The Fair Labor Standards Act and Breastfeeding Mothers

Nebraska’s Workplace Support Project
Who We Are

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  • Nebraska’s Title V Maternal & Child Health Director

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  • Nutrition Coordinator, Nutrition & Activity for Health Program
Goal: Increase Breastfeeding Rates
State & National Health Priority
## Breastfeeding Goal

<table>
<thead>
<tr>
<th>Goal</th>
<th>Indicator</th>
<th>Data</th>
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<tbody>
<tr>
<td>Increase BF initiation, duration, and exclusivity</td>
<td>% of NE mothers who reported ever BF</td>
<td>80.8% (2010)**</td>
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<td>72.8% (2008)*</td>
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<td>% of NE mothers who reported exclusive BF at 3 months</td>
<td>48.6% (2010)**</td>
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<td>37.9% (2008)*</td>
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<td>% of NE mothers who reported exclusive BF at 6 months</td>
<td>21.4% (2010)**</td>
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<td>13.4% (2008)*</td>
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** 2013 CDC BF Report Card, 2010 Births, National Immunization Survey
Nebraska Worksite Support

• 24.1% of businesses offered private, secure lactation room that was not a bathroom

• 31.6% of businesses allowed additional break times

• 9.5% had written policy for breastfeeding

• Source: Nebraska DHHS Worksite Wellness Survey 2010-2011, Responses from 1,512 businesses in Nebraska
Development

**Fall 2011**
Women’s Health Advisory Council: Workplace Wellness sub-committee identifies increasing visibility of breastfeeding and the Fair Labor Standards Act as an opportunity for action.

*Nebraska Office of Women’s and Men’s Health*

**2011-2016**
Nebraska Physical Activity and Nutrition State Plan (Partners N Health) identifies increased breastfeeding in the workplace as a key strategy for improving the overall health of Nebraskans.

*Nutrition and Activity for Health Program and the Nebraska Breastfeeding Coalition*
Strategic Planning

- **Fall 2011** - Dietetic Intern, Tracy Delaney, convenes group to establish: *Nebraska Breastfeeding Worksite Support Strategic Plan*

**Objectives Identified - Due Date: December 2012**

1. Develop and disseminate educational materials to businesses with 50 or more employees

2. Host a minimum of 3 Return to Work (R2W) educational events for businesses

3. Develop and launch a program that recognizes breastfeeding-friendly business, with a minimum of twenty-five businesses recognized per year
Success One: **Partnership**

- **WorkWell**
  - We value people and the pursuit of LivingWell.

- **Nebraska Department of Labor**

- **Department of Health & Human Services (DHHS) Nebraska**

- **MilkWorks**

- **Nebraska Women’s Health Advisory Council**

- **Nebraska Breastfeeding Coalition**
  - [www.nebreastfeeding.org](http://www.nebreastfeeding.org)
Success Two: *Return to Work Events*

- Spring 2012 in Lincoln and Winter 2012 in Omaha

**Panel Discussion: TOPICS**

- Discussion of the Law: Attorney, Adam Prochaska
- Accommodating lactating mothers in the workplace: Ann Seacrest, MilkWorks
  - Amenities needed, what takes place during a pump break, communication strategies, etc.
- Human Resource Perspective: 2 business representatives
- The Mother’s Experience: 3 mothers shared their experiences

**Channel 10 Health Video – Lincoln Event:**
 http://www.youtube.com/watch?v=2Bb_KjQ9FQY
Return to Work Event in Lincoln

Photo courtesy of Adam Prochaska
Success Three: *Distribution and Awareness*

**Large Packet:** 2,600 packets were mailed to businesses with 50+ employees

- Letter to employers signed by DHHS Chief Medical Officer, Dr. Joann Schaefer, and the NDOL Commissioner, Catherine Lang.
- FSLA Employee Rights Flier
- How-To Guide
- Room Diagrams
- Resources and Links
- Materials Request Form

**Postcard:** 1,600 postcards were mailed to businesses with 30-50 employees.

- Basic law details and material request information
Breastfeeding-Friendly Worksite

- NEBRASKA STATE OFFICE BUILDING, LINCOLN

Photos courtesy of Holly Dingman
Breastfeeding-Friendly Worksite

• CENTRAL DISTRICT HEALTH DEPARTMENT, GRAND ISLAND

Photos courtesy of Jane Miller
Breastfeeding-Friendly Worksite

• BOX BUTTE GENERAL HOSPITAL & CLINICS, ALLIANCE

Photo courtesy of Jessica Davies
Breastfeeding-Friendly Worksite

- GREATER OMAHA CHAMBER OF COMMERCE, OMAHA

Photos courtesy of Megan Sitz
Breastfeeding-Friendly Worksite

- OMAHA UNL EXTENSION OFFICE, OMAHA

Photos courtesy of Megan Sitz
Success Four:  NE DOL Webpage

Breastfeeding Requirements in the Workplace

Workplace Accommodations for Nursing Mothers

In March of 2010, section 7 of the Fair Labor Standards Act (FLSA) was amended to require employers to provide accommodations in support of nursing mothers.

Federal Law requires employers to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child’s birth each time such employee has need to express the milk. Employers are also required to provide 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.

For more information on the law, visit: US Department of Labor, Breaktime for Nursing Mothers â€“ Overview, News, Guidance

Information for Nebraska Businesses

- Letter to Businesses from the Commissioner of Labor and Chief Medical Officer of Nebraska
- Employee Rights â€“ Breastfeeding Support is the Law
- Quick Assessment & Guidance for Businesses
- Breastfeeding-Friendly Worksites, Examples and Program Suggestions
- Resource Request

Related Websites

- The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly Worksite
- Nebraska Breastfeeding Coalition
- MilkWorks, community breastfeeding clinic serving Southeast Nebraska
- Media Coverage: IRS Ruling Breast Pumps as Tax Deductible
## Success Five: Technical Assistance

- 130+ businesses requested materials
- Numerous phone and email inquiries
- Grand Island WIC mother:
Success Six:  *NE BFF Award*

- Launched Fall 2012
- On-line application:
  - Award Criteria
  - Supporting Documentation
- Reviewed by BFC Leadership Team
- Recognized Businesses Receive:
  - Cling, Certificate, and recognition on BFC website
- To Date: 16 businesses have been recognized
Questions?

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