



Guide to the Rights of Breastfeeding Employees in the District of Columbia

Purpose: This guide was developed to provide an overview of the laws that protect the rights of breastfeeding employees in DC to express breast milk during the workday. The factors that are addressed and the level of protection provided vary widely from one law to another. The chart below details the DC and federal laws that impact breastfeeding employees, and the protections those laws provide for each listed component. Components that are not addressed by the law are shaded in gray.

How to Use This Guide: To identify your rights as a breastfeeding employee or obligations as an employer, you must first determine which of the laws apply to you. Then compare each part of the applicable laws. If an employee is covered by more than one law, and those laws address the same component, the employee is entitled to the strongest protection available. If an employer does not provide the required accommodations, a complaint can be filed with the regulatory agency. The agency responsible for enforcement of each law and information on how to file a complaint is included in the chart.

The template was developed to address every component considered in existing state and federal workplace lactation accommodation laws. Some components may not apply to your state.

Where to Go for Help: Many breastfeeding coalitions provide support for employees and employers. See the [District of Columbia Breastfeeding Coalition website](#) or visit the U.S. Breastfeeding Committee [Coalitions Directory](#) for a list of all breastfeeding coalitions.

Important Note: The information provided in this guide is not legal advice. Legal advice is dependent upon the specific circumstances of each situation. Check with a lawyer or the regulatory agency if you believe your rights have been violated.

DC Laws:

[D.C. Code Ann. § 2-1402.81-83. The Human Rights Act of 1977, as amended by the Child's Right to Nurse Human Rights Amendment Act of 2007:](#)

§ 2-1401.05. Discrimination based on pregnancy, childbirth, related medical conditions, or breastfeeding.

(a) For the purposes of interpreting this chapter, discrimination on the basis of sex shall include, but not be limited to, discrimination on the basis of pregnancy, childbirth, related medical conditions, breastfeeding, or reproductive health decisions.

(b) Women affected by pregnancy, childbirth, related medical conditions, or breastfeeding, and employees affected by reproductive health decisions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and this requirement shall include, but not be limited to, a requirement that an employer must treat an employee temporarily unable to perform the functions of her job because of her pregnancy-related condition in the same manner as it treats other employees with temporary disabilities.

(c) For the purposes of this section, the term "reproductive health decisions" includes a decision by an employee, an employee's dependent, or an employee's spouse related to the use or intended use of a particular drug, device, or medical service, including the use or intended use of contraception or fertility control or the planned or intended initiation or termination of a pregnancy.

§ 2-1402.11. Prohibitions.

(a) *General.* -- It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based upon the actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, genetic information, disability, matriculation, or political affiliation of any individual:

§ 2-1402.82. Rights of breastfeeding mothers.

(a) For the purposes of this section, the term:

(1) "Reasonable efforts" means any effort that would not impose an undue hardship on the operation of an employer's business.

(2) "Undue hardship" means any action that requires significant difficulty or expense when considered in relation to factors such as the size of the business, its financial resources, and the nature and structure of its operation.

(b) It shall be an unlawful discriminatory practice to deny a woman any right provided under this section.

(c) (1) A woman shall have the right to breastfeed her child in any location, public or private, where she has the right to be with her child, without respect to whether the mother's breast or any part of it is uncovered during or incidental to the breastfeeding of her child.

(2) Notwithstanding any other provision of District of Columbia law governing indecent exposure or the definition of the private or intimate parts of a female person, including that portion of the breast that is below the top of the areola, a woman shall have the right to breastfeed in accordance with this section.

(d) (1) An employer shall provide reasonable daily unpaid break periods, as required by the employee, so that the employee may express breast milk for her child to maintain milk supply and comfort. If any break period, paid or unpaid, is already provided to the employee by the employer, the break period required shall run concurrently with the break periods already provided. Notwithstanding the foregoing, an employer shall not be required to provide break periods if it would create an undue hardship on the operations of the employer.

(2) An employer shall make reasonable efforts to provide a sanitary room or other location in close proximity to the work area, other than a bathroom or toilet stall, where an employee can express her breast milk in privacy and security. The location may include a childcare facility in close proximity to the employee's work location.

§ 2-1402.83. Duties of the Department of Health.

