

# JAN

Job Accommodation Network

Practical Solutions • Workplace Success

## Accommodation and Compliance Series

# Accommodation and Compliance Series: Pregnancy

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Funded by a contract with the Office of Disability  
Employment Policy, U.S. Department of Labor

## Preface

The Job Accommodation Network (JAN) is funded by a grant from the Office of Disability Employment Policy, U.S. Department of Labor. JAN makes documents available with the understanding that the information be used solely for educational purposes. The information is not intended to be legal or medical advice. If legal or medical advice is needed, appropriate legal or medical services should be contacted.

JAN does not endorse or recommend any products or services mentioned in this publication. Although every effort is made to update resources, JAN encourages contacting product manufacturers/vendors and service providers directly to ensure that they meet the intended purposes. This guarantees that the most up-to-date information is obtained.

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Updated 02/07/2024.

## **JAN'S Accommodation and Compliance Series**

### **Introduction**

JAN's Accommodation and Compliance Series is designed to help employers determine effective accommodations and comply with Title I of the Americans with Disabilities Act (ADA). Each publication in the series addresses a specific medical condition and provides information about the condition, ADA information, accommodation ideas, and resources for additional information.

The Accommodation and Compliance Series is a starting point in the accommodation process and may not address every situation. Accommodations should be made on a case by case basis, considering each employee's individual limitations and accommodation needs. Employers are encouraged to contact JAN to discuss specific situations in more detail.

For information on assistive technology and other accommodation ideas, visit JAN's Searchable Online Accommodation Resource (SOAR) at <https://AskJAN.org/soar>.

### **Information about Pregnancy**

Pregnancy affects women in different ways. For some women, it can bring about various physical and emotional changes that can affect the ability to perform certain job tasks. Some women experience no or very few limitations while others may experience limitations that create the need for job accommodations. For example, fatigue, nausea and vomiting, or pain and swelling might impact attendance or working long hours; restrictions in lifting, standing, or bending might affect the ability to meet some of the physical demands of a job; hormonal fluctuations might impact concentration and memory or cause anxiety; or the need to eat and drink frequently, or wear more comfortable clothing might affect adherence to certain policies. Pregnancy-related medical conditions like gestational diabetes, back pain, anemia, high blood pressure (known as preeclampsia), urinary tract infections, severe dehydration, depression, complications requiring bed rest, and the after-effects of delivery can also create limitations. Pregnancy and childbirth may exacerbate existing health conditions as well.

### **Pregnancy and the Americans with Disabilities Act**

**Does federal law require employers to make accommodations for workers who are pregnant?**

Yes. Several federal laws protect job applicants and employees who are pregnant from discrimination and/or may require covered employers to make reasonable accommodations for workers with known limitations related to pregnancy, childbirth, or related medical conditions. These laws include the [Pregnant Workers Fairness Act](#)

[\(PWFA\)](#), Title VII of the Civil Rights Act of 1964 as amended by the [Pregnancy Discrimination Act \(PDA\)](#), and the [Americans with Disabilities Act \(ADA\)](#) when there is a disability related to pregnancy. Similarly, many [state laws](#) provide protections for workers who are pregnant. Additionally, the [Family and Medical Leave Act \(FMLA\)](#) requires covered employers to provide unpaid, job-protected leave for family and medical reasons, including the birth or adoption of a child.

### **What does the Pregnant Workers Fairness Act (PWFA) require?**

The PWFA requires covered employers to make reasonable accommodations for qualified applicants and employees with known limitations related to pregnancy, childbirth, or related medical conditions, unless they cause an undue hardship. It also establishes clearer guidelines for pregnant workers than the PDA and ADA and defines actions covered employers cannot take.

