) year following the birth of a child / as long as the employee desires (see footnote 1 and align with Policy Statement above)]**. Employees may take reasonable break time each time they have a need to express milk. **[EMPLOYER]** may not deny a needed break to pump.

The frequency and duration of breaks needed to express milk may vary from employee to employee. Additionally, factors including the steps reasonably necessary to express breast milk, such as walking time to/from the lactation space, pump setup, and clean up, must be included in and can affect the duration of time an employee will need to express milk.

Employees who telework are eligible to take pump breaks on the same basis as other employees.

Lactation Space Requirements

[EMPLOYER] will provide breastfeeding employees with space in close proximity to their work area to express breast milk. This space will be shielded from view and free from intrusion by colleagues and the public. The room or location may include the place where the employee normally works if it otherwise meets the requirements of the lactation space.

The lactation space will:

- Not be a restroom
- Be safe, clean, and free of toxic or hazardous materials
- Contain a place to sit and a surface to place a breast pump and other personal items
- Have access to electricity
- Be in close proximity to a sink with running water and a refrigerator

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(2) **INSTRUCTION:** modify the Complaints section to reflect your own reporting and whistleblower practices as appropriate.

- Potentially be a multi-purpose room if they satisfy the requirements for space; however, use of the room for lactation takes priority over other uses
- Have the ability to be secured so that the employee can pump without intrusion

PROCEDURES

Lactation Accommodation Requests

Breastfeeding employees who wish to express milk during working hours should submit a request to [Human Resources / Leave Manager] at [EMAIL ADDRESS] at least 10 days in advance of needing accommodation, whenever possible. [EMPLOYER] must provide lactation accommodations – including breaks and a private space – upon receipt of the request. If a pumping space does not meet the standards of this policy and the PUMP Act, as noted above, employees must provide notice and then wait 10 days before filing a complaint with the Department of Labor. [EMPLOYER] recognizes that employees' lactation accommodation needs may change over time, and employees may request changes to their existing lactation accommodation at any point.

Retaliation

Retaliation against lactating employees for exercising their rights under this policy and the PUMP Act is expressly prohibited. Any such retaliation shall be cause for immediate disciplinary action, up to and including termination. Individuals that are so protected from retaliation includes those who request time to express breast milk at work, supervisors and other employees seeking to support such accommodations, and anyone who lodges a complaint related to the violation of this policy or the PUMP Act.

Complaints *(see footnote 2)*

Employees are encouraged to first bring any complaints to their [Supervisor or Human Resources] to explore resolution. If employees' rights under the law are violated, employees can file a complaint with the **U.S. Department of Labor Wage and Hour Division (WHD)** by calling the toll-free number **1-800-487-9243** or by visiting www.dol.gov/whd.

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- (2) INSTRUCTION: modify the Complaints section to reflect your own reporting and whistleblower practices as appropriate.