

**DEPARTMENT OF HEALTH SERVICES**

714/744 P Street  
P.O. BOX 942732  
SACRAMENTO, CA 94234-7320  
(916) 928-8726



February 15, 2002

TO: California Employers

SUBJECT: NEW LACTATION ACCOMMODATION LEGISLATION

We are writing to provide information on the new lactation accommodation legislation (Assembly Bill 1025) that took effect January 1, 2002, and to refer you to information that may assist you in its implementation.

**Minimum Requirements**

As of January 1, 2002, pursuant to the newly enacted Labor Code Sections 1030 through 1034, all California employers (Employers) are required to:

- Provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. If possible, the break time should coincide with the employee's paid rest time, which is required by the Industrial Welfare Commission Orders. If not, the break time need not be paid.
- Make a reasonable effort to provide the employee with the use of a room or other location (other than a toilet stall) in close proximity to the employee's work area so that the employee may express milk in private.

Employers that do not comply with any of the provisions of the law shall be subject to a civil penalty of one hundred dollars (\$100) for each violation by the Labor Commissioner.

**Exemptions**

Employers are exempt from providing the additional break time if to do so would seriously disrupt the Employer's operations.

**Supporting Breastfeeding Makes Good Business Sense**

Women with infants and toddlers are the fastest growing segment of the workforce in the United States. In fact, 33 percent of mothers return to work by three months after delivery and 66 percent of mothers return to work by six months after delivery. To help these women achieve the American Academy of Pediatrics recommendation that women breastfeed until children are at least one year of age, it is important that



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[www.consumerenergycenter.org/flex/index.html](http://www.consumerenergycenter.org/flex/index.html)

businesses attempt to reduce the barriers for employees who choose to breastfeed and work.

Employers that make it easy for mothers to continue breastfeeding after returning to work have enjoyed positive results, including lower absenteeism, higher productivity, higher company loyalty, higher employee morale, and lower health care costs. As you well know, an ill child is a frequent cause of absenteeism among employed mothers *and* fathers. A study in two Southern California corporations found twice as many absences related to a sick baby among employees who did not breastfeed compared with those who did. Among babies who were never sick, 86 percent were breastfed.

### **Resources to Assist You in Its Implementation**

The Department of Industrial Relations has posted a copy of the law at <http://www.dir.ca.gov/DLSE/Regulations.htm>. After reaching this site, click on AB 1025. To assist you in implementing this new law, the Department of Health Services has developed a variety of materials which are posted on the Department's Women, Infants and Children (WIC) Supplemental Nutrition Branch's web site, [www.wicworks.ca.gov](http://www.wicworks.ca.gov). After reaching the WIC Branch home page, click on "Breastfeeding Resources."

You will find there a variety of documents that you can download and use. For example, you will find suggested language for a breastfeeding workplace policy, a downloadable poster that can be displayed in employee break rooms, and messages that can be added to paycheck stubs that highlight your support for accommodating breastfeeding employees. We have also included examples of space that can be utilized and ideas for establishing flexible schedules to accommodate an employee's need for extended break time. There are many ideas for other ways to support breastfeeding mothers beyond the minimum requirements of the law as well.

### **Questions**

We hope you will find our resources useful. If after accessing these resources, you have questions about what the law requires, you can email the Division of Labor Standards Enforcement at [DLSEinfo@dir.ca.gov](mailto:DLSEinfo@dir.ca.gov). If you have other questions, please call the lactation accommodation help line at (888) 278-6455.

Diana M. Bonta', R.N., Dr. P.H.  
Director

Arthur S. Lujan, State Labor Commissioner  
Division of Labor Standards Enforcement  
Department of Industrial Relations

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