The Department of Health shall monitor breastfeeding rates in the District of Columbia, the number and nature of complaints regarding violations of this part received by the Office of Human Rights, and any benefits reported by working breastfeeding mothers and employers to the Department of Health. The Department of Health shall issue annual reports of its findings to the Council.

Resources:

- [District of Columbia Office of Human Rights:](#)
 - [Statutory language:](#) full text of amendments to D.C. Code Ann. § 2-1402.81-83
 - [LexisNexis:](#) full text of D.C. Code Ann. § 2-1402.81-83
 - [Breastfeeding Guidelines Final Rule:](#) final rulemaking to support implementation, provide guidance to employers, educate the public, and guide internal processing of complaints

Protecting Pregnant Workers Fairness Act:

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "DOES" means the Department of Employment Services.

(2) "Reasonable accommodation" means an accommodation that does not cause undue hardship in the operation of the employer's business that an employer can make for an employee whose ability to perform the functions of the employee's job are affected by pregnancy, childbirth, a related medical condition, or breastfeeding, including:

(A) More frequent or longer breaks;

(B) Time off to recover from childbirth;

(C) The acquisition or modification of equipment or seating;

(D) The temporary transfer to a less strenuous or hazardous position or other job restructuring such as providing light duty or a modified work schedule;

(E) Having the employee refrain from heavy lifting;

(F) Relocating the employee's work area; or

(G) Providing private non-bathroom space for expressing breast milk.

(3) "Undue hardship" means any action that requires significant difficulty in the operation of the employer's business or significant expense on the behalf of the employer when considered in relation to factors such as the size of the business, its financial resources, and the nature and structure of its operation.

Sec. 3. Provision of reasonable accommodation.

(a) An employer shall engage in good faith in a timely and interactive process with an employee requesting or otherwise needing a reasonable accommodation to determine a reasonable accommodation for that employee.

(b)(1) An employer may require an employee to provide a certification from the employee's health care provider concerning the medical advisability of a reasonable accommodation to the same extent a certification is required for other temporary disabilities.

(2) A certification shall include:

- (A) The date the reasonable accommodation became or will become medically advisable;
 - (B) An explanatory statement as to the medical condition and the advisability of providing the reasonable accommodation in light of the condition; and
 - (C) The probable duration that the reasonable accommodation will need to be provided.
- (c) In any proceeding brought under this act, the employer shall have the burden of establishing that it would be an undue hardship to provide a reasonable accommodation.

Sec.4. Prohibitions.

An employer shall not:

- (1) Refuse to make reasonable accommodations to the known limitations related to pregnancy, childbirth, related medical conditions, or breastfeeding for an employee, unless the employer can demonstrate that the accommodation would impose an undue hardship;
- (2) Take an adverse action against an employee who requests or uses a reasonable accommodation in regard to the employee's conditions or privileges of employment, including failing to reinstate the employee when the need for reasonable accommodations ceases to the employee's original job or to an equivalent position with equivalent:
 - (A) Pay;
 - (B) Accumulated seniority and retirement;
 - (C) Benefits; and
 - (D) Other applicable service credits;
- (3) Deny employment opportunities to an employee, or a job applicant, if the denial is based on the need of the employer to make reasonable accommodations to the known limitations related to pregnancy, childbirth, related medical conditions, or breastfeeding;
- (4) Require an employee affected by pregnancy, childbirth, related medical conditions, or breastfeeding to accept an accommodation that the employee chooses not to accept if the employee does not have a known limitation related to pregnancy, childbirth, related medical conditions, or breastfeeding or the accommodation is not necessary for the employee to perform her duties; or
- (5) Require an employee to take leave if a reasonable accommodation can be provided.

Sec. 5. Notice of rights to employees.

- (a) An employer shall post and maintain in a conspicuous place a notice of rights in both English and Spanish and provide written notice of an employee's right to a needed reasonable accommodation related to pregnancy, childbirth, related medical conditions, or breastfeeding pursuant to this act to:
 - (1) New employees at the commencement of employment;
 - (2) Existing employees within 120 days after the effective date of this act; and
 - (3) An employee who notifies the employer of her pregnancy, or other condition covered by this act, within 10 days of the notification.
- (b) The employer shall provide an accurate written translation of the notice of rights to any non-English or non-Spanish speaking employee and as required by section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167;D.C. Official Code § 2-t933).

Sec. 7. Employee right of action.

An employee or employees injured by a violation of this act shall be entitled to maintain an administrative action or a civil action.

Sec. 8. Administrative enforcement by DOES.

- (a) An employee who claims that an employer has violated the employee's right under this act and seeks redress shall file a complaint with DOES.
- (b) The DOES, which shall administer this act, shall establish administrative procedures for an aggrieved person to file a complaint against the employer alleged to have violated this act, which shall include:
 - (1) An investigation of the complaint and an attempt to resolve the complaint by conference or mediation;
 - (2) If the complaint is not resolved, a determination on the existence of probable cause to believe a violation of this act has occurred;
 - (3) If it is determined probable cause exists, the issuance and service of a written notice and a copy of the complaint to the employer alleged to have violated this act that requires the employer to answer the charges of the complaint at a hearing before DOES, the procedures of which shall be established by rule; and
 - (4) The right of the employee to have an attorney authorized to practice law in the District of Columbia and retained by the employee present at the hearing.
- (c) If DOES determines, after its hearing, that the employer has violated any provision of this act, DOES shall order the employer to provide affirmative remedies including:
 - (1) Back pay for lost wages resulting from the employer's violation of this act;

(2) Reinstatement or other injunctive relief; and

(3) Reasonable attorney's fees and costs of enforcement.

(dxl) To compensate the District for the costs of investigating and remedying a violation,

DOES may also order the employer to pay to the District a penalty of not more than \$500 for each day or portion thereof that the violation continues for each employee against whom the violation occurred or continues.

(2) The funds recovered by the District under this subsection shall be deposited in the Pregnant Workers Protection Fund established by section 13.

(eXI) Subject to paragraph (2) of this subsection, if an employer is determined to not be in compliance with this act, DOES shall take any appropriate enforcement action to secure compliance, including initiating a civil action following review by the Office of Administrative

Hearings, and, except where prohibited by another law, revoking or suspending any registration certificates, permits, or licenses held or requested by the employer until the violation is remedied.

(2) Before DOES may take action regarding a suspension or revocation of a registration certificate, permit, or license, the employer shall have the opportunity to request a hearing pursuant to Title I of the District of Columbia Administrative Procedure Act, approved

October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.) ("APA").

Sec. 9. Hearing by Office of Administrative Hearings.

(a) In accordance with section 6(b)(l) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-

1831.03(b)(1)), a party contesting the determination made by DOES shall be entitled to a hearing before the Office of Administrative Hearings.

(b) Upon the exhaustion of administrative remedies, an employee aggrieved by the order of the Office of Administrative Hearings may bring an action in court.

Sec. 10. Enforcement by civil action.

(a) A civil action may be maintained against any employer in a court of competent jurisdiction by one or more employees.

(b) An employer who violates the provisions of this act shall be liable to the affected employee or employees for the remedies set forth in section 8(c).

Sec. 11. Interest and collection on amounts due.

(a) In any administrative or civil action brought under this act, the Mayor or court shall award interest on all amounts due and unpaid at the rate of interest specified in D.C. Official Code § 28-3302(b) or (c).

(b) The award of any money awarded to an employee under this act shall be enforceable by the employee to whom the debt is owed or may be collected by the District on behalf of the employee.

Sec. 12. Penalties.

(a) An employer who willfully violates section 4 shall be subject to a civil penalty of \$1,000 for the 1st offense, \$1,500 for the 2nd offense, and \$2,000 for the 3rd and each subsequent offense.

(b) An employer who fails to post the notice of rights as required by section 5(a) shall be assessed a civil penalty not to exceed \$50 for each day that the employer fails to post the notice; provided, that the total penalty shall not exceed \$250, unless the ongoing violation is willful.

Sec. 13. Pregnant Workers Protection Fund.

(a) There is established as a special fund the Pregnant Workers Protection Fund ("Fund"), which shall be administered by DOES in accordance with subsection (c) of this subsection.

(b) The Fund shall consist of the revenue from the following sources recovered under this act:

(1) Civil fines; and

(2) Administrative penalties.

(c) The Fund shall be used to enforce this act.

