

Breastfeeding in Washington State

This memo explains your rights about breastfeeding/expressing milk in public and 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 breastfeeding tips and resources.



www.legalvoice.org

Can I Breastfeed in Public?

Yes. In Washington, you have the right to breastfeed your child in any public place. This means you can breastfeed in restaurants, stores, parks, shopping malls, libraries, and other public places.

You have the right to uncover your breast to breastfeed. It is not considered “indecent exposure.” No one can make you stop breastfeeding, cover yourself, move, or leave.

If you are discriminated against for breastfeeding in public, you can:

- file a complaint with the state Human Rights Commission,
- file a complaint with the Seattle Office for Civil Rights (if the discrimination happened in Seattle), and
- file a private lawsuit in court.

See listings under [Filing a Complaint](#) and [The Law in the Resources](#) section below.

Can I Breastfeed or Express Milk at Work?

Many workers in Washington state have the legal right to take extra breaks to express milk or breastfeed their baby.

Even if your employer doesn't have to offer these breaks, you can still make a plan with them to achieve breastfeeding goals.

If you do have the right to take these extra breaks, this right includes:

- a reasonable break *each time* you need until your child is 2 years old, **and**
- a clean and private place to take these breaks that is *not a bathroom*.

These rules apply whether you are breastfeeding your child or expressing milk to use later. Your employer does not have to pay you for these extra breaks.

How Do I Know if My Employer Is Covered by This Law?

If your employer has fifteen or more employees working within 75 miles of each other, and is *not* a religious or sectarian nonprofit organization, you have the right to take these breaks.

Even if your employer is not required to give you these breaks, it is worth trying to work out a plan that will support your breastfeeding goals. Read on for information about making a plan with your employer.

Washington State law encourages employers to make policies that support breastfeeding in the workplace, like allowing flexible work schedules, having a place to refrigerate breast milk and wash supplies.

For more information, see the Resources section below.

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 law. 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 breastfeeding goals. Be prepared to help them understand how simple it will be to meet your needs. The laws are linked below in the resource list.
- Have ideas in mind before you talk to your supervisor. 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. Be flexible.
- 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 his or her concerns and offer solutions. 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](#) and [Investing in Workplace Breastfeeding Programs and Policies: An Employer's Toolkit](#). (See resources list 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 are not asking for 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, often at no cost. See “Insurance rights” 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](#). 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. (See listing under [Breastfeeding Support](#) in the Resources section below.)
- If you are having a hard time expressing all 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. Breastfeeding support from a trained professional can be very helpful. Contact your local La Leche League or the Breastfeeding Coalition of Washington 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.wabreastfeeding.org
- 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
WithinReach Family Health Hotline: 1-800-322-2588 or (206) 284-2465
- *My Guide to Working and Breastfeeding*, by the Breastfeeding Coalition of Washington
www.wabreastfeeding.org/wp-content/uploads/2018/11/Breastfeeding_Working_Washington.pdf
- 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 (Google Translate option at the top.)
1-800-LA-LECHE
- Office on Women's Health
Information and support on a range of breastfeeding issues.
www.womenshealth.gov/breastfeeding (also in Spanish)
1-800-994-9662

For Employers

- *Investing in Workplace Breastfeeding Programs and Policies: An Employer's Toolkit*, National Business Group on Health
https://web.uri.edu/worklife/files/BF_entire_toolkit_FINAL.pdf
- *The Business Case for Breastfeeding*, Office on Women's Health
www.womenshealth.gov/breastfeeding/breastfeeding-home-work-and-public/breastfeeding-and-going-back-work/business-case

Filing a Complaint

- Office of the Insurance Commissioner (for denied insurance coverage for lactation services and/or supplies.)
www.insurance.wa.gov/file-complaint-or-check-your-complaint-status
1-800-562-6900
- Washington State Human Rights Commission
www.hum.wa.gov/file-complaint
1-800-233-3247
- Seattle Office for Civil Rights
www.seattle.gov/civilrights/file-complaint
(206) 684-4500

The Law

- Washington Office of the Attorney General overview of the law:
www.atg.wa.gov/pregnancy-and-breastfeeding-accommodations
- *Frequently Asked Questions – Break Time for Nursing Mothers*, U.S. Dept. of Labor
www.dol.gov/whd/nursingmothers/faqBTNM.htm
- Insurance rights
This website has information about what types of breastfeeding support and equipment must be included in health insurance plans.
www.healthcare.gov/coverage/breast-feeding-benefits/
- 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*
- Laws about breastfeeding at work:
 - Washington State law covers more workers and for a longer period of time.
<https://app.leg.wa.gov/rcw/default.aspx?cite=43.10.005>
 - The Fair Labor Standards Act: The first federal employment law granting breastfeeding rights in the workplace. The Washington State law is better.
<http://uscode.house.gov/>, Jump to: Title 29, Section 207(r)
 - Patient Protection and Affordable Care Act: The federal law that expanded the rights of breastfeeding employees. See section 4207, Reasonable Break Time for Nursing Mothers. The Washington State law is better.
www.healthcare.gov/where-can-i-read-the-affordable-care-act/

- Laws about breastfeeding in public:
 - Washington State Law: RCW 49.60.030(1)(g) and 49.60.215(1) protect breastfeeding mothers from discrimination in public places.
<http://apps.leg.wa.gov/rcw>
 - Seattle City Ordinance: Protecting breastfeeding mothers from discrimination in public places.
<http://clerk.seattle.gov/search/ordinances/123863>
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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 October 2021.

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