EXECUTIVE SUMMARY

Despite the medical consensus that breastfeeding reduces major health risks to both babies and mothers, discrimination against breastfeeding workers often forces them to stop breastfeeding or lose their jobs. Lactation discrimination cases from the last decade expose:

**Discrimination is widespread, and has devastating consequences.**

Breastfeeding discrimination takes many forms, including:

- denying pumping break requests from employees who are in pain and leaking milk;
- firing them just for asking;
- refusing to provide privacy, leaving workers to pump milk with their breasts exposed to coworkers, clients, and the public in physically unsafe conditions;
- commenting on their “tits,” comparing breastfeeding workers to animals, and moaning at them.

Almost three-fourths of breastfeeding discrimination cases studied involved economic loss, and nearly two-thirds ended in job loss.

Nursing mothers facing discrimination suffer serious health consequences, including:

- illness and painful infections;
- diminished milk supply;
- wearing earlier than doctors recommend.

Because pumping breast milk in the workplace draws attention to a woman’s breasts and female body, it can expose her to sexual harassment in the form of offensive remarks and hostility. One worker’s supervisor mimed grabbing and squeezing her breasts during a company meeting.

Breastfeeding discrimination is found in many industries but is most acute in male-dominated sectors. First responders, law enforcement, and other women in predominantly-male industries make up only 16% of women workers but account for nearly half (43%) of breastfeeding discrimination claims.

Lactation discrimination impacts women at all socio-economic levels but has particularly harsh effects for low-wage workers, who are more likely to be women of color. Often it is part of a larger pattern of discrimination based on motherhood that begins in pregnancy. Some employers take advantage of a worker’s lactation-related needs to push new mothers out of the workplace.

**Breastfeeding workers have legal rights.**

- The Break Time for Nursing Mothers law gives many employees a right to break time and private space to express breast milk for their nursing child during the first year of life.
- Rights under the federal employment discrimination statute, Title VII, have expanded over the last decade. Discrimination based on breastfeeding and lactation is now prohibited.
- Just over half of all states have enacted legislation to provide additional rights. These range from limited laws requiring public school boards to maintain lactation policies to sweeping laws giving robust accommodation rights to every employee across the state.
EXECUTIVE SUMMARY

Despite the patchwork of laws, millions of breastfeeding women are still exposed, without the legal protections they need.

- Due to an unintended legal technicality, nearly one quarter of women workers of childbearing age—over 9 million women—is not covered by the federal Break Time for Nursing Mothers law. Excluded workers range from kindergarten teachers to registered nurses to farmworkers.

- Even for employees who are covered, technicalities make the Break Time for Nursing Mothers law practically unenforceable. Widespread noncompliance exists.

- Title VII of the Civil Rights Act cannot be reliably counted on to provide accommodation rights when workers need them most.

- Even taking state laws into account, 27.6 million women workers of childbearing age nationwide are left without the basic protections needed by all breastfeeding workers—break time, space, and a clear right to receive other reasonable accommodations as needed to stay healthy and continue breastfeeding.

Lactation Laws Work

Lactation accommodation laws have passed at the state level with bipartisan support and are proven to work. Model legislation has seven key components, outlined in this report, to meet the diverse health needs of all breastfeeding workers. The most critical component for ensuring widespread compliance is a strong enforcement mechanism that holds employers financially responsible for the harm they cause.

Workplace lactation laws increase breastfeeding rates, allow nursing women to earn a living for their families, and send the message that workplaces must take women’s needs, as well as men’s, into account. Passing state-level legislation would fill the gaps left by federal law and help breastfeeding workers be less exposed.

DOWNLOAD THE FULL REPORT:
PregnantAtWork.org/BreastfeedingReport
Breastfeeding Discrimination Exposed

A POLICE OFFICER FACED A SERIOUS INFECTION, INSULTS, POSSIBLE ASSAULT, AND A “FILTHY, MOLDY” BREAK ROOM

“We’re not asking for anything huge, just privacy and time to express milk for our children while we’re working long hours.” (PAGE 12)

KINDERGARTEN TEACHER: “MY BOOBS WERE SO FULL THAT I JUST BEGAN LEAKING EVERYWHERE”

“I started thinking, I’m here teaching these babies basic life skills and I don’t even have the time to provide my own baby with food for survival.” (PAGE 27)

U.S. AIR FORCE AIRMAN IN NEED OF PUMPING BREAKS TOLD SHE SHOULDN’T GET TIME TO “PLAY WITH HERSELF”

“A lot of people, maybe not a majority, but a noisy minority, think women should have to get out if they want children, but no one suggests men don’t become fathers while they are in the military.” (PAGE 16)

FIRE DEPARTMENT EMT FACED RETALIATION FOR ASKING TO PUMP: “I BECAME THE BLACK SHEEP”

“There were days I was afraid I’d get fired, or get messed with on the job. Some days I felt super strong, thinking I can do this and they shouldn’t be treating women like this.” (PAGE 33)

PRISON NURSE FORCED TO SMUGGLE IN BREAST PUMP, PIECE-BY-PIECE, AS “CONTRABAND”

“It was just such a struggle. Being a nurse and in a prison just felt like a double whammy.” (PAGE 18)

COWORKERS COULD GO TO DUNKIN’ DONUTS, BUT SHE COULDN’T GO ACROSS THE STREET TO NURSE HER NEWBORN SON

“They didn’t seem to care about any of the health risks to me or my son.” (PAGE 30)

EMERGENCY ROOM NURSE LEAVES JOB OF SIX YEARS AFTER “BULLYING” JEOPARDIZES HER ABILITY TO BREASTFEED

“I knew breastfeeding my child was important to me. That was a sacrifice I was willing to make for my child.” (PAGE 19)

HUMAN RESOURCES PROFESSIONAL FORCED TO PUMP ON THE TOILET

After she quit and took a more supportive job: “I felt human. I felt respected and honored.” (PAGE 41)

POLICE OFFICER FORCED TO CHOOSE BETWEEN BREASTFEEDING AND HER BULLET PROOF VEST RESIGNS AND MAKES LEGAL HISTORY.

“All I ever wanted when I took a stand was to protect the next working mother who chooses to breastfeed.” (PAGE 38)