Possible accommodations under the PWFA may include:

- Allowing telework
- Providing access to seating
- Modifying a work schedule to allow shorter hours or a later start time
- Granting additional, longer, or more frequent breaks
- Making exceptions to food and drink policies
- Providing closer parking
- Allowing leave for medical appointments or to recover from childbirth
- Providing a temporary reassignment

### **What does the Americans with Disabilities Act (ADA) require?**

The ADA requires covered employers to provide reasonable accommodations to workers with disabilities, so long as doing so does not impose an undue hardship on the employer. Pregnancy alone is not an ADA disability but many pregnancy-related impairments are ADA disabilities. A pregnancy-related impairment is a disability if it substantially limits one or more major life activities or substantially limited major life activities in the past. For example, pregnancy-related conditions may include anemia, sciatica, gestational diabetes, preeclampsia, morning sickness, swelling in the legs, depression, or other impairments that substantially limit a major life activity or the normal functioning of a bodily system. Reasonable accommodations vary but might include a modified work schedule; the ability to have snacks or drinks at a workstation; a modified attendance policy; additional or frequent breaks; sitting; lifting assistance, job restructuring, or light duty work; telework; or leave to attend medical appointments, among other solutions.

### **What does Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act (PDA), require?**

Title VII, as amended by the PDA, prohibits pregnancy-based discrimination and harassment and requires covered employers to make work adjustments for workers who are pregnant. The law forbids employment discrimination based on pregnancy,

childbirth, or medical conditions related to pregnancy or childbirth. It also requires that workers who are temporarily unable to perform or are limited in performing job functions due to pregnancy, childbirth, or a related medical condition, be treated in the same manner as other employees who are similar in their ability or inability to work. This might include making work adjustments like providing light duty work, alternative work assignments, allowing additional breaks, or providing unpaid leave. For example, an employer with a policy of accommodating most non-pregnant employees with lifting limitations would be required to also accommodate pregnant employees with lifting limitations.

Several resources include information about the laws that prohibit discrimination against workers with known limitations related to pregnancy, childbirth, or related medical conditions, and require covered employers to make reasonable accommodations unless it creates an undue hardship:

- [EEOC's Pregnancy Discrimination and Pregnancy-Related Disability Discrimination](#)
- [EEOC's What You Should Know About the Pregnant Workers Fairness Act](#)
- [EEOC's Enforcement Guidance on Pregnancy Discrimination and Related Issues](#)
- [EEOC's Questions and Answers about the EEOC's Enforcement Guidance on Pregnancy Discrimination and Related Issues](#)

## **Accommodating Employees with Pregnancy**

Workers who are pregnant may develop some of the limitations discussed below, but seldom develop all of them. Also, the degree of limitation will vary among individuals. Be aware that not all women who are pregnant will need accommodations to perform their jobs and many others may only need a few accommodations. The following is only a sample of the possibilities available. Numerous other accommodation solutions may exist.

### **Questions to Consider:**

1. What limitations is the employee experiencing?
2. How do these limitations affect the employee and the employee's job performance?
3. What specific job tasks are problematic as a result of these limitations?
4. What accommodations are available to reduce or eliminate these problems? Are all possible resources being used to determine possible accommodations?
5. Once accommodations are in place, would it be useful to meet with the employee to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
6. Do supervisory personnel and employees need training?

## **Accommodation Ideas:**

### **Limitations**

#### Bending

- Accessible Baby Changing Stations
- Adjustable Drafting Tables
- Adjustable Exam Tables
- Adjustable Massage Tables
- Animal Lift Tables
- Automatic Snow Chains
- Battery Powered Lift Tables
- Compact Material Handling
- Convex Mirrors
- Ergonomic and Pneumatic Tools
- Examination and Procedures Chair
- Long-Handled Mirrors
- Low Task Chair
- Manhole Cover Lifts
- Pickups, Semis, and Heavy Equipment
- Stools for Cutting Hair
- Telescoping Cameras
- Walk-up Changing Tables

#### Carrying

- Accessories for Scooters
- Adjustable Exam Tables
- Aerial Lifts
- Ball Transfer Tables
- Carts
- Compact Material Handling
- Compact Mobile Cranes
- Ergonomic Equipment

- Evacuation Devices
- Independent Living Aids
- Lift Gates
- Lifting Aids
- Lightweight Ladders
- Lightweight Lead Aprons
- Manhole Cover Lifts
- Modified Break Schedule
- Multi-Purpose Carts
- Patient Lifts (General)
- Periodic Rest Breaks
- Pickups, Semis, and Heavy Equipment
- Spring-Loaded Carts
- Stainless Steel Carts and Worktables
- Stairclimbing Handtrucks
- Test Tube Holders
- Tire Handling
- Transfer Aids
- Transfer Sheets
- Trashcans
- Truck Mounted Cranes
- Vacuum Lifts
- Walk-up Changing Tables
- Wheelchair Accessories
- Winches and Chain Hoists

