



# Breastfeeding Newsletter

MARCH 1, 2012

VOLUME 1, NUMBER 2

*"A lack of acceptance of breastfeeding as being healthy, natural, innocent, and non-sexual by some individuals has led to incidences of breastfeeding mothers being discriminated against...Federal and state lawmakers have addressed this issue, and it is beneficial to know your rights as a breastfeeding mom"*

## Breastfeeding protections in the law

By Brittany Dain, Breastfeeding Peer Counselor

Breastfeeding your baby is one of the best things you can do for your baby's health. But not everyone understands this. A lack of acceptance of breastfeeding as healthy, natural, innocent, and non-sexual by some has led to incidences of mothers being discriminated against because of their responsibility to provide their infant with nutrition. Federal and state lawmakers have addressed this issue, and it is beneficial to know your rights as a breastfeeding mom.

## Breastfeeding and the workplace

Breastfeeding was not something I thought much about at all until I became pregnant. Then it was something I assumed I would try my hardest at because I knew it was healthy for my baby. After all, it's recommended by the CDC, the AAP, WHO (World Health Organization), my mom, my doctor, my hospital, my local WIC agency, and every parenting magazine I've ever read, just to name a few! But what about my employer? At the time, I had a full time job at a small company, and I started to wonder how breastfeeding was going to work out for me if I needed to go back to work 6 weeks after the birth. Would my boss let me pump at work? Would I be able to find time in my busy work day to pump? And where??? As a modest person who happened to be 100% dedicated to breastfeeding, I was somewhat fearful at the thought of being given 5 minutes to pump in a closet with no lock on the door and someone walking in on me with my breasts hooked up to a pump. Just thinking about it was enough to make me pretty anxious! And any breastfeeding mom knows that anxiety does not exactly help when trying to pump.

Most people don't have an opinion on the rights a breastfeeding mother should or should not have until they are breastfeeding themselves or close to someone who is. Many people view breastfeeding as just an optional parenting issue equivalent to whether or not to sign your kid up for soccer. They may incorrectly assume that infant formula is the "norm" and breastfeeding is nothing more than an unrealistic, optional luxury with only a few extra health benefits. And your boss may be one of those people. If that is so, you may take heart that there is now protection under the law for working breastfeeding mothers.

"Section 4207 of the *Patient Protection and Affordable Care Act* (also known as Health Care Reform), amended the Fair Labor Standards Act (FLSA), or federal wage and hour law. The amendment requires employers to provide reasonable break time and a private, non-bathroom place for nursing mothers to express breast milk during the workday, for one year after the child's birth. The new requirements became effective when the Affordable Care Act was signed into law on March 23, 2010. " (<http://www.usbreastfeeding.org/LegislationPolicy/tabid/55/Default.aspx>)

Sometimes it can be difficult to talk about breastfeeding with your boss, but it can really pay off in the end. To help the transition from pregnant employee to

breastfeeding employee go smoothly, be honest, respectful, and upfront to your employer about your plans to breastfeed your baby and your needs for time and place to express your milk with a pump. Initiate this conversation before your maternity leave, preferably in your second trimester. This will allow your boss time to make necessary arrangements. Ideally, you and your boss can work together to come to a solution that works for both of you. There are many benefits to employers who facilitate and promote breastfeeding, such as worker retention, fewer sick and leave days, and lower health-care and insurance costs. In fact, DHHS has a program that can educate employers of the value of supporting breastfeeding employees in the workplace. It is called The Business Case for Breastfeeding. For their materials, information, and tips, go to:

<http://www.womenshealth.gov/breastfeeding/government-in-action/business-case-for-breastfeeding/index.cfm#businessManagers> .

### **Public breastfeeding**

There is a Missouri statute that states: "Breast-feeding in public permitted. 191.918. Notwithstanding any other provision of law to the contrary, a mother may, with as much discretion as possible, breast-feed her child in any public or private location where the mother is otherwise authorized to be."

Granted, it's not as much protection that women in most other states enjoy, but it's better than nothing! It is important to be aware of your right to breastfeed your child when your child is hungry, regardless of where you happen to be. Nobody can legally force you to go into a bathroom or closet in order to feed your baby.

On a side note, there is a Missouri Senate Bill (SB 639) that as of February 9, 2012, has NOT yet been passed that would further protect a breastfeeding mother's rights to breastfeed in public. It also includes exemption from jury duty for breastfeeding moms. Please note that this bill has not been passed or signed yet. For more information about this bill go to:

[http://www.senate.mo.gov/12info/BTS\\_Web/Bill.aspx?SessionType=R&BillID=130514](http://www.senate.mo.gov/12info/BTS_Web/Bill.aspx?SessionType=R&BillID=130514) .

For more on Missouri's protection of breastfeeding, see:

<http://health.mo.gov/living/families/babies/breastfeeding/laws.php> .

For a state-by-state listing of breastfeeding laws, see: <http://www.ncsl.org/issues-research/health/breastfeeding-state-laws.aspx> .

**Pike County Health Department, Home Health & Hospice, 1 Health Care Place, Bowling Green, MO 63334. Phone: (573) 324-6373, Fax: (573) 324-3057.**