



KATY TANG

Supervisor Tang's Lactation in the Workplace Ordinance

The Lactation in the Workplace Policy: *Requires San Francisco employers to have a policy regarding lactation in the workplace that specifies a process by which an employee requests lactation accommodation and defines minimum standards for lactation accommodation spaces. The policy also requires newly constructed or renovated buildings to include lactation spaces. Finally, the policy includes a requirement that the San Francisco Department of Public Health to provide a set of lactation accommodation best practices, a model policy for businesses, and a model lactation accommodation request form.*

Goals

- 1) Support mothers returning to the workplace who wish to continue to breastfeed their child(ren).
- 2) Create a higher standard for lactation accommodation than state and federal law.
- 3) Require a workplace lactation policy and administrative process to facilitate lactation accommodation requests.
- 4) Provide employers with lactation accommodation best practices.
- 5) Require new construction and significant renovations to include lactation facilities.

Lactation Accommodation Space and Break Time

- Lactation break time consistent with state and federal requirements.
- Lactation space cannot be a bathroom and must be in proximity to work area, shielded from view, and free from intrusion.
- Lactation location must:
 - Be safe, clean, and free of toxic or hazardous materials;
 - Contain a surface to place a breast pump and personal items;
 - Contain a place to sit; and
 - Have access to electricity.
- The employer must provide access to a sink with running water and a refrigerator in close proximity to the employee's workspace.
- Where multi-purpose rooms are also used for lactation, the use of the room for lactation will take precedence over other uses.
- Employers in multi-tenant buildings may fulfill their requirement by providing a shared space among multiple employers if they cannot first provide a lactation location within the employer's workspace.
- Exemptions are allowed where an employer can demonstrate undue hardship, which reflects existing federal law.

Employer Lactation Policy and Request Process

- Employers must develop and implement a policy regarding lactation accommodation that includes a statement about an employee's right to request lactation accommodation and the process by which they make the request.
- The policy must be included in an employee handbook or set of policies that the employer makes available to employees.
- The lactation policy must be distributed to new employees upon hiring and when an employee makes an inquiry about or requests parental leave.
- Employers must respond to an employee's request for lactation accommodation within 5 days.
- If employers cannot provide break time or a location that complies with the policy, they must provide a written response to the employee.
- Employers must maintain a written record of requests for three years from the date of request.



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Lactation Rooms in New Construction and Remodeled Buildings

- Lactation space will be required in new construction of at least 10,000 square feet and in remodels of at least 10,000 square feet if the project costs more than \$500,000.
- Additional lactation spaces will be required based upon square footage and occupant loads in employee designated areas.
- Remodels are exempted from the requirements if they are already fulfilling requirements under the ordinance for lactation accommodation within existing space.
- Remodels are also exempted from building a sink if the plans do not already include plumbing.
- New lactation rooms require a permanent sign outside the door indicating its use as a lactation room.
- Lactation spaces shall be at least 50 square feet, have at least one electrical outlet, have access to a sink with running water, and shall be located no more than 500 feet from the farthest employee workspace.

Employer Best Practices

- The Department of Public Health (DPH) shall create a model lactation accommodation policy, and a model lactation accommodation request form that can be downloaded from their website by employees and employers.
- DPH shall also create lactation accommodation best practices that provide guidance to employers and a list of optional but highly recommended amenities, including:
 - A permanent lactation location that is suitable for the preparation and storage of food;
 - A door that can be locked from the inside;
 - At least one electrical outlet;
 - A washable, comfortable chair;
 - A surface to place personal items;
 - Adequate lighting;
 - The ability to partition the room;
 - A refrigerator for storage of breast milk;
 - A sink with running water;
 - A hospital-grade breast pump(s);
 - A full length mirror;
 - A microwave;
 - Locker(s) to place personal belongings; and
 - A permanent sign outside designating the room for lactation accommodation.
- Best practices shall also state that temporary lactation spaces can be created due to operational, financial, or space limitations. These temporary spaces should be identified by signage, free from intrusion, and should remain lactation spaces for the duration of the employees need to express milk.
- Best practices shall also include a recommendation that employers consider flexible break times to accommodate changes in the employee's need to express milk over time.