#### Climbing

- Aerial Lifts
- Boat Access
- Coach Steps
- Compact Ladders
- Elevators

- Evacuation Devices
- Extended Tractor Steps
- Folding Steps
- Ladders (General)
- Large-Rated Ladders
- Large-Rated Small Step Ladders
- Large-Rated Wheelchair Lifts
- Lightweight Ladders
- Pool Lifts
- Rolling Safety Ladders
- Stair Assists
- Stair Lifts

#### Dietary Needs

- Flexible Schedule
- Mini Refrigerators/ Electric Coolers
- Policy Modification

#### Kneeling

- Accessories for Scooters
- All-Terrain Scooters
- Animal Lift Tables
- Elbow and Knee Protection
- Examination and Procedures Chair
- Head Support for Wheelchairs
- Low Positioned Stools
- Low Task Chair
- Mechanic's Seats and Creepers
- Reachers
- Vacuum Pickup Tools
- Walk-up Changing Tables
- Wheelchair Accessible Scales

- Wheelchair Carts/Trailers
- Wheelchair Mounts
- Wheelchairs

## Lifting

- Agriculture/Farm
  - Animal Lift Tables
  - Carts
  - Compact Mobile Cranes
- Industrial
  - Aerial Lifts
  - Ball Transfer Tables
  - Battery Powered Lift Tables
  - Drum Handling
  - Engine Lifts and Lift Plates
  - Lift Gates
  - Lift Tables
  - Rolling Safety Ladders
  - Stairclimbing Handtrucks
  - Truck Mounted Cranes
  - Vacuum Lifts
  - Vehicle Lifts and Manipulators
  - Winches and Chain Hoists
  - Work Platforms
- Office or Retail Goods
  - Carts
  - Compact Material Handling
  - Ergonomic Assessments
  - Ergonomic Equipment
  - Height Adjustable Table Legs
  - Low Task Chair
  - Stairclimbing Handtrucks

- Other
  - Drywall and Wallboard Lifts
  - Ergonomic Equipment
  - Independent Living Aids
  - Job Restructuring
  - Lifters and Carriers for Mobility Aids
  - Lifting Aids
  - Manhole Cover Lifts
  - Periodic Rest Breaks
  - Power Lift IV Stands
  - Proper Lifting Techniques
- People
  - Accessible Baby Changing Stations
  - Adjustable Exam Tables
  - Adult Changing Tables
  - Bath Chairs
  - Evacuation Devices
  - Large-Rated Wheelchair Lifts
  - Patient Lifts (General)

#### Nausea

- Flexible Schedule
- Mini Refrigerators/ Electric Coolers
- Odor Control
- Telework, Work from Home, Working Remotely

#### Pushing/Pulling

- Adjustable Massage Tables
- Automated Filing Systems
- Automatic Door Openers
- Ball Transfer Tables
- Cart Dumpers

- Carts
- Compact Material Handling
- Deburring Tools
- Ergonomic and Pneumatic Tools
- Ergonomic Equipment
- Folding Steps
- Hands Free Resuscitation Devices
- Height Adjustable Table Legs
- Janitorial Carts
- Large-Rated Small Step Ladders
- Lift Tables
- Light Switch Extension Handles
- Linen Carts
- Motorized Carts
- Multi-Purpose Carts
- Patient Lifts (General)
- Pickups, Semis, and Heavy Equipment
- Power Assist for Manual Wheelchairs
- Rolling Safety Ladders
- Spring-Loaded Carts
- Stainless Steel Carts and Worktables
- Stair Assists
- Stairclimbing Handtrucks
- Tire Handling
- Tool Balancers
- Vacuum Lifts
- Vacuum Pickup Tools
- Wheelchair Push Bars
- Wheelchair Push Extension Handles
- Wheelchair Pushers