(dxl) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

Resources:

- D.C. Municipal Regulations and D.C. Register:
 - [Statutory language](#): full text of the Protecting Pregnant Workers Fairness Act of 2014
 - D.C. Office of Human Rights:
 - [Protecting Pregnant Workers Fairness Act webpage](#): includes information on general requirements, prohibited actions, and the complaint process
 - [Fact Sheet: English](#): fact sheet for employers and employees

- [Workplace Poster: English](#): notice of rights for employers to post in a conspicuous location
- [Workplace Poster: Spanish](#): notice of rights for employers to post in a conspicuous location

Federal Laws:

Section 7(r) of the Fair Labor Standards Act – Break Time for Nursing Mothers Provision:

(r)(1) An employer shall provide—

A. a reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk; and

B. a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

(2) An employer shall not be required to compensate an employee receiving reasonable break time under paragraph (1) for any work time spent for such purpose.

(3) An employer that employs less than 50 employees shall not be subject to the requirements of this subsection, if such requirements would impose an 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.

(4) Nothing in this subsection shall preempt a State law that provides greater protections to employees than the protections provided for under this subsection.

Resources:

- [United States Department of Labor Wage and Hour Division](#) (WHD):
 - [Statutory language](#): full text of the "Break Time for Nursing Mothers" law
 - [Fact Sheet #73](#): includes information on general requirements, time and location of breaks, and coverage and compensation requirements under the "Break Time for Nursing Mothers" law
 - [FAQs](#): answers many questions about the law

Title VII of the Civil Rights Act: The Pregnancy Discrimination Act, passed in 1978, amended Title VII of the Civil Rights Act of 1964 to prohibit sex discrimination on the basis of pregnancy, childbirth, and related medical conditions. In 2013, the United States Court of Appeals for the Fifth Circuit held that firing a woman because she is lactating or expressing milk is unlawful sex discrimination under Title VII of the Civil Rights Act.

Title VII states:

(a) Employer practices

It shall be an unlawful employment practice for an employer -

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

(k) The terms 'because of sex' or 'on the basis of sex' include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in section 703(h) of this title shall be interpreted to permit otherwise. This subsection shall not require an employer to pay for health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term, or except where medical complications have arisen from an abortion: Provided, That nothing herein shall preclude an employer from providing abortion benefits or otherwise affect bargaining agreements in regard to abortion.

Resources:

- [U.S. Equal Employment Opportunity Commission](#):
 - [The Pregnancy Discrimination Act of 1978](#): statutory language of amendment to Title VII of the Civil Rights Act
 - [Pregnancy Discrimination](#): webpage detailing prohibited treatment of employees impacted by pregnancy, childbirth, or related medical conditions
 - [Enforcement Guidance: Pregnancy Discrimination and Related Issues](#): guidance regarding the Pregnancy Discrimination Act and the Americans with Disabilities Act as they apply to pregnant workers. The Enforcement Guidance states that there are various circumstances in which discrimination against a female

employee who is lactating or breastfeeding can implicate Title VII. Because lactation is a pregnancy-related medical condition, less favorable treatment of a lactating employee may raise an inference of unlawful discrimination. An employee must have the same freedom to address lactation-related needs that she and her co-workers would have to address other similarly limiting medical conditions.

	Local: D.C. Code Ann. § 2-1402.81-83.	Local: Protecting Pregnant Workers Fairness Act	Federal: Break Time for Nursing Mothers Law	Federal: Title VII of the Civil Rights Act
Eligible Employees	All women employees who are affected by breastfeeding.	All employees whose ability to perform the functions of the employee's job are affected by pregnancy, childbirth, a related medical condition, or breastfeeding.	Nursing mothers who are employees covered by the Fair Labor Standards Act (FLSA) and not exempt from FLSA overtime pay requirements. Important note: if an employer is not covered by the FLSA, its employees may still be covered if the employee's own duties meet certain interstate commerce requirements.	Title VII protects employees of private and state and local government employers with 15 or more employees, labor organizations, employment agencies, and apprenticeship and training programs. Title VII also applies to employees in the federal sector.
Are Employers Required to Have a Policy on Breastfeeding Employees?	Each employer shall create a policy with respect to its employees who are breastfeeding mothers; provided, that such policy shall not contain any rules or guidelines which dictate whether the mother's breast, or any part of it, is uncovered during or incidental to the breastfeeding of her child. The policy shall be posted along with The Right to Breastfeed Workplace Poster .			No policy is required under Title VII. However, if an employer allows employees to take breaks, change their schedules, or use sick leave for routine doctor appointments and to address non-incapacitating medical conditions, then it must allow female employees to change their schedules or use sick leave for lactation-related needs under similar circumstances. Or, if an employer freely permits employees to use break time for personal reasons, it would violate Title VII to deny break time for expressing breast milk.
Frequency of Milk Expression Breaks	Reasonable so that the employee may breastfeed her child or express breast milk to maintain milk supply or relieve	Reasonable.	As frequently as needed by the nursing mother. The frequency of breaks needed to express breast milk will likely vary.	

