

Breastfeeding in Washington State

This memo explains your rights about breastfeeding in public and expressing (pumping) breast milk in the workplace. It also gives some basic information on working with your employer to create a plan for expressing milk at work, as well as tips and resources as well as breastfeeding tips and resources.



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Can I Breastfeed in Public?

Yes. In Washington, state law protects anyone who breastfeeds in public places against discrimination. You have the right to breastfeed your child in any place of “public resort, assemblage or amusement.” This means you should not be discriminated against while breastfeeding in restaurants, stores, parks, shopping malls, libraries, or other public places.

Washington State law also says exposing your breast to breastfeed is not indecent exposure. You should not be asked to stop breastfeeding, to cover yourself, to move, or to leave.

If you are discriminated against for breastfeeding in public you can file a complaint with the state Human Rights Commission. Seattle has similar rules protecting you, and you can file a complaint with the Seattle Office for Civil Rights. (See [Filing a Complaint](#) in the Resources section below.) You can also file a private lawsuit in court. (See related publications from Legal Voice listed under [The Law](#) in the Resources section below.)

Can I Breastfeed or Express Milk at Work?

Maybe. The laws about breastfeeding in public do not protect you in the workplace. Over half of the U.S. workforce is made up of women, and many women go back to work after childbirth while they are still breastfeeding. However, many employers have been slow to make policies that allow for breastfeeding at work.

As of 2012, employers who are covered by the Fair Labor Standards Act – a federal law – must give employees who qualify for overtime pay a reasonable break time each time they need to express breast milk for a child until the child is 1 year old. These rules apply whether you are breastfeeding your child or pumping breast milk to use later. Employers must also offer a clean and private place for expressing breast milk. This must be a place other than a bathroom. Your employer does not have to pay you for the time you spend expressing breast milk.

To find out if you are eligible for overtime pay, see the Department of Labor links listed in the Resources section below under [The Law](#).

To find out if your employer is covered by the federal Fair Labor Standards Act, see the Department of Labor links listed in the Resources section below under [The Law](#). This law is complex and has many exceptions. Even if your employer does not have to follow this law, it is worth trying to work out a plan that will support your breastfeeding goals. Read on for information on making a plan with your employer.

Washington State law also encourages employers to make policies that support breastfeeding in the workplace, like allowing flexible work schedules, having a place to refrigerate breast milk and clean breastfeeding supplies. Employers who offer this support can be nominated for the Breastfeeding Coalition of Washington Worksite Lactation Accommodation Award. Contact Alex Sosa at alexs@withinreachwa.org or call 206-838-8655.

How Can I Prepare to Breastfeed at Work?

Make a plan with your employer.

Before your baby is born, talk with your supervisor about a plan for expressing your breast milk during work hours. You can do this even if your workplace isn't covered by the Fair Labor Standards Act. Here are some suggestions to help create this plan:

- Your employer may not know about the laws that support most breastfeeding employees. Try to talk with your supervisor before returning to work about your need to pump. Be prepared to help them understand how simple it will be to meet your needs.
- Have ideas in mind before you talk to your supervisor, but be flexible. Explain how long it should take you to pump, how often you will need to pump, and how you will schedule this around your work duties. Emphasize that these needs are temporary.
- Ask for a clean, comfortable, private location to pump. If your employer does not have a ready location, look around and find a private, comfortable room with a door that locks from the inside, and suggest it. If there is no private room or you work in a non-office environment, there are other options for setting up a private place. Contact the Breastfeeding Coalition of WA for some ideas. See [Breastfeeding Support](#) in the Resources section below.
- If your employer does not support your plans, try to understand and address his or her concerns. Speak up if you think expressing milk at work will help your return to work be smoother and more successful. You can also talk about the benefits of breastfeeding for your baby, yourself, and even your employer. Share “The Business Case for Breastfeeding Promotion” and “Supporting Nursing Moms at Work: Employer Solutions.” Both are listed under [For Employers](#) in the Resources below.

- If you feel your employer is not giving you enough time or flexibility to express milk, talk with him or her about balancing your work and nursing needs. Could you shorten your lunch break to make time for other breaks when you pump? Could you come in early or leave late to make up for the missed time? Make it clear that you do not necessarily want extra time off, just a better combination of breaks.
- Depending on your job and the needs of your employer, think about returning to work slowly, like starting part-time, trying job-sharing, or telecommuting.
- If you discuss your needs with your employer and they are not making accommodations for you, you can file a complaint. See [Filing a Complaint](#) in the Resources below.

