

## Operational Policy

<b>Policy title:</b>	Workplace Breastfeeding Support Policy		
<b>Policy number:</b>	DHS OHA-010-020		
<b>Original date:</b>	11/07/2016	<b>Last update:</b>	12/18/2017
<b>Approved:</b>	Kris Kautz, OHA COO Dr. Reginald Richardson, Deputy Director, DHS		

### Purpose

The Department of Human Services (DHS) and the Oregon Health Authority (OHA) are committed to workplace policy that benefits employee, family and community wellness. Breastfeeding is a proven, cost-effective prevention strategy for protecting infants and mothers from many chronic and acute diseases and conditions and reduces health care costs for families, employers and communities. A strong workplace lactation policy sets an example for other employers as well as for employees, volunteers and visitors that the agencies promote breastfeeding and expressing milk in the workplace.

### Description

This policy describes the expectations for supporting breastfeeding within DHS|OHA by outlining the performance requirements for DHS|OHA and agency staff.

### Applicability

This policy applies to all DHS and OHA staff including employees, volunteers, trainees, and interns.

As keepers of the public trust, all agency employees have a responsibility to comply with state and agency policies, administrative rule, and state and federal law. The agencies take this responsibility seriously and failure to fulfill this responsibility is not treated lightly. Employees who fail to comply with state or agency policy, administrative rule, or state and federal law may face progressive discipline, up to and including dismissal from state service.

### Policy

1. A breastfeeding individual, whether staff, volunteer, or visitor, may breastfeed in any area of DHS|OHA where the breastfeeding individual and child are authorized to be, whether or not the individual's breast or nipple is exposed as part of breastfeeding.
2. DHS|OHA treats conduct that reasonably interferes with an employee's work performance, that creates an intimidating, hostile or offensive work environment, or that inhibits a staff member's ability to breastfeed or express milk in accordance with this policy, as harassment under the DAS Discrimination and Harassment Free Workplace policy. According to the Department of Administrative Services (DAS) 50.010.01 policy, DHS|OHA shall prohibit:
  - a. Adverse employment actions related to lactation or time used for lactation, including but not limited to discrimination or retaliation.

- b. Disapproving comments or criticism of staff who use time for lactation.
  - c. Jokes, comments or ridicule that may result in embarrassment for staff whether lactating or not.
  - d. Tampering with or theft of lactation equipment or stored pumped milk.
  - e. Altering or scheduling over break times or planned break times intended for lactation purposes.
3. DHS|OHA shall ensure that all individuals have an adequate location for breastfeeding or pumping breast milk. The location shall **not** be a restroom and shall:
- a. Be a private room with a lock.
  - b. Be near an area for hand washing.
  - c. Include a comfortable chair, a table, a wastebasket, and access to an electrical outlet.
  - d. Include reasonable modifications to policies, practices or facilities as needed to address accessibility and avoid discrimination.
4. DHS|OHA shall allow for flexibility in scheduling for staff who are breastfeeding an infant brought into the agency for that purpose or for expressing milk.
- a. A reasonable amount of time shall be allowed for nursing or expressing milk.
  - b. The space provided to staff for nursing or expressing breast milk shall be in close proximity to their workspace.
  - c. If the time required for nursing or expressing breast milk exceeds the normal amount of time allowed by lunch and break periods, staff:
    - A. Shall be allowed the opportunity to make up the work time.
    - B. May use annual, compensatory, or unpaid leave to cover the additional work time.
  - d. Time spent in travel to or from a provided location that is not in close proximity to the workspace is considered work time and does not require the staff member to either make up the time or use leave.
  - e. Pumping time must be included in time worked for the purpose of determining eligibility for health insurance.
5. DHS|OHA shall allow for the storage of breast milk in a refrigerator or a storage area for a personal cooler, ice chest or thermos.
- a. Individuals storing breast milk shall provide their own containers.
  - b. Individuals storing breast milk shall ensure their containers are clearly marked with name and date.
6. Individuals who breastfeed in a DHS|OHA facility shall not dispose of diapers or other odorous materials in the location provided for breastfeeding or expressing milk. Individuals shall ensure that these materials are:
- a. Stored properly, in an area not used by other staff; and
  - b. Taken home or disposed of each day.
7. Information about breastfeeding shall be provided by DHS|OHA:
- a. In break spaces and where other mandated notices are displayed.
  - b. In staff communications and on agency websites.
  - c. To new staff or volunteers during new employee training and orientation.
  - d. In public areas of facilities to direct visitors about where to get facility-specific breastfeeding information.
8. The provision of workplace support for breastfeeding shall be included in workplace wellness plans and policies.
9. For those who must breastfeed or express breast milk at an alternate location, DHS|OHA shall provide lactation support, preferably by arranging for the agency employee to use a space at the alternate location for lactation purposes.
10. Staff shall refer to DHS|OHA-010-019 for agency requirements related to supporting breastfeeding.

11. DHS|OHA follow all applicable federal and state statutes, rules and policies.

### **References**

[OAR 839-020-0051](#)

[ORS 109.001](#)

[ORS 653.077](#)

[Patient Protection and Affordable Care Act, Amended Section 7 of the Fair Labor Standards Act, Break time for Nursing Mothers](#)

[Public Health Breastfeeding Laws references](#)

[DHS|OHA-010-020-01 Workplace Breastfeeding Support Policy Guidelines](#)

### **Forms referenced**

### **Related policies**

[DAS 50.010.01 Discrimination and Harassment Free Workplace Policy](#)

[DHS|OHA-010-019 Healthy Meetings, Conferences, and Events](#)

[DHS|OHA-010-019-01 Healthy Meetings, Conferences and Events Guidelines](#)

### **Contact**

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### **Policy history**

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### **Keywords**

Breastfeeding, breast milk, expressing, nursing, lactation, pumping, harassment, discrimination

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