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# Reducing Breast Cancer Risk Through Improved Workplace Accommodation

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## SUMMARY

In 2023, an estimated 32,000 women in California will be diagnosed with breast cancer, and approximately 4,680 will die from it. For birthing women, both the initiation of breastfeeding and the duration of it can reduce the risk of breast cancer. Therefore, it is important to understand the barriers to a woman's decision to start breastfeeding and to continuing its practice for as long as desired.

Through our study of mothers of newborns, maternal care providers (including physicians, nurses, lactation consultants, and doulas), and community advocates for child and maternal health, we gained insights into the barriers to initiating and continuing to breastfeed, particularly among women who enter or return to the workforce.

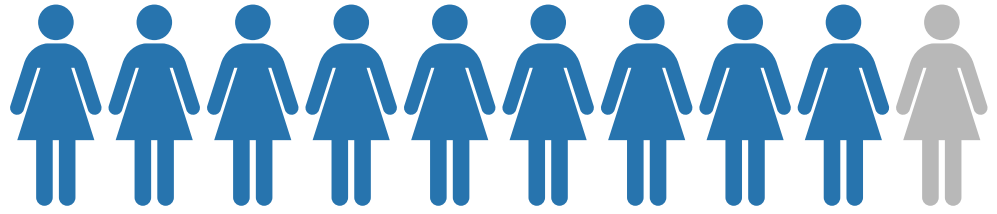
In this policy note, we present findings – based on interviews, literature, and policy reviews – on the challenges women face in achieving their breastfeeding goals due to workplace barriers, as well as recommendations for improving workplace accommodations for breastfeeding mothers.

This is one key finding in a larger study of 33 participants who represent or work with Black, Asian American, or Native Hