

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Accommodation and Compliance Series

Lactation Topics

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JAN'S Accommodation and Compliance Series

Introduction

Although not disability-related, JAN often receives questions about a woman's right to breastfeed in the workplace. The main question JAN receives is whether employers have to provide accommodations for nursing mothers. JAN specializes in the ADA, which requires covered employers to provide reasonable accommodations for qualified individuals with disabilities. To be entitled to accommodations under the ADA, a person has to meet the ADA definition of disability. The desire or need to nurse a baby does not meet this definition, so the ADA does not address breastfeeding in the workplace.

Even though the ADA does not apply to nursing mothers, other laws may require employers to accommodate nursing mothers. For example, the Patient Protection and Affordable Care Act requires employers to provide "reasonable break time for an employee to express breast milk for her nursing child for 1 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 additional guidance on the [Patient Protection and Affordable Care Act](#).

In addition, employees seeking accommodations related to breastfeeding may be protected under state laws. For information on those laws visit the National Conference of State Legislatures Resource page on [State Breastfeeding Laws](#).

Even though there is no legal requirement under the ADA to accommodate nursing mothers in the workplace, JAN still provides accommodation ideas. Some ideas for nursing mothers include:

- Scheduling periodic rest breaks away from the workstation
- Providing a private area for breaks
- Allowing work from home
- Allowing a flexible work schedule

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.

An account executive for an insurance company performed most of her job duties from her home office.

She was expected to travel to attend a two-day annual meeting. She was able to travel, but needed time to express breast milk while away, and a place to store expressed milk. She was permitted to book a room at the meeting venue that included a kitchenette where she stored expressed milk and could clean her pumping equipment. The executive also excused herself from the meeting, as-needed, to express milk in her hotel room.

A copy editor returned to work eight weeks after the birth of her child.

She did not have a private office and needed a space to express breast milk for her nursing child. Private space was limited but the employer temporarily converted a small storage room into a space where she could express milk as needed. The door to the room had a window and so the window was covered with a curtain. A “nursing room” sign with a shutter display was used to indicate when the room was occupied.

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 front-desk receptionist in a medical facility needed breaks away from her desk to express breast milk for her nursing child for three months.

During regularly scheduled breaks, a co-worker covered the desk for 15 minutes at a time. The receptionist was able to pump during her regularly scheduled breaks, but needed an additional 15 minutes for each break. Her breaks were extended and coverage was rotated between two co-workers. The additional break time was unpaid.

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