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	physical discomfort. An employer may require that break periods run concurrently with any break periods already afforded.			
Length of Time for Milk Expression Breaks	Reasonable to maintain milk supply or relieve physical discomfort.	Reasonable.	Reasonable. The duration of each break will likely vary.	
Duration of Milk Expression Breaks	No limit.	No limit.	1 year after the child's birth.	
Space Requirements	Sanitary room or other location in close proximity to the work area, other than a bathroom or toilet stall, where an employee can breastfeed or express breast milk in privacy and security. The location: (1) May include a childcare facility in close proximity to the work area; or (2) If at the work area, shall have adequate lighting, ventilation, and an electrical outlet (if necessary for a pumping device), and may, but not be required to have, a lock for privacy, a sink with a safe water source, a comfortable chair, a small table, and a clock.	Private non-bathroom space for expressing breast milk.	A place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mothers' use, it must be available when needed in order to meet the statutory requirement. Of course, employers may choose to create permanent, dedicated space if they determine that is the best way to meet their obligations under the law.	
Pay Requirement	Paid or unpaid, at the employer's discretion. If any break period, paid or unpaid, is already provided to the employee by the employer, the break period required shall run concurrently with the break periods already provided.		Unpaid , unless concurrent with paid breaks . If a nursing employee is not completely relieved from duty during a break to express breast milk, the time must be compensated as work time.	

	Local: D.C. Code Ann. § 2-1402.81-83.	Local: Protecting Pregnant Workers Fairness Act	Federal: Break Time for Nursing Mothers Law	Federal: Title VII of the Civil Rights Act
Are Employers Required to Notify Employees of Their Rights?	The D.C. Office of Human Rights shall provide information to employers and employees regarding their rights and obligations under this section. Employers shall conspicuously post and maintain in the workplace a notice containing this information, such as The Right to Breastfeed Workplace Poster.	An employer shall post and maintain in a conspicuous place a notice of rights in both English and Spanish and provide written notice of an employee's right to a needed reasonable accommodation related to pregnancy, childbirth, related medical conditions, or breastfeeding pursuant to this act to: (1) New employees at the commencement of employment; (2) Existing employees within 120 days after the effective date of this act; and (3) An employee who notifies the employer of her pregnancy, or other condition covered by this act, within 10 days of the notification. (b) The employer shall provide an accurate written translation of the notice of rights to any non-English or non-Spanish speaking employee and as required by section 4 of the Language Access Act of 2004.		Employers are required to post the "EEO is the Law" English poster. <i>Note: This notice does not specifically address the rights of breastfeeding employees.</i>
Requirements for Employees		An employer shall engage in good faith in a timely and interactive process with an employee requesting or otherwise needing a reasonable accommodation to determine a reasonable accommodation for that employee. An employer may require an employee to provide a certification from the employee's health care provider		

	Local: D.C. Code Ann. § 2-1402.81-83.	Local: Protecting Pregnant Workers Fairness Act	Federal: Break Time for Nursing Mothers Law	Federal: Title VII of the Civil Rights Act
		<p>concerning the medical advisability of a reasonable accommodation to the same extent a certification is required for other temporary disabilities. A certification shall include:</p> <p>(A) The date the reasonable accommodation became or will become medically advisable;</p> <p>(B) An explanatory statement as to the medical condition and the advisability of providing the reasonable accommodation in light of the condition; and</p> <p>(C) The probable duration that the reasonable accommodation will need to be provided.</p>		
Exemption	<p>An employer shall not be required to provide breastfeeding-related break periods if doing so would create an undue hardship. "Undue hardship" means any action that requires significant difficulty or expense when considered in relation to factors such as the size of the business, its financial resources, and the nature and structure of its operation.</p>	<p>An employer shall not refuse to make reasonable accommodations to the known limitations related to pregnancy, childbirth, related medical conditions, or breastfeeding for an employee, unless the employer can demonstrate that the accommodation would impose an undue hardship. "Undue hardship" means any action that requires significant difficulty in the operation of the employer's business or significant expense on the behalf of the employer when considered in relation to factors such as the size of the business, its financial resources,</p>	<p>All employers covered by the FLSA, regardless of the size of their business, are required to comply with this provision. However, employers with fewer than 50 employees are not subject to the FLSA break time requirement if the employer can demonstrate that compliance with the provision would impose an undue hardship. Whether compliance would be an undue hardship is determined by looking at the difficulty or expense of compliance for a specific employer in comparison to the size, financial resources, nature, or structure of the employer's business.</p>	