Some practical tips:

- Make sure you have the breastfeeding equipment you need, like a pump to help you express milk, and contact your health insurance plan to ask about your breastfeeding benefits. Federal law requires most health insurance plans to provide breastfeeding pumps and other equipment and counseling for pregnant and nursing women, often at no cost. See “Patient Protection and Affordable Care Act” listed under [The Law](#) in the Resources section below.
- Visit the room that you will use to express milk. If you plan to use an electric pump, find and test the electrical outlet. Make sure there is a clean refrigerator and a sink for washing your hands and breast pump equipment.
- Download or request a copy of “**My Guide to Working and Breastfeeding booklet**”. This booklet provides tips on how to make working and breastfeeding work for you. It has resources and information on preparing to go back to work, pumping and storing your breast milk and much more. Available at www.withinreachwa.org
- If you are having a hard time expressing all of your breast milk before your break is over, you can try to speed up the process. For example, are you using a double kit to express milk from both breasts at the same time? Your local La Leche League may be able to help. (See listings under [Breastfeeding Support](#) in the Resources section below.)

My Milk Supply is Going Down. What Do I Do?

It is possible that your milk supply will start to go down once you return to work, even if you are pumping regularly. Some other things that affect milk supply include: drinking plenty of water; getting enough sleep; your stress level; your health; and your diet.

Breastfeeding support from a trained professional can be very helpful. Contact your local Le Leche League or WithinReach to find breastfeeding help near you. Also, www.KellyMom.com offers a wealth of information on a wide range of topics related to breastfeeding, including what

affects milk supply and how to increase milk supply. (See listings under Breastfeeding Support in the Resources section below.)

Resources

Breastfeeding Support

- Breastfeeding Coalition of Washington
A statewide network of coalitions promoting, protecting and supporting breastfeeding as a vital part of the health and development of children and families.
www.withinreachwa.org/what-we-do/healthy-communities/breastfeeding/breastfeeding-coalition-of-wa/
(206) 838-8655
- WithinReach
A statewide non-profit organization providing access to local resources and working with families, community partners, corporate and foundation leaders, and opinion makers.
www.withinreachwa.org
www.parenthelp123.org
WithinReach Family Health Hotline: 1-800-322-2588 or (206) 284-2465
- KellyMom.com
Information about breastfeeding mothers, babies, breast milk, milk supply, common concerns and issues, and returning to work.
www.kellymom.com
- La Leche League
Mother-to-mother support, encouragement, information, and education.
www.lalecheleague.org
1-800-LA-LECHE
- Office on Women's Health
Information and support on a range of breastfeeding issues. ([En español.](#))
www.womenshealth.gov/printables-and-shareables/health-topic/breastfeeding
1-800-994-9662

For Employers

- National Business Group on Health
Investing in Workplace Breastfeeding Programs and Policies: An Employer's Toolkit, including Section 1, "The Business Case for Breastfeeding Promotion"
www.businessgrouphealth.org/pub/?id=f2ffe4f0-2354-d714-5136-79a21e9327ed

- Office on Women’s Health
Supporting Nursing Moms at Work: Employer Solutions
www.womenshealth.gov/breastfeeding/employer-solutions/

Filing a Complaint

- Office of the Insurance Commissioner (For denied insurance coverage for lactation services and/or supplies,)
www.insurance.wa.gov/complaints-and-fraud/file-a-complaint/
1-800-562-6900
- Washington State Human Rights Commission
www.hum.wa.gov/discrimination-complaint
1-800-233-3247
- Seattle Office for Civil Rights
www.seattle.gov/civilrights/howtoocr.htm
(206) 684-4500

The Law

- Patient Protection and Affordable Care Act
Information on what types of breast feeding support and equipment health insurance companies must include in their health insurance plans. [\(En español.\)](#)
www.healthcare.gov/what-are-my-breastfeeding-benefits/
- Washington State Laws (Revised Code of Washington, or RCW)
<http://apps.leg.wa.gov/rcw>; RCW 49.60.030(1)(g) and 49.60.215(1) protect breastfeeding mothers from discrimination in public places.
- Seattle City Ordinance
<http://clerk.ci.seattle.wa.us>; click on “Legislation” and select “Council Bills/Ordinances”
Enter ordinance # 123863
- The Fair Labor Standards Act
<http://uscode.house.gov/>, select “Search” and enter “29” under Title and “207” under Section.
- The Department of Labor (some information available en español.)
 - For information on federal laws about breastfeeding:
www.dol.gov/whd/nursingmothers/faqBTNM.htm
 - For information about who qualifies for overtime pay (and therefore may have a right to take breaks to express breast milk):
www.dol.gov/compliance/guide/minwage.htm

- Related publications from Legal Voice
 - www.legalvoice.org/employment-discrimination
 - *Damages and Contingency Fees in Personal Injury and Discrimination Cases*
 - *Employment Discrimination*
 - *Sexual Harassment at Work*

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of January 2015.

Revised by Jennifer Werdell and Chloë Phalan, reviewed by Alex Sosa, 1/5/15. Resources updated 11/1/17.

Acknowledgements to Inessa Baram-Blackwell, Tara Dotson, June Krumpotick, and Rachel Schwartz for their work on previous versions of this memo.

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