

THE CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES, THE CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, THE CONNECTICUT DEPARTMENT OF LABOR AND THE CONNECTICUT BREASTFEEDING COALITION

GUIDE TO CONNECTICUT BREASTFEEDING NONDISCRIMINATION and WORKPLACE ACCOMMODATION LAWS

QUESTIONS AND ANSWERS FOR BUSINESSES AND PARENTS



Adapted with permission from The Breastfeeding Coalition of Washington

BREASTFEEDING IN PLACES OF PUBLIC ACCOMMODATION

Connecticut General Statutes §46a-64 allows mothers to breastfeed their babies in places of public accommodation. This law is enforced by the Connecticut Commission on Human Rights and Opportunities (CHRO), which enforces anti-discrimination laws in the State of Connecticut.

Mothers can generally breastfeed at a time, place and manner of their choosing while in a place of public accommodation. They do not have to go to a special area or go into the restroom. They do not have to cover the baby with a towel or blanket. The owner, manager or employee of a place of public accommodation cannot request that the mother stop breastfeeding her baby, cover up, move to a different room or area, or leave.

Questions Businesses May Ask:

Why doesn't she use formula or express breast milk and feed from a bottle?

The parents are the best people to make decisions about what and how to feed their child. There are numerous personal and health reasons for choosing one method of feeding over another, as well as for choosing breast milk or formula. Some babies do not tolerate a bottle and will not drink from one.

Why can't the mother cover the baby when nursing?

Some children will not tolerate being covered with a towel or blanket, and will cry instead of eat. Some children need eye contact with their mother while breastfeeding, and others like to look around. These actions may also be related to a child's normal development stage.

Can't the mother go to the restroom to feed the baby?

No one should have to use a restroom other than for its intended purpose.

Is it dangerous for a baby to breastfeed near a swimming area? Could breast milk contaminate the water?

The Centers for Disease Control and Prevention clearly states that breast milk is not a biohazard. A breastfeeding mother does not contaminate the water in any way. It is safer for a mother and her children if the mother remains near the water to watch her other children in the water, rather than to have to breastfeed elsewhere. Rules regarding no food around pools, at lakes or at the beach should not apply to breastfeeding mothers. Refer to <http://www.cdc.gov/breastfeeding/faq/index.htm> for more details.

What if other customers or patrons complain? Is that enough of a reason to ask the breastfeeding mother to leave or stop?

No. Complaints from other patrons or customers are not valid reasons for asking the mother to stop breastfeeding or to leave. Politely explain to the concerned customer that the law protects the right of the mother to stay where she is to breastfeed. If they are offended, the only suggestion that you can make is for them to avert their eyes.

Would my business be in violation of the law if one of my employees asks a breastfeeding mother to leave, cover her child, or stop nursing?

Yes. The employees represent the business, and their actions can constitute a violation of the

law. Make sure your employees know about this law. Share this guidance with them.

Do I need to provide a special room or space for breastfeeding mothers?

No. You do not need to provide a room or separate space for breastfeeding mothers, although you may choose to do so. Many businesses have used information from “The Business Case for Breastfeeding” and this document can be found here:

<http://www.womenshealth.gov/breastfeeding/government-programs/business-case-for-breastfeeding/>. If a mother chooses to breastfeed outside that room, remember that it is her right to do so under the law, and do not tell her to go to the room. If she has already started to feed her child, it may not be a good idea to interrupt and tell her that the room is available, as this may disrupt the child or make the mother uncomfortable. You can obtain a copy of the International Breastfeeding Symbol from the Internet if you would like families to know breastfeeding is welcome in your place of business.

Questions Parents May Ask:

What is a place of public accommodation?

It is any place of public resort, accommodation, or amusement. Generally, it is an establishment that offers its services or goods to the public. This includes restaurants, coffee shops, gyms and athletic clubs, movie theatres, government buildings, museums, libraries, busses and parks.

What do I do if I am breastfeeding and I am asked to leave, cover my baby, move, or stop nursing?

Take the opportunity to help inform others about the law that protects you. It’s very possible that the person talking to you doesn’t know about the law. The Connecticut Breastfeeding Coalition website has information about the law, and anyone who asks you to leave, move, cover your child, or stop nursing can be referred to www.breastfeedingct.org for more detailed information.

What if informing others about the law does not work, and I am still requested to leave, cover up my child, move or stop nursing?

You have the option of filing a complaint with the CHRO. You can do this by calling the CHRO (1-800-477-5737) and you will be directed to a regional office where you can file a complaint. For more information visit the CHRO’s website at <http://www.ct.gov/chro> .

What if another customer or patron asks me to stop nursing or to go somewhere else?

The business itself cannot usually be held responsible for the actions of its patrons, so you could not file a complaint against the business in that situation unless the business also stepped in and asked you to stop or leave. Politely explain your rights. Try not to get angry or raise your voice, as you want to avoid a situation in which you are asked to leave because of your tone or demeanor.

If I have been discriminated against, when should I file my complaint?

If you were in a place of public accommodation and were asked to leave, cover your child, move or stop nursing, you need to file your complaint within 180 days of the incident. The sooner you file a complaint, the better.

What information do I need to file a complaint?

You need the name and address of the place of public accommodation and the date of the incident. You will also need to briefly explain what happened, and include your name and contact information, as well as contact information for any witnesses. For more information visit the CHRO's website at <http://www.ct.gov/chro>

BREASTFEEDING IN THE WORKPLACE

Connecticut law (Connecticut General Statutes Section 31-40w) and Federal law (Public Law 111-148, The Patient Protection and Affordable Care Act, amending Section 7 of the Fair Labor Standards Act), state that your employer must allow you to breastfeed or express breast milk at work.

Questions Employers May Ask:

Are there any benefits to employers who implement workplace accommodations for breastfeeding employees?

A 2010 study published in the journal *Pediatrics* estimated that the nation would save \$13 billion per year in health care and other costs if 90 percent of U.S. babies were exclusively breastfed for six months. In January, 2011, The U.S. Surgeon General released a report highlighting that by providing accommodations for nursing mothers, employers can reduce their company's health care costs and lower their absenteeism and turnover rates.

The Society for Human Resource Managers (SHRM) estimates that 26% of U.S. companies have implemented a lactation program. Research shows that these programs have a significant impact on the bottom line of companies because they:

- Increase employee retention after maternity leave, from the national average of 59% to over 90%
- Lower employee absenteeism rates for both male and female employees
- Reduce health care costs
- Improve employee productivity and loyalty to the company

Examples of changes in facilities, scheduling and resources that you may wish to consider can be found in the Business Case for Breastfeeding here:

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

What businesses do these laws cover?

The Connecticut law applies to all businesses in Connecticut no matter the size. The federal law also applies to all businesses; however, if your business has fewer than 50 employees, it may be exempt from providing a break time for an employee to express milk or breastfeed if it would cause the business an "undue hardship." For guidance on what would constitute an "undue hardship" under the federal law, see the U.S. Department of Labor's fact sheet:

<http://www.dol.gov/whd/regs/compliance/whdfs73.htm>

Do I need to provide a special room or space for an employee who wants to breastfeed or express milk at work?

Businesses must make a reasonable effort to provide a room or other location that is close to the employee's work area and provides the employee privacy to breastfeed or express breast milk. Such location cannot be a toilet stall. The Connecticut Breastfeeding Coalition may be available to assist employers with questions about accommodations for breastfeeding employees in their workplace. Contact www.breastfeedingct.org

Do I have to provide break times to an employee to breastfeed or express milk?

It depends. The Connecticut law provides that if your business does not already provide breaks to employees, it does not need to provide special break periods for women who wish to express milk or breastfeed. However, the federal law does require employers to do so (for non-exempt employees) and whenever the federal law provides greater rights to the employee, the business must comply with that law.

What if one of my supervisors or managers disciplines or fires an employee that has asked to or does express milk or breastfeed at work?

An employer cannot discriminate against, discipline or take any adverse action against such an employee. The employee that seeks to express milk or breastfeed at work is protected from any adverse action if the adverse action is based on her exercising those rights.

Questions Employed Breastfeeding Mothers May Ask:

How does the workplace law affect me?

You may express milk or breastfeed your baby on site at your workplace during your meal or break period. In Connecticut, employers do not have to provide break periods by law, and do not have to provide special break periods for women who wish to express milk or breastfeed if they do not already provide them. However, the federal law does require employers to provide a reasonable amount of break time for expressing milk or breastfeeding to non-exempt employees even if it does not do so already. It is important to note that if there is a conflict between the state and federal laws, whichever law provides the most protections to the employee would apply. For example, if you are employed at a workplace with more than 50 employees, your employer must comply with the federal law because it provides the greater protections.

In addition, your employer must make a reasonable effort to provide a room or other location that is close to your work area, other than a toilet stall, where you can express your milk or feed your baby in private.

Does the law apply if I work for a small business?

Yes. Even if you are the only employee, the law covers you. Be aware that under the federal law, employers with less than 50 employees may be exempt from providing break time if it would be an undue hardship on the employer.

Should I tell my employer that I plan to breastfeed and/or express my milk before I return from my maternity leave?

Yes. Discuss your breastfeeding plans as early as possible. This will allow your employer time to learn more about the breastfeeding laws and to prepare a location for you. If you would like to give your employer a letter with more information, a sample is provided by the

Connecticut Breastfeeding Coalition. The letter can be changed to meet your own needs. Find it here www.breastfeedingct.org.

Can I lose my job for pumping or breastfeeding at work?

No. An employer cannot discriminate against, discipline, or take any action against an employee exercising her rights under these laws.

What should I do if my employer refuses to allow me to breastfeed or express milk at work or provide an appropriate location to do so?

You can file a complaint with the Connecticut Department of Labor (remember the Connecticut law does not require an employer to provide breaks). The link to the complaint form is here: <http://www.ctdol.state.ct.us/wgwkstnd/forms/DOL-80.doc>

You can also file a complaint with the U.S. Department of Labor. Information regarding filing a complaint is available on the U.S. DOL website: <http://www.dol.gov/wecanhelphowtofilecomplaint.htm>