



**BreastfeedSJC**  
Breastfeeding Coalition of San Joaquin County



## **BREASTFEEDING LAWS FAQ**

**Does the employer have to provide a space at the worksite for a breastfeeding employee to express milk?** Yes, in California all employers must comply with the Lactation Accommodation Law which requires a space for breastfeeding employees to express milk in private.

**Can a bathroom at the worksite be the space provided for employees to express breast milk?** What if a bathroom is the only space available? It is explicitly stated that the space provided for breast milk expression cannot be a bathroom. Please click here for the Business Case for Breastfeeding, a toolkit from the US Department of Health and Human Services, which can assist you in accommodating your breastfeeding employees, <https://mchb.hrsa.gov/pregnancyandbeyond/breastfeeding/>

**Do employers need to provide a permanent place dedicated to breast milk expression by nursing mothers?** No. However, the US Department of Labor states “If the space is not dedicated to the nursing mothers’ use, it must be available when needed in order to meet the statutory requirement.” Please refer to the United States Department of Labor website for more information on break time for breastfeeding employees, <https://www.dol.gov/agencies/whd/nursing-mothers>

**My employer will not allow me to express breast milk at work. How do I file a complaint?** You can file a complaint by calling the US Department of Labor at 1(866) 4US-WAGE (487-9243) What if my employer says “but this law says I only need to do this much...?” Federal and state laws differ on the strength of the protection provided to employed breastfeeding mothers. In the case where both federal and state laws address the same issue, employers must comply with whichever law benefits the employees most.

THE MISSION OF  
**BFCSCJC**

Is to organize local efforts to improve the health of our community by promoting educating, and providing support for breastfeeding. For more information, visit [www.breastfeedsjc.org](http://www.breastfeedsjc.org) or call us at 209.688.5287

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