

Office of Governor
Jerry Brown
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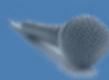


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Lactation Accommodation

Expressing Milk? Labor Code Expressly Gives You Rights!

The California Labor Commissioner's Office (Division of Labor Standards Enforcement) enforces the requirements for accommodation to express milk provided by California Labor Code sections 1030-1033. A member of the CA Commission on the Status of Women, Labor Commissioner Angela Bradstreet is acutely aware of the issues facing women in the workplace and has made concerted outreach efforts to enhance working mothers' awareness of their legal rights.

Under current law, every employer must provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. Break time for an employee that does not run concurrently with the rest time authorized for the employee by the applicable wage order of the Industrial Welfare Commission need not be paid. (Labor Code section 1030). The employer shall make reasonable efforts to provide the employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private. The room or location may include the place where the employee normally works if it otherwise meets the requirements of this section. (Labor Code section 1031). An employer is not required to provide an employee break time for purposes of lactating if to do so would seriously disrupt the operations of the employer. (Labor Code section 1032).

The Labor Commissioner may issue a citation in the amount of \$100 for each violation to any employer who violates any of these provisions. (Labor Code section 1033).

The DLSE website contains written information on the rights and responsibilities for lactation accommodation. In addition to an Information Sheet providing the legal requirements set out above at [rest and meal periods](#), the website contains a Frequently Asked Questions section which includes a direct link to "Lactation Accommodation" www.dir.ca.gov/dlse/FAQ_RestPeriods.htm. To locate a DLSE District Office closest to you go to www.dir.ca.gov/dlse/DistrictOffices.htm.

While any violation of the lactation laws would be addressed if observed or disclosed to DLSE staff during a field inspection, the DLSE must rely heavily on the workers, including but not limited to working mothers, to bring any violation or retaliation to its attention in the form of a complaint. Commissioner Bradstreet has instructed staff in the Bureau of Field Enforcement Unit staff to promptly investigate any complaint regarding lactation accommodation brought to their attention.

The DLSE website provides information and forms on How to File a BOFE claim to report an employer who is not complying with the requirements of the Labor Code. <http://www.dir.ca.gov/dlse/HowToFileBOFEClaim.htm> A claim form may be mailed to any DLSE District Office or may be submitted in person to any office.

The Labor Code also provides protections from retaliation for reporting abuses. If you believe you have been retaliated against because you have reported an employer who is in violation of the law, the DLSE website provides information on how to file a claim for retaliation.

www.dir.ca.gov/dlse/HowToFileDiscriminationComplaint.htm.



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