

Lactation Friendly Workplace FAQs

Why is it important to support lactating parents at work?

- Breastfeeding improves the health of both babies and lactating people.
 - For the parent, breastfeeding can reduce rates of ovarian and breast cancer, type 2 diabetes, and hypertension.¹
 - Breastfed babies have a reduced risk of SIDS, obesity, type 1 diabetes, asthma, ear infections, and more.¹
 - Human milk provides antibodies that help protect babies from illness and improve their immune system function.¹

Because of all these benefits, supporting parents' ability to continue providing this important nutrition is a way for employers to show that they care about the wellbeing of their employees and their families.

How does being lactation friendly positively impact your workplace?

- Parents who breastfeed take less than half of the one-day absences from work as parents who formula feed. This is because babies fed human milk are sick less often.²
- Breastfeeding lowers healthcare costs which means fewer insurance claims for businesses.²
- Companies with a lactation program have higher retention rates compared to companies without them. One study of multiple companies with lactation programs showed a 94.2% retention rate compared to the national average of 59% after a parent returns from giving birth.²

Employees who have breastfeeding support in the workplace report higher company loyalty and productivity.²

How does Colorado breastfeeding law differ from federal law?

- Federal law requires reasonable break time and a private space, other than a bathroom, for pumping **up to 1 year after the child's birth** at any employer with 1 or more employees.³
- The PUMP Act, passed in 2022:
 - Closed loopholes in the Break Time for Nursing Mothers Law
 - Expands the legal right to receive pumping breaks and private space to nearly 9 million more workers, including teachers, registered nurses, farmworkers, and many others.
 - Clarifies that pumping time counts as time worked when calculating minimum wage and overtime if an employee is not completely relieved from their work duties during the pumping break.
 - Makes it possible for an employee to file a lawsuit against an employer that violates the law (effective April 2023).
 - The expanded enforcement provision allows employees a right to file a lawsuit for monetary remedies.

- Colorado law requires employers with 1 or more employees to provide reasonable break time and a private space **in close proximity to their workspace** other than a bathroom for an employee to express milk **up to 2 years after a child's birth.**⁴
- Colorado state law must be followed by all Colorado employers.

What is the cost of Lactation Friendly Recognition?

- There is no cost to become a lactation friendly workplace.

What does a business have to do to become Lactation Friendly Recognized?

- Have a **lactation policy** that outlines support for breast/chestfeeding employees and guests.
- Commit to providing **time** for employees to schedule breaks to breast/chestfeed, express, or pump milk during the workday.
- Commit to providing an accessible, clean **space** (not a bathroom) for employees to pump.
- Create a **welcoming environment to guests** that feels friendly, non-judgmental, and supportive towards breast/chestfeeding families. This includes helpful staff, breastfeeding-friendly door stickers and the ability of staff/managers to answer questions from guests that may not know the Colorado laws. The common agreement should be that breast/chestfeeding parents will NOT be harassed, treated with disrespect, or be asked to leave or cover up because they are nursing.

Why do we need a policy if it's the law?

- Having a policy in place ensures that you are compliant with all state and federal laws.
- A policy helps you communicate the responsibilities of both supervisors and employees.
- Employers can use a policy to educate supervisors and staff on the importance of protecting privacy during pumping, providing coverage during lactation breaks, and preventing any negative workplace behaviors.
- Having a policy increases consistency with lactation support across your organization.
- Policies can go beyond the law to include sections about equipment, the provision of multi-user pumps, supporting milk expression beyond a child's second birthday, etc.

What are the costs associated with creating a lactation space?

- The cost of creating a lactation space varies depending on what type of space makes the most sense for your workplace.
 - Lactation spaces can be very simple, providing employees with a privacy screen to create a temporary private space with a comfortable chair or a more extensive permanent space with artwork, a chair, a table, a fridge, etc.
 - You can also use an existing office that a manager or other employee has agreed to leave when the lactating employee needs it, which wouldn't cost anything extra.
 - If there is already a private break room with a lock, this can also be used as a lactation space for free.

- If the worksite is outdoors, you can use a popup tent or a portable restroom shell with a chair and without a toilet.

What do I need to include in a lactation space?

What you need for your lactation space depends on the type of workplace, the space available, and the number of employees at your office or workplace.

Your space must include:

- A privacy screen, room with a door, popup tent, or other item for privacy
- A chair, couch, or something comfortable to sit on
- An electrical outlet to plug the pump into

Your space could include:

- Coffee table or side table
- Mini fridge for milk storage
- Wall art or other décor
- Etc.

Why should I create a lactation space if I don't have any breast/chestfeeding employees?

