



General Assembly

January Session, 2011

Committee Bill No. 5461

LCO No. 2899

02899HB05461LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT CONCERNING PROTECTION FOR EMPLOYEES WHO
BREASTFEED OR EXPRESS BREAST MILK IN THE WORKPLACE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2011*) (a) Any employee or
2 representative of an employee who believes that there is a violation by
3 the employer, as defined in section 31-40w of the general statutes, as
4 amended by this act, of such employee of any provision of section 31-
5 40w of the general statutes, as amended by this act, may request an
6 inspection by filing a complaint of such violation with the Labor
7 Commissioner. The complaint shall be in writing, be signed and set
8 forth with reasonable particularity the grounds for the complaint.
9 Within a reasonable period of time after receipt of such complaint, the
10 Labor Commissioner shall notify the employer in writing of the
11 complaint and permit the employer to demonstrate compliance with
12 the provisions of said section 31-40w. If such compliance has not been
13 demonstrated to the satisfaction of the commissioner within fourteen
14 days after the mailing of the notification, the commissioner or his or
15 her authorized representative, upon presenting appropriate credentials
16 to the employer, operator or agent in charge, shall inspect, at

17 reasonable times, the employer's workplace and all conditions
 18 pertinent to the grounds of the complaint and shall, in a reasonable
 19 manner, make any additional investigation deemed necessary by the
 20 commissioner or his or her representative for the full and effective
 21 determination of such employer's compliance with the provisions of
 22 said section 31-40w. Whenever the commissioner or his or her
 23 authorized representative, proceeding pursuant to this section, is
 24 denied admission to any such place of employment, he or she shall
 25 obtain a warrant to make an inspection or investigation of such place
 26 of employment from any judge of the Superior Court. Any judge of the
 27 Superior Court within the state is authorized to issue a warrant
 28 pursuant to this section and shall issue such warrant whenever he or
 29 she is satisfied that the following conditions are met: (1) That the
 30 individual seeking the warrant is a duly authorized agent of the
 31 department; and (2) that such individual has established under oath or
 32 affirmation that the place of employment to be investigated in
 33 accordance with this section is to be inspected to determine
 34 compliance or noncompliance with the requirements of said section 31-
 35 40w.

36 (b) No employer shall discriminate against or discipline, in any
 37 manner, any employee because such employee has filed a complaint of
 38 violations of section 31-40w of the general statutes, as amended by this
 39 act, as provided in this section, or has assisted the commissioner or his
 40 or her authorized representative in the investigation of such a
 41 complaint.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	New section

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Statement of Purpose:

To allow employees who are denied their right to express breast milk in the workplace to file a complaint with the Labor Commissioner to

enforce employer compliance and prevent further discriminatory or retaliatory action.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. FLEXER, 44th Dist.

H.B. 5461