	Local: D.C. Code Ann. § 2-1402.81-83.	Local: Protecting Pregnant Workers Fairness Act	Federal: Break Time for Nursing Mothers Law	Federal: Title VII of the Civil Rights Act
		and the nature and structure of its operation. In any proceeding brought under this act, the employer shall have the burden of establishing that it would be an undue hardship to provide a reasonable accommodation.		
Milk Storage	Employers must allow the employee to bring into the workplace a small refrigerator or freezer to store breast milk.			
Does Unpaid Break Time Impact Full Time Status and/or Eligibility for Health Insurance?	Women affected by pregnancy, childbirth, related medical conditions, or breastfeeding, and employees affected by reproductive health decisions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.			
Is Unpaid Break Time Expressly Separated from Paid Leave or Paid Time Off?				
Is Unpaid Break Time Expressly Separated from Paid Leave or Paid Time Off?				
Are Employers Required to Consider Providing Additional Accommodations for Breastfeeding Employees?	Accommodations for breastfeeding employees may include affording flexible schedule, job-sharing, or telecommuting arrangements, if none are already	"Reasonable accommodation" means an accommodation that does not cause undue hardship in the operation of the employer's business that an employer can		

	Local: D.C. Code Ann. § 2-1402.81-83.	Local: Protecting Pregnant Workers Fairness Act	Federal: Break Time for Nursing Mothers Law	Federal: Title VII of the Civil Rights Act
	afforded, unless doing so would create an undue hardship.	make for an employee whose ability to perform the functions of the employee's job are affected by pregnancy, childbirth, a related medical condition, or breastfeeding, including: (A) More frequent or longer breaks; (B) Time off to recover from childbirth; (C) The acquisition or modification of equipment or seating; (D) The temporary transfer to a less strenuous or hazardous position or other job restructuring such as providing light duty or a modified work schedule; (E) Having the employee refrain from heavy lifting; (F) Relocating the employee's work area		
Discrimination/Retaliation	It is a discriminatory practice for an employer, employment agency, or labor organization to refuse to hire or employ, to bar or discharge from employment, to withhold pay, demote, or penalize a breastfeeding employee because the employee breastfeeds or expresses milk in the workplace, or otherwise to deny the employee any right provided under this section. A breastfeeding mother has the right to be free from any workplace disciplinary action	An employer shall not: (1) Refuse to make reasonable accommodations to the known limitations related to pregnancy, childbirth, related medical conditions, or breastfeeding for an employee, unless the employer can demonstrate that the accommodation would impose an undue hardship; (2) Take an adverse action against an employee who requests or uses a reasonable accommodation in regard to the employee's conditions or privileges of employment, including failing to	It is a violation for any person to discharge or in any other manner discriminate against an employee who files a complaint or cooperates with the investigation of a complaint.	Firing a woman or taking other adverse employment action against her because she is lactating or expressing milk is unlawful sex discrimination. An employer may not discriminate against an employee because of her breastfeeding schedule. Women breastfeeding and lactating must be able to take breaks as other employees who take breaks for other medical or personal reasons. Employers are prohibited from firing, demoting, harassing or

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	because of the exposure of any part of her breast during breastfeeding or while expressing breast milk.	reinstatement of the employee when the need for reasonable accommodations ceases to the employee's original job or to an equivalent position with equivalent: <ul style="list-style-type: none"> (A) Pay; (B) Accumulated seniority and retirement; (C) Benefits; and (D) Other applicable service credits; (3) Deny employment opportunities to an employee, or a job applicant, if the denial is based on the need of the employer to make reasonable accommodations to the known limitations related to pregnancy, childbirth, related medical conditions, or breastfeeding; <ul style="list-style-type: none"> (4) Require an employee affected by pregnancy, childbirth, related medical conditions, or breastfeeding to accept an accommodation that the employee chooses not to accept if the employee does not have a known limitation related to pregnancy, childbirth, related medical conditions, or breastfeeding or the accommodation is not necessary for the employee to perform her duties; or (5) Require an employee to take leave if a reasonable accommodation can be provided. 		otherwise retaliating against an employee because she has complained of discrimination or participated in an employment discrimination proceeding.
Protection from Harassment	A breastfeeding mother has the right			Employers are required to provide

