

Breastfeeding in the Workplace Laws

By: Lee Hansen, Principal Analyst
September 26, 2019 | 2019-R-0206

Issue

This report describes laws on breastfeeding in the workplace in Connecticut and certain other states.

Summary

Connecticut addresses breastfeeding in the workplace under its labor law and its anti-discrimination law. Both generally (1) require employers to provide employees with time and a space to breastfeed or express milk at work and (2) prohibit employers from discriminating against or penalizing employees who choose to do so. However, the laws also provide exemptions if meeting the requirements would impose an undue hardship on an employer.

Most other states also have laws regulating breastfeeding in the workplace. These laws generally align with Connecticut's laws, although a few provide additional protections by specifying certain criteria that an employer's breastfeeding area must satisfy (e.g., requirements related to an employee's ability to store expressed milk at the workplace).

Connecticut

Labor Law

Connecticut's labor law ([CGS § 31-40w](#)) prohibits employers from discriminating against, disciplining, or taking any adverse employment action against an employee who, at her discretion, expresses breast milk or breastfeeds on site at her workplace during her meal or break period. In addition, the statute requires employers to make reasonable efforts to provide a room or other location (other than a toilet stall) near the work area where an employee can express her milk privately.

The statute covers employers with at least one employee, including the state and its political subdivisions. “Reasonable efforts” are those that would not impose an undue hardship on the employer’s business operation, and “undue hardship” is any action that requires significant difficulty or expense when considered in relation to factors such as the business’ size, its financial resources, and the nature and structure of its operation.

Anti-discrimination Law

Connecticut’s anti-discrimination law ([CGS § 46a-60\(b\)\(7\)](#)) also provides certain protections to women who wish to express milk at work. This law, which applies to employers with at least three employees, generally makes it a discriminatory employment practice for an employer (or its agent) to fail or refuse to make a reasonable accommodation for an employee due to her pregnancy. Under the statute, “pregnancy” includes conditions related to childbirth, including lactation, and a “reasonable accommodation” includes break time and appropriate facilities for expressing breast milk.

Thus, covered employers must provide their employees with break time and appropriate facilities for expressing breast milk unless the employer can show that it would impose an undue hardship. Similar to the labor law, an “undue hardship” is an action that requires significant difficulty or expense when considered in light of factors such as (1) the accommodation’s nature and cost; (2) the employer’s overall financial resources; (3) the overall size of the employer’s business with respect to the number of employees and the number, type, and location of its facilities; and (4) the accommodation’s impact on the employer’s expenses, resources, and operations ([CGS § 46a-60\(a\)\(3\)](#)).

The law also makes it a discriminatory practice for an employer to take numerous other actions related to an employee’s “pregnancy,” which as mentioned above includes her lactation. Thus, among other things, an employer cannot:

1. terminate a woman’s employment because of her lactation;
2. limit, segregate, or classify her in a way that would deprive her of employment opportunities due to her lactation;
3. discriminate against her on the basis of her lactation in the terms or conditions of employment;
4. deny her employment opportunities because she requested a reasonable accommodation (i.e., break time and appropriate facilities for expressing breast milk);
5. require her to take a leave of absence instead of providing a reasonable accommodation; or
6. retaliate against her based on her request for a reasonable accommodation.

In addition, the law requires employers to provide employees with written notice of their right to be free from discrimination in relation to pregnancy, childbirth, and related conditions, including the right to a reasonable accommodation. An employer may comply with the notice requirement by displaying a poster in a conspicuous place at the workplace, accessible to employees, with the required information in both English and Spanish ([CGS § 46a-60\(d\)\(1\)](#)).

Additional Protections in Other States

According to the [National Conference of State Legislatures](#), 29 states have laws regulating breastfeeding in the workplace. The laws in these states generally align with Connecticut's and in many instances they provide breastfeeding employees with less protection than Connecticut. However, a few states provide additional protections by specifying certain additional requirements for an employer-provided lactation location.

More specifically:

- California law specifically requires an employer's temporary lactation location to be, among other things, (1) private and free from intrusion while an employee expresses milk and (2) used only for lactation purposes while an employee expresses milk ([Cal. Lab. Code § 1031](#)).
- Indiana law requires employers with at least 25 employees, to the extent reasonably possible, to (1) provide a refrigerator or other cold storage space where employees can keep expressed milk or (2) allow the employee to provide her own portable cold storage device to keep expressed milk until the end of her work day ([Ind. Code §§ 22-2-14-1 & 22-2-14-2](#)).
- Minnesota law specifically requires the employer-provided lactation room or location to be shielded from view, free from intrusion by coworkers and the public, and have an accessible electrical outlet ([Minn. Stat. § 181.939](#)).

LH:kl