

Vermont Workplaces Support Nursing Moms

Why do Vermont workplaces support nursing moms?

- Saves money: fewer health insurance claims and lower medical costs – average is \$400 in annual savings per breastfed baby
- Reduces employee turnover
- Lowers employee absenteeism
- Improves employee productivity
- Raises employee morale and company loyalty
- It's the Law



What can Employers do to support nursing mothers in the workplace?

- Develop policy and determine who oversees this program*
- Inform employees of the new policy
- Provide a clean, private place with access to electric outlets and a chair, consider a “walk-through” with your employee
- Offer flexible breaks
- Apply for Breastfeeding Friendly Employer recognition*
- Consider insurance coverage for lactation consultants
- Consider corporate lactation program if staff includes significant number of mothers
- **Understand the law:**

In May 2008, Vermont's labor law was amended to include the following:

- (a) For an employee who is a nursing mother, the employer shall for three years after the birth of a child;
- (1) provide reasonable time, either compensated or uncompensated, throughout the day for the employee to express breast milk for her nursing child. The decision to provide compensated time shall be in the sole discretion of the employer, unless modified by a collective bargaining agreement; and
 - (2) make a reasonable accommodation to provide appropriate private space that is not a bathroom stall.
- (b) An employer may be exempted from the provisions of subsection (a)

of this section if providing time or an appropriate private space for expressing breast milk would substantially disrupt the employer's operations.

(c) An employer shall not retaliate or discriminate against an employee who exercises the right provided under this section.

In March 2010, Congress extended similar federal protections to some nursing mothers in the workplace. That month Congress amended Section 7 of the Fair Labor Standards Act (FLSA) — which grants certain employees federal rights and protections regarding wages and overtime — to include a federal right to express breast milk in the workplace for up to year after childbirth. Nursing mothers covered by Section 7 also have the right to express milk in a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public. They also have the right to be paid for such breaks if the employer pays for employees for other types of work breaks. There are some limited exceptions to this federal right, such as cases where providing a break would present an undue hardship to employers with fewer than 50 employees. Importantly, however, the FLSA does not replace Vermont's more generous breastfeeding law, but instead provides many employees with a second layer of legal protection.

* see Resources

Additional protection: nursing in public

Vermont law (Act 117) provides protection for women who breastfeed in places of public accommodation (schools, restaurants, stores and other facilities serving the general public).

For more information, contact the Vermont Human Rights Commission: 802-828-2480, 800-416-2010 or at www.hrc.vermont.gov



What can employees do to make nursing in the workplace easier?

- Understand Federal and State laws
- Create “back to work” plan before your baby is born
- Exclusively breastfeed during maternity leave
- Ask insurance company or employer if cost of breast pump is covered
- Determine scheduling and support needs and talk to your employer as soon as possible
- Do a workplace “walk-through” and suggest ideas
- Include your childcare provider in your plan
- Talk to other moms and seek support

What can employees do if their rights have been violated?

An employee who believes her right to express milk has been violated should contact the Vermont Attorney General, Civil Rights Unit (CRU) at 802-828-3657 or toll free 888-745-9195. The CRU may investigate, and has the authority to enforce provisions of the law by bringing a civil action for injunctive relief and economic damages, including lost wages. The CRU may enter into settlement agreements with employers.

Alternatively, an employee who believes her rights have been violated may make a complaint to the Vermont Judicial Bureau through the Vermont Department of Labor, Wage and Hour Division

at 802-828-0267. The Department may, after an investigation by it or the CRU, issue a Vermont Civil Violation Complaint (similar to a traffic ticket). Employers may resolve the case against them by paying a waiver fee or may contest the complaint in a hearing before a Judicial Bureau hearing officer found in violation must pay civil penalties of up to \$100 for each incidence.

The federal Fair Labor Standards Act providing break time for nursing mothers is enforced by the U.S. Department of Labor’s Wage and Hour Division, which can be reached at 802-951-6283.

Resources

*Vermont Department of Health
WIC Program*

800-464-4343 / 802-863-7333

www.breastfeedvermont.info

Site features: Breastfeeding information, resources, and laws, as well as information and assistance for breastfeeding friendly employers in Vermont

To find a Lactation Consultant, contact your local hospital, or visit the Directory at International Lactation Consultant Association

www.ilca.org

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Civil Rights Unit (CRU)*

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www.atg.state.vt.us

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Wage and Hour Division*

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