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	to be free from harassment or ridicule in the workplace because of her breastfeeding or expressing breast milk.			a work environment free of harassment based on pregnancy, childbirth, or related medical conditions, including breastfeeding.
Agency Responsible for Enforcement	District of Columbia Office of Human Rights.	District of Columbia Office of Human Rights and the District of Columbia Department of Employment Services.	U.S. Department of Labor, Wage and Hour Division.	U.S. Equal Employment Opportunity Commission.
How to File a Complaint	<p>Complaints can be made within one year of the occurrence or the discovery of the occurrence to the District of Columbia Office of Human Rights online or by calling 202-727-4559. The Office shall docket the complaint within five days of its receipt of the complaint and shall complete the investigation within thirty days of its commencement or as soon as practicable thereafter.</p> <p>The procedure for resolving cases involving breastfeeding shall include the following:</p> <p>(a) An aggrieved person shall file a written complaint with the Office alleging a violation of this section within one (1) year of the occurrence or the discovery of the occurrence;</p> <p>(b) The Office shall docket the complaint within five (5) days of its receipt of the complaint and shall complete the</p>	<p>Complaints can be filed with the Office of Human Rights (OHR). OHR will perform the initial mediation and investigation, and administrative law judges at the Department of Employment Services will make a final determination. To file a complaint, you may Submit the Online Questionnaire or download and complete this Protecting Pregnant Workers Fairness Act questionnaire and send it to ohr.intake@dc.gov or by mail to: DC Office of Human Rights 441 4th Street NW, Suite 570N Washington, DC 20001</p>	<p>File a complaint by calling the WHD toll-free at 1-800-487-9243 or visiting www.dol.gov/whd. You will then be directed to your nearest WHD office for assistance.</p>	<p>You may file a charge of employment discrimination at the EEOC office closest to where you live, or at any one of the EEOC's 53 field offices. You may call 1-800-669-4000 or visit the EEOC website for more information on filing a charge and filing deadlines. Important Note: Federal sector employees have a different complaint process.</p>

	Local: D.C. Code Ann. § 2-1402.81-83.	Local: Protecting Pregnant Workers Fairness Act	Federal: Break Time for Nursing Mothers Law	Federal: Title VII of the Civil Rights Act
	<p>investigation within thirty (30) days of its commencement or as soon as practicable thereafter;</p> <p>(c) The complaint shall be considered dismissed if no probable cause is found, and the complainant may seek judicial review in the Superior Court for the District of Columbia;</p> <p>(d) If the Office determines that probable cause exists that discrimination based on a breastfeeding, the matter shall be sent to conciliation to determine if the parties wish to conciliate; and</p> <p>(e) If the parties do not conciliate, or do not reach an agreement within thirty (30) days of the commencement of conciliation, the case will be sent to the Commission for adjudication under its policies and procedures. The Commission will seek to expedite the proceedings, when practicable.</p>			
Is the Agency Required to Monitor and Compile Enforcement Reports?	<p>Yes. The Department of Health shall monitor breastfeeding rates in the District of Columbia, the number and nature of complaints regarding violations of this part received by the Office of Human Rights, and any benefits reported by working breastfeeding mothers and</p>			Yes.