Having some sort of lactation space available is a great way to prepare for the future, even if you don't currently have any lactating employees. It can be easier to have something in place, so you don't have to create a space quickly if you do have lactating employees in the future. Preparing ahead of time can help you create a thoughtful space that can serve your employees better down the road. It can be simple and can be used for other purposes like break time when you don't have lactating employees. It only needs to be a prioritized space, not a dedicated, permanent space.

Why do I need a lactation policy if I don't have any breast/chestfeeding employees?

Creating a policy requires time and thoughtfulness. Being able to create a policy at a time that works best for you without feeling rushed can make it easier when you do have lactating employees. Having a policy in place can make employees more comfortable if they do decide to have kids.

What should I do if I don't have space for a lactation space?

You don't need a lot of room to create a lactation space. If you don't have a spare room, you can use an existing private office with a lock where a manager or employee agrees to allow people to pump, or a temporary space using a privacy screen or popup tent.

Will my employees expect me to pay them for the time it takes to express milk?

Employees can either use paid break time or take unpaid breaks to express milk. It's important to communicate with employees about expectations before returning to work, but unpaid break time is acceptable.

How can we make sure we have enough staff coverage when employees are taking lactation breaks?

- There are several ways to ensure coverage for your employees:
 - Have employees cover for each other.
 - Supervisors can provide coverage for employees.
 - You can have designated floaters provide coverage.
 - You can adjust employee work schedules.
 - Reassign duties temporarily.
 - Put up a "be right back" sign during pumping breaks if coverage is not available.

How long will my employee need to take each day to express milk?

- Lactating individuals typically need to pump every two to three hours or around three times during an 8-hour work period or three to four times during a 12-hour shift. It's important to allow ample time to pump so that employees can maintain their supply.
- Each pumping session generally takes 15 to 20 minutes to express milk depending on the person and the age of the baby. This does not include the time needed to get to and from the pumping space or set up and clean the breast pump attachments after pumping.

Can you tell breast/chestfeeding parents to cover up in your business?

No. According to Colorado law, people are allowed to breast/chestfeed anywhere they are allowed to be.⁵ You should never ask a breast/chestfeeding person to cover up.

What Colorado laws support breast/chestfeeding in public?

The Breastfeeding in Public Act (Colorado Revised Statutes §25-6-302) establishes that a lactating person may breast/chestfeed in any place they have a right to be.⁵

Is it sanitary to allow parents to breast/chestfeed in your business or public space?

According to the Centers for Disease Control, human breast milk is not considered a body fluid to which universal precautions apply. Occupational exposure has not been shown to lead to transmission of HIV or Hepatitis B infection.⁶

Shouldn't parents be breast/chestfeeding in the bathroom or locker room at a public space like a gym, pool, or recreation center?

It is unsanitary and unfair to expect a baby to eat their meals in a bathroom. The Colorado law allows a parent to breast/chestfeed anywhere they're allowed to be. Therefore, if the parent wants to

breast/chestfeed in a bathroom they are allowed to, but if they express this desire to you, it may be helpful to share other options for breastfeeding in privacy and allow them to choose what works best for them.

How do employers enforce their policy?

Providing training to managers and other employees is a great first step for ensuring that your policy will be enforced. Managers should also be trained on how to respond if they notice an employee is violating the policy. Check with your legal team for any enforcement questions that come up.

How is the law enforced?

If an employee feels that their rights to breast/chestfeed have been denied by an employer, they can file a complaint with the Wage and Hour Division which can then go to court. Additionally, if there is retaliation towards the employee for filing a complaint, such as the employee losing their job, they may also file a retaliation complaint with the Wage and Hour Division or a private cause of action. Employers may face compensatory damages, punitive damages, back pay for lost wages if someone was terminated, requirements for reinstatement of the employee, and requirements to take action to prevent future discrimination.⁷ For additional information on the rights of your employees, see the [Colorado Breastfeeding Coalition](#) laws page.

References

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- ² The Business Case for Breastfeeding. U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), Maternal and Child Health Bureau. <https://www.womenshealth.gov/breastfeeding/breastfeeding-home-work-and-public/breastfeeding-and-going-back-work/business-case>. Published 2008.
- ³ Section 7(R) of the Fair Labor Standards Act – break time for nursing mothers provision. United States Department of Labor. <https://www.dol.gov/agencies/whd/nursing-mothers/law>. Accessed March 23, 2022.
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- ⁷ Guide to the rights of breastfeeding employees in Colorado. USBC. [http://www.usbreastfeeding.org/workplace-guide-co#:~:text=Colorado%20Law&text=\(1\)%20An%20employer%20shall%20provide,years%20after%20the%20child's%20birth](http://www.usbreastfeeding.org/workplace-guide-co#:~:text=Colorado%20Law&text=(1)%20An%20employer%20shall%20provide,years%20after%20the%20child's%20birth). Accessed March 29, 2022.