Breastfeeding & the Law:

What exists & what we still need to ensure that breastfeeding is an option for all families
Right to breastfeed

Sec. 1. Notwithstanding any other law, a woman may breastfeed her child anywhere the woman has a right to be.
What does it take for breastfeeding success?

- Time
- Education
- Tools
Paid maternal leave around the world

NUMBER OF COUNTRIES
- 9
- 83
- 53
- 18
- 36

WEEKS OF LEAVE
- 0
- 0-14
- 14-25
- 26-51
- 52+

Most countries in Europe provide long leaves

United States has no paid maternal leave

Source: WORLD Policy Analysis Center, 2014 data
Let’s Get with the (Paid Leave) Program...

Other countries in the Organisation for Economic Co-operation and Development (OECD) started providing paid maternity leave more than 100 years ago. When will the United States get with the program?
Who gets paid leave?

- Paid family leave (2015)
- Paid sick days (2016)
12 weeks of unpaid, job protected leave

§ 825.101
Lactation support in the workplace

July 1, 2008

District 40 Indiana State Senator
Vi Simpson

District 60 IN State Representative
Peggy Welch

Lactation support in the workplace

July 1, 2008
## Indiana Law

<table>
<thead>
<tr>
<th>Private Employees</th>
<th>Public Employees</th>
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<td>Over 2.5 million private sector jobs</td>
<td>~300,000 inclusive of state government, local government, and public schools</td>
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Private Employees

(of companies with 25 or more employees)

- Provide a private location other than a toilet stall where an employee can express milk…
  ...during any time away from the employee’s assigned duties,
  ...to the extent reasonably possible

- Provide space for employees to keep expressed milk...
  ...“or allow employees to provide their own”

Ind. Code § 22-2-14-2
Public Employers

- Public employers must provide a private room near an employee’s work area, other than a toilet stall, where she can express milk.

- Employer must provide reasonable daily paid break time to express breast milk...
  ...unless doing so would unduly disrupt the employer’s operations.

Fair Labor Standards Act

- “Employees who are engaged in interstate commerce or in the production of goods for commerce, or who are employed by an enterprise engaged in commerce or in the production of goods for commerce” – exemptions
  - 50 or more employees (regardless of worksite)
  - Under 50 if it doesn’t cause “undue hardship”
  - Infant under 1 year

- Reasonable unpaid break time, each time
- Space other than a bathroom, shielded, free from intrusion
- Employer fines
- Protection in the case of complaint
- Provides for remedies, including reinstatement, lost wages

Who is covered?

What protections?
Machine is empty pads or tampons can be bought at first floor snack stand for 50c.
Breast is best for babies
Expand FMLA to cover more workers
Temporary disability insurance
Paid family and medical leave
Department of Labor PFL Grant

- Advisory panel
- Interviews
- Cost-modeling
- Polling
Time at work

Eli Lilly

- nursing mothers’ rooms with hospital-grade pumps
- access to a lactation consultant

State and federal legislation

- Cover more employers
- Add “teeth”

Culture

- Value all parents’ commitments to their children
- Acknowledge tensions & expand work-life balance
Our Asks

- Join Time Matters Indiana Facebook group
- Sign up for our action alerts
- Share stories with us & with legislators
- Flip the script
Stay in touch!

Erin Macey
emacey@incap.org
317-638-4232

http://www.incap.org/iiwf.html