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	employers to the Department of Health. The Department of Health shall issue annual reports of its findings to the Council.			
Sanctions for Non-Compliance	The DC Commission on Human Rights has the power to order sanctions such as financial compensation, reinstatement, etc.	<p>If DOES determines, after its hearing, that the employer has violated any provision of this act, DOES shall order the employer to provide affirmative remedies including:</p> <p>(1) Back pay for lost wages resulting from the employer's violation of this act;</p> <p>(2) Reinstatement or other injunctive relief; and</p> <p>(3) Reasonable attorney's fees and costs of enforcement.</p> <p>(d) To compensate the District for the costs of investigating and remedying a violation, DOES may also order the employer to pay to the District a penalty of not more than \$500 for each day or portion thereof that the violation continues for each employee against whom the violation occurred or continues.</p> <p>(2) The funds recovered by the District under this subsection shall be deposited in the Pregnant Workers Protection Fund established by section 13.</p> <p>(e) Subject to paragraph (2) of this subsection, if an employer is determined to not be in compliance with this act, DOES shall</p>	<p>An employee whose rights are denied can file a complaint with the Wage and Hour Division, which can go to court to obtain an order requiring the employer to comply. In addition, any employee who is "discharged or in any other manner discriminated against" because, for instance, he or she has filed a complaint or cooperated in an investigation, may file a retaliation complaint with the Wage and Hour Division or may file a private cause of action seeking appropriate remedies including, but not limited to, employment, reinstatement, lost wages and an additional equal amount as liquidated damages.</p>	<p>Remedies may include reinstatement, compensatory damages, punitive damages, back pay for lost wages where someone has been terminated, and requiring an employer to take certain actions to prevent future discrimination.</p>

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		<p>take any appropriate enforcement action to secure compliance, including initiating a civil action following review by the Office of Administrative Hearings, and, except where prohibited by another law, revoking or suspending any registration certificates, permits, or licenses held or requested by the employer until the violation is remedied.</p> <p>Sec. 1 1. Interest and collection on amounts due.</p> <p>(a) In any administrative or civil action brought under this act, the Mayor or court shall award interest on all amounts due and unpaid at the rate of interest specified in D.C. Official Code § 28-3302(b) or (c).</p> <p>(b) The award of any money awarded to an employee under this act shall be enforceable by the employee to whom the debt is owed or may be collected by the District on behalf of the employee.</p> <p>(a) An employer who willfully violates section 4 shall be subject to a civil penalty of \$1,000 for the 1st offense, \$1,500 for the 2nd offense, and \$2,000 for the 3rd and each subsequent offense.</p> <p>(b) An employer who fails to post the notice of rights as required by section 5(a) shall be assessed a civil</p>		

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		penalty not to exceed \$50 for each day that the employer fails to post the notice; provided, that the total penalty shall not exceed \$250, unless the ongoing violation is willful.		
Do Employees Have Private Action Rights?	Yes.	Yes.	Yes.	Yes, but employees are first required to file a charge with the EEOC.
Worksite Designation Program	Breastfeeding-Friendly Workplace Recognition Award . <i>Note: designation is not required under DC law. Recognition awards are provided through the District of Columbia Breastfeeding Coalition and the Maryland Breastfeeding Coalition to honor worksites that support breastfeeding employees.</i>			
Additional Resources	District of Columbia Breastfeeding Coalition: Workplace Support U.S. Department of Labor Women’s Bureau: Employment Protections For Workers Who Are Pregnant or Nursing	Office on Women’s Health: - Supporting Nursing Moms at Work: Employer Solutions - Business Case for Breastfeeding U.S. Breastfeeding Committee: - Resource and Referral Guide for Breastfeeding Employees and their Employers - Online Guide: “What You Need to Know About the “Break Time for Nursing Mothers” Law Especially see Online Guide sections: - How should you store your breast milk? - What are the space requirements?	Equal Employment Opportunity Commission: - Guidance: Questions and Answers about the EEOC’s Enforcement Guidance on Pregnancy Discrimination and Related Issues - Press release: Fifth Circuit Holds Lactation Discrimination is Unlawful Sex Discrimination National Women’s Law Center: Fact Sheet: The Pregnancy Discrimination Act and the Amended Americans with Disabilities Act: Working Together to Protect Pregnant Workers American Civil Liberties Union: Federal Law and	

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			Wage and Hour Division: Family and Medical Leave Act Center for WorkLife Law: - Pregnant @ Work - Guide for doctors on writing work notes for nursing mothers	Pregnant, Post-Partum and Breastfeeding Workers A Better Balance: Babygate

This document was developed in partnership with the District of Columbia Breastfeeding Coalition. D.C. Code Ann. § 2-1402.81-83 and the Protecting Pregnant Workers Fairness Act content was reviewed by the District of Columbia Office of Human Rights in September 2016. Title VII of the Civil Rights Act content is based on Equal Employment Opportunity Commission publications. Break Time for Nursing Mothers law content was reviewed by the U.S. Department of Labor, Wage and Hour Division in May 2016.