Sitting

- Sitting
  - Adjustable Pedicure Chairs
  - Adjustable Workstations for Industrial Settings
  - Adjustable Workstations for Office Settings
  - Chairs and Stools for Medical Services
  - Clean Room Stools
  - Ergonomic and Adjustable Office Chairs
  - Ergonomic Assessments
  - Ergonomic Equipment
  - Periodic Rest Breaks
  - Stand-lean Stools
- Other Solutions
  - Adjustable Drafting Tables
  - Ergonomic and Pneumatic Tools
  - Forward Leaning Chairs
  - Handheld Computers (General)
  - Headsets
  - Large-Rated Chairs
  - Low Task Chair
  - Lumbar Cushions
  - Proper Sitting / Standing Techniques
  - Stools for Cutting Hair
  - Supine Workstations
  - Treadmill / Pedal Workstations
  - Van Conversion

## Standing

- Adjustable Workstations for Industrial Settings
- Adjustable Workstations for Office Settings
- Anti-fatigue Matting
- Assist Lift Cushions
- Elevating Lift and Office Chairs

- Grab Bars
- Periodic Rest Breaks
- Scooters
- Stand-lean Stools

#### Temperature Sensitivity

- Sensitivity to Cold
  - Air Deflectors
  - Cold Resistant Gloves
  - Flexible Schedule
  - Heated Clothing
  - Heated Ergonomic and Computer Products
  - Heated Gloves
  - Telework, Work from Home, Working Remotely
  - Vent Covers
  - Workstation Space Heaters
- Sensitivity to Heat
  - Air Deflectors
  - Cooling Clothing
  - Fans
  - Flexible Schedule
  - Portable Air Conditioners
  - Telework, Work from Home, Working Remotely
  - Vent Covers

#### Toileting/Grooming Issue

- Accessible Toilets and Toilet Seats
- Aide/Assistant/Attendant
- Flexible Schedule
- Grab Bars - Toilet Hinged Arm Support
- Grooming and Dressing Aids
- Independent Living Aids

- Modified Break Schedule
- Swing Away Grab Bars
- Telework, Work from Home, Working Remotely
- Toileting Aids
- Transfer Aids
- Transfer Sheets
- Worksite Redesign / Modified Workspace

### **Work-Related Functions**

#### Parking

- Accessible Parking Space
- Flexible Schedule
- Telework, Work from Home, Working Remotely
- Wheelchairs

## Situations and Solutions:

The following situations and solutions are real-life examples of accommodations that were made by JAN customers. Because accommodations are made on a case-by-case basis, these examples may not be effective for every workplace but give you an idea about the types of accommodations that are possible.

### **A customer service agent for an insurance company was pregnant and experiencing significant leg and back pain when sitting for long periods of time.**

She also needed to use the restroom frequently. The employer provided an adjustable workstation to enable the employee to alternate between sitting and standing positions. The employer also allowed her to take more frequent rest breaks by dividing her existing thirty-minutes of break time into several smaller increments of time so she could use the restroom as-needed.

### **A nursing assistant for a rehabilitation hospital was in the third trimester of her pregnancy and, due to complications, was restricted from lifting more than twenty pounds.**

Her job was restructured temporarily to assign her to care for patients who did not require transfer assistance and was permitted to ask co-workers for assistance when she needed to move items weighing more than twenty pounds.

### **A social media coordinator with preeclampsia was placed on bed rest during the last month of her pregnancy.**

She was restricted from climbing, walking, and standing for extended periods of time. She also required a reduced schedule of working no more than six hours per day. The majority of her job tasks could be completed on-line. She was permitted to reduce her schedule and work from home for the duration of her pregnancy. She attended team meetings using a videoconferencing app.

### **A receptionist for a law firm required time to express breast milk for her baby during her work day.**

She was provided a private space that was shielded from view and free from intrusion and reasonable break time to express milk, as-needed. A co-worker served as back-up receptionist during these short breaks. The employee was also allowed to flex her schedule to make-up any extended time taken, beyond ordinary breaks. She kept a small cooler at her workstation for storing milk.

### **A quality inspector for a manufacturing company was experiencing painful swelling in her legs, ankles, and feet during pregnancy.**

Her job required standing for long periods of time and she needed to be somewhat mobile. Her medical provider recommended that she take breaks to get off her feet. The employer provided a stand/lean stool to enable her to take pressure off her feet, as-needed, added anti-fatigue matting to her work area, and permitted the employee to rest with her feet up during breaks.

## Products

There are numerous products that can be used to accommodate people with limitations. JAN's Searchable Online Accommodation Resource at <https://AskJAN.org/soar> is designed to let users explore various accommodation options. Many product vendor lists are accessible through this system; however, JAN provides these lists and many more that are not available on the Web site upon request. Contact JAN directly if you have specific accommodation situations, are looking for products, need vendor information, or are seeking a referral.

## Resources

### **Job Accommodation Network**

West Virginia University  
PO Box 6080  
Morgantown, WV 26506-6080  
Toll Free: (800) 526-7234  
TTY: (304) 293-7186  
Fax: (304) 293-5407  
[jan@askjan.org](mailto:jan@askjan.org)  
<https://askjan.org>

The Job Accommodation Network (JAN) is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities.

### **Office of Disability Employment Policy**

200 Constitution Avenue,  
NW, Room S-1303  
Washington, DC 20210  
Toll Free: (866) 633-7365  
[odep@dol.gov](mailto:odep@dol.gov)  
<https://www.dol.gov/agencies/odep>

The Office of Disability Employment Policy (ODEP) is an agency within the U.S. Department of Labor. ODEP provides national leadership to increase employment opportunities for adults and youth with disabilities while striving to eliminate barriers to employment.

### **American Civil Liberties Union**

125 Broad Street, 18th Floor  
New York, NY 10004  
Direct: (212) 549-2500  
<https://www.aclu.org/know-your-rights>

For almost 100 years, the ACLU has worked to defend and preserve the individual rights and liberties guaranteed by the Constitution and laws of the United States.

**American Pregnancy Association**

425 Greenway Drive  
Suite 440  
Irving, TX 75038  
Toll Free: (800) 672-2296  
[info@americanpregnancy.org](mailto:info@americanpregnancy.org)  
<http://americanpregnancy.org/>

The American Pregnancy Association is a national health organization committed to promoting reproductive and pregnancy wellness through education, support, advocacy, and community awareness.

**Centers for Disease Control and Prevention**

1600 Clifton Rd  
Atlanta, GA 30333  
Toll Free: (800) 232-4636  
<https://www.cdc.gov/>

The Centers for Disease Control and Prevention are dedicated to protecting the health and safety of people - at home and abroad, providing credible information to enhance health decisions, and promoting health through strong partnerships.

**Eunice Kennedy Shriver National Institute of Child Health and Human Development**

31 Center Drive  
Building 31, Room 2A32  
Bethesda, MD 20892-2425  
Toll Free: (800) 370-2943  
Fax: (866) 760-5947  
[NICHDInformationResourceCenter@mail.nih.gov](mailto:NICHDInformationResourceCenter@mail.nih.gov)  
<http://www.nichd.nih.gov/Pages/index.aspx>

The mission of the NICHD is to ensure that every person is born healthy and wanted, that women suffer no harmful effects from reproductive processes, and that all children have the chance to achieve their full potential for healthy and productive lives, free from

disease or disability, and to ensure the health, productivity, independence, and well-being of all people through optimal rehabilitation.

**Eunice Kennedy Shriver National Institute of Child Health and Human Development**

P.O. Box 3006

Rockville, MD 20847

Toll Free: (800) 370-2943

Fax: (866) 760-5947

[NICHDInformationResourceCenter@mail.nih.gov](mailto:NICHDInformationResourceCenter@mail.nih.gov)

<http://www.nichd.nih.gov/Pages/index.aspx>

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**March of Dimes Foundation**

1275 Mamaroneck Avenue

White Plains , NY 10605

<http://www.marchofdimes.org/>

The mission of the March of Dimes is to improve the health of babies by preventing birth defects, premature birth and infant mortality.

**Mayo Clinic**

13400 E. Shea Blvd.

Scottsdale, AZ 85259

Direct: (480) 301-8000

<http://www.mayoclinic.org/>

The Mayo Clinic's mission to inspire hope and contribute to health and well-being by providing the best care to every patient through integrated clinical practice, education and research.

