

Worksite Lactation Accommodation: California vs. Federal Lactation Law

California Law	Federal Law
	Does not preempt state law that provides greater protections
Applies to ALL employers and employees	Applies to non-exempt employees Employers with < 50 employees may be exempt if compliance would create undue hardship
Reasonable amount of break time	Reasonable break time for up to 1 year after infant's birth
May use break times Additional unpaid breaks may be taken if not used concurrently with paid breaks	May use break times Additional unpaid breaks may be taken if not used concurrently with paid breaks
Provide a room or other location in close proximity to the work area (cannot be a toilet stall)	Provide a place shielded from view and free from intrusion from co-workers and the public (cannot be a bathroom)
Civil penalty of \$100 per violation	Civil sanction, \$1,100 per violation for willful violations

California Labor Code §1030-3

FLSA § 7(r) (as amended by the Affordable Care Act)

Davis & Dhillon, Health Care Reform and Nursing Mothers, *Public Health Law Network*, 2011