



## Lactation Support in the Workplace Frequently Asked Questions

### **“What is Senate Enrolled Act (SEA) 219?”**

This legislation, effective July 1, 2008, promotes employer support for breastfeeding employees. Employers are required to make reasonable efforts to provide accommodations for women to collect and store breast milk during the workday.

### **“What accommodations are employers encouraged to provide?”**

Employers are required to make reasonable efforts to provide a private space for collection and accessibility to cold storage, either by providing a refrigerator or allowing the employee to bring portable cold storage. Except for state and political subdivisions, employers are NOT required to provide additional paid break time to breastfeeding employees.



### **“Our company is short on space and we don't have a lot of money to build lactation rooms. What do we need to do to comply with SEA 219?”**

The law states that the employer shall provide a “private location other than a toilet stall”. A lactation room is not necessary, or even required. This private space can be many things depending on each individual situation.

Examples can include a storeroom or an office with a “Please Do Not Disturb” hangtag on the doorknob. If space will not permit, a curtain or wall divider is a great solution. It only requires a little creative thinking and problem solving, many times on an employee-by-employee basis.

Working together to find a solution is really all that is necessary.

Although it is not stated in the law, an electrical outlet is highly desirable, as pumps are electric. If this is not possible, a manual pump can be used, but it is not as efficient. A flat surface or shelf on which to place the pump would also be very convenient.

### **“Why is giving breast milk so important?”**

The benefits of providing breast milk are many, but to name just a few: breastfed infants have lower rates of many illnesses such as ear and respiratory infections, diabetes, leukemia, and Sudden Infant Death Syndrome (1). The breastfeeding woman has a faster recovery from pregnancy and childbirth and a reduced risk of breast and ovarian cancer, osteoporosis, and diabetes (1). In addition to the health benefits, breast milk is free, which is great for the employee's family budget.



### **“Why does an employee need to pump her milk at work?”**

A breastfeeding woman continues producing milk during the time that she is away from her baby. Pumping her milk allows her to be physically comfortable while at work and to collect and store milk that can be given to her baby when they are apart.

### **“How often does an employee need to pump her milk?”**

Most women can avoid discomfort and maintain their milk supply by pumping every 3-4 hours. In most situations, an employee can express her milk during normal meal and break times. If additional time is needed, it would be at the employer's discretion. One suggestion is to allow the employee to use personal leave or to make up the time at the end of her work shift, although this is not specifically addressed in the law.

### **“Wouldn't it be easier for a woman to stop breastfeeding when she returns to work?”**

Studies show, unfortunately, that most women do discontinue breastfeeding within two weeks of returning to work (2). Women, all too often, find it is just too difficult to do both. This new workplace law supports women to provide their breast milk, and its health benefits, to their babies for a longer period of time.

### **“I am concerned about employees storing breast milk in the company's refrigerator. What are our liabilities and responsibilities?”**

The law states that, “except in case of willful misconduct, gross negligence, or bad faith, an employer is not liable for any harm caused by or arising from the expression or the storage of expressed milk on the employer's premises”. If a shared refrigerator space is used, the milk should always be labeled with the employee's name and the date it was collected. A separate, dorm sized, refrigerator can be used or an employee can provide her own cooler bag. It is the responsibility of the employee to store her milk and take it home at the end of each work period.

**“How does this law benefit our company?”**

Breastfeeding is not only good for health, it is good for the bottom line. Rather than deplete funds from human resource benefits, lactation support actually puts money back into those benefit funds (6). The return on investment is quite high, while the needs of breastfeeding employees are very minimal. Supporting breastfeeding in your company is a very family friendly policy.

**“What are some positive results our company can expect when we implement SEA 219?”**

- **Lower Absenteeism Rates:**

Research shows that healthier babies mean that mothers and fathers are less likely to miss work and when a breastfed baby does become ill, the baby is likely to recover more quickly, reducing the time and duration of missed days from work. One day absences occur twice as often for employees who do not breastfeed (3). Absenteeism rates are also lower among male employees when female partners breastfeed (4).

- **Lower Health Care Costs:**

Newborn health care costs are typically about three times less for babies of breastfeeding women. One company found a yearly savings of \$2,146 per infant in health costs per year (6). Of 1,000 babies NOT breastfed, there are an extra 2,033 physician visits, 212 hospitalization days and 609 additional prescriptions (5).

- **Lower Turnover Rates:**

Keeping valuable employees is an important issue for employers, especially following their maternity leave. A lactation support program at one company resulted in a retention rate of 83 percent of female employees compared to the national average of 59 percent (6). A study of multiple companies with lactation support programs found an average retention rate of 94.2 percent (7).



**“This all sounds good. How do we know if our company has any employees who are breastfeeding?”**

Women with children make up the fastest growing segment of the workforce (8). If your company has female employees, then it is more than likely that some are breastfeeding. Many companies are tracking these employees by identifying women who are pregnant or currently on maternity leave. It makes good business practice to begin asking all women returning to work after childbirth if they will need a private place to pump their milk. Women will be educated about this law and encouraged to ask their employers as well.

## **“Are all companies providing lactation support?”**

Employees of all state and political subdivisions (government agencies) and any workplace of 25 or more employees are included in this law. Any business can participate and is encouraged to do so.

## **“I think our company can do more to support our employees who are breastfeeding. What are some suggestions?”**

There are many ways to expand lactation services to your employees. In terms of space, you can create more areas and designate actual rooms as “lactation spaces”. Your company can increase employee awareness of the benefits of continued breastfeeding through the use of posters, flyers, educational handouts or classes. Businesses can provide a pump or a discount to employees who are purchasing a pump. Supplying the employee with a list of community resources is also very helpful. Some companies offer the opportunity to consult with a Certified Lactation Consultant as an employee health benefit.



**To view a full copy of the law visit [www.in.gov/legislative/bills/2008/SE/SE0219.1.html](http://www.in.gov/legislative/bills/2008/SE/SE0219.1.html)**

**For questions regarding this law, help finding the best solution for your business, or referrals to breastfeeding education organizations in your local area, contact Tina Cardarelli, State Breastfeeding Coordinator at 317.924.0825 x4223 or visit the Indiana Perinatal Network at [www.indianaperinatal.org](http://www.indianaperinatal.org).**

### **References**

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- 8.) U.S. Department of Labor Women’s Bureau. (2005). Employment status of women and men. Available online at: [www.dol.gov/wb/factsheets](http://www.dol.gov/wb/factsheets)