

## **NEW OREGON LAW REQUIRES EMPLOYERS TO ALLOW TIME AND SPACE FOR EXPRESSION OF BREAST MILK**

One of the new laws passed by the 2007 Oregon legislature is HB 2372. This law requires employers of 25 or more persons to provide rest periods and a private location for new mothers who need to express breast milk.

The law's passage was motivated by studies showing that despite the superiority of breast milk for newborns, many mothers were unable to continue breast feeding after they returned to work. This was largely due to inflexibility of work schedules and lack of privacy in the workplace to express breast milk.

The law covers employees with children up to 18 months of age and will take effect on January 1, 2008. The highlights are as follows:

- Unless an employer and qualifying employee otherwise agree, the employee must be given a 30 minute rest period, for every 4 hours worked, to express breast milk. If possible, the employee must take this time during their regularly scheduled rest or meal periods.
- If rest periods are not required by law, contract or employer policy to be paid, the employer may allow the employee to work before or after her normal shift to make up the time.
- Any unpaid break time used to express breast milk must be counted towards "hours worked" for purposes of calculating contributions to health insurance.
- The employer is required to make reasonable efforts to provide the employee with a private area for expressing breast milk. This area may not be a public restroom or toilet stall.
- An employer is not required to provide the rest periods if to do so would impose an undue hardship, defined as "a significant difficulty or expense when considered in relation to the size, financial resources, nature or structure of the employer's business."

BOLI may assess civil penalties of up to \$1000 for violations of this law. The commission is also required to appoint an advisory committee to recommend rules to address compliance difficulties in particular industries or professions.

For more information on this and other important laws regarding Oregon employers, please visit our website at [www.oregon.gov/boli.state.or.us](http://www.oregon.gov/boli.state.or.us). You can also call us at 971-673-0824.

Registration is now open for our 23<sup>rd</sup> Annual Conference in the Portland Convention Center on December 5 and 6.