

FACT SHEET: "Break Time for Nursing Mothers" Provision



Among mothers of infants in their first year, 35.5% work full time and 16.1% work part time outside the home. Yet when mother and child are separated for more than a few hours, the woman must express breast milk. **Missing even one needed pumping session can have several undesirable consequences**, including discomfort, leaking, inflammation and infection, decreased supply, and ultimately, breastfeeding cessation. As a result, mothers typically find returning to work a significant barrier to breastfeeding. They often face inflexibility in work hours/locations and a lack of privacy for expressing milk, have no place to store the milk, are unable to find child care facilities at or near the workplace, face fears over job insecurity, and have limited maternity leave. Mothers without a private office may resort to using the restroom, an approach that is unhygienic and associated with premature weaning.

The Surgeon General's Call to Action to Support Breastfeeding and the Institute of Medicine report, *Accelerating Progress in Obesity Prevention* call for employers to establish and maintain lactation support programs for their employees. The HHS Office on Women's Health hosts ***Supporting Nursing Moms at Work: Employer Solutions***, a comprehensive online resource that provides businesses with cost-effective tips and simple solutions for all industries.

Benefits for Employers

The HHS *Business Case for Breastfeeding* shows an **impressive return on investment (almost 3:1) for employers that provide lactation support**, including lower health care costs, absenteeism, and turnover, and improved morale, job satisfaction, and productivity. It is easier to provide temporary, scheduled breaks for milk expression than to cover the missed work shifts of an employee who is absent because her baby or family members are sick.

Federal Legislation Overview

Section 4207 of the Affordable Care Act (ACA) requires employers to provide reasonable break time and a private, non-bathroom place for most hourly wage-earning (nonexempt) workers to express breast milk at work. The provision was incorporated with **unanimous bipartisan support** during the 2009 Senate HELP Committee markup of the draft health reform bill. Although it was intended to cover all employees, its placement within existing statute means that it does not cover approximately 12 million salaried executive, administrative, and professional employees, including teachers. While it has been a boon that it provides protection and support for the most vulnerable workers, this distinction in the law was unintentional, causes confusion, and could be addressed with a simple amendment.

Demonstrated Effectiveness & Support

Research clearly shows that employed mothers with access to workplace support are less likely to stop breastfeeding early. The federal "Nursing Breaks" provision builds on experiences with successful workplace laws in 26 states and DC. The introduction of a uniform national "floor" for workplace support has ensured that **employers have access to simple, cost-effective solutions**, and it has increased awareness and available resources to support employees.

Breastfeeding employees and their employers simply cannot afford to lose access to workplace lactation supports and the resources to implement them: please maintain the federal "Break Time for Nursing Mothers" law and expand its coverage to salaried (exempt) workers.

U.S. Breastfeeding Committee • www.USBreastfeeding.org