**MedlinePlus**

8600 Rockville Pike  
Bethesda, MD 20894  
[custserv@nlm.nih.gov](mailto:custserv@nlm.nih.gov)  
<https://medlineplus.gov>

MedlinePlus is the National Institutes of Health's Web site for patients and their families and friends. Produced by the National Library of Medicine, the world's largest medical library, it brings you information about diseases, conditions, and wellness issues in language you can understand. MedlinePlus offers reliable, up-to-date health information, anytime, anywhere, for free.

**National Center for Biotechnology Information**

8600 Rockville Pike  
Bethesda, MD 20894  
[pubmedcentral@ncbi.nlm.nih.gov](mailto:pubmedcentral@ncbi.nlm.nih.gov)  
<https://www.ncbi.nlm.nih.gov/>

The National Center for Biotechnology Information advances science and health by providing access to biomedical and genomic information.

**National Conference of State Legislators - Breastfeeding State Laws**

<http://www.ncsl.org/research/health/breastfeeding-state-laws.aspx>

Information regarding state breastfeeding laws and federal health reform.

**National Women's Law Center**

11 Dupont Circle, NW, # 800

Washington, DC 20036

Direct: (202) 588-5180

Fax: (202) 588-5185

[info@nwlc.org](mailto:info@nwlc.org)

<http://www.nwlc.org>

The Center has worked for more than 40 years to protect and promote equality and opportunity for women and families. We champion policies and laws that help women and girls achieve their potential at every stage of their lives — at school, at work, at home, and in retirement. Our staff are committed advocates who take on the toughest challenges, especially for the most vulnerable women.

**Office on Women's Health**

Department of Health and Human Services

200 Independence Avenue, SW Room 712E

Washington, DC 20201

Toll Free: (800) 994-9662

Direct: (202) 690-7650

Fax: (202) 205-2631

<http://www.womenshealth.gov/>

The Office on Women's Health (OWH), part of the U.S. Department of Health and Human Services (HHS), works to improve the health and sense of well-being of all U.S. women and girls. OWH serves as the focal point for women's health activities across HHS offices and agencies and leads HHS efforts to ensure that all women and girls achieve the best possible health.

**Pregnant@Work**

Direct: (415) 703-8276

<https://www.pregnantatwork.org>

An online resource center that provides tools and educational materials about accommodating pregnant women at work.

**Remedy's Health Communities**  
<http://www.healthcommunities.com>

Remedy Health Media is America's fastest growing health information and technology company. We are a leading provider of clinical resources and wellness tools that help millions of patients and caregivers live healthier, more fulfilled lives.

Our mission is to empower patients and caregivers with the information and applications needed to efficiently navigate the healthcare landscape and as a result, to permit better health outcomes through use of our products and services.

**U.S. Dept. of Labor - Employment Protections For Workers Who Are Pregnant or Nursing**  
<http://www.dol.gov/wb/maps/>

Employment protections for workers who are pregnant or nursing.

**United States Breastfeeding Committee**  
4044 N Lincoln Ave, # 288  
Chicago, IL 60618  
Direct: (773) 359-1549  
Fax: (773) 313-3498  
[office@usbreastfeeding.org](mailto:office@usbreastfeeding.org)  
<http://www.usbreastfeeding.org/>

The United States Breastfeeding Committee (USBC) is an independent nonprofit organization that was formed in 1998\* in response to the [http://www.unicef.org/nutrition/index\\_24807.html](http://www.unicef.org/nutrition/index_24807.html)" target=blank" title=xternal website">Innocenti Declaration of 1990, of which the United States Agency for International Development was a co-sponsor. Among other recommendations, the Innocenti Declaration calls on every nation to establish a multisectoral national breastfeeding committee comprised of representatives from relevant government departments, non-governmental organizations, and health professional associations to coordinate national breastfeeding initiatives. The USBC is now a coalition of <http://www.usbreastfeeding.org/p/cm/ld/fid> ">more than 50 organizations that support

its mission to drive collaborative efforts for policy and practices that create a landscape of breastfeeding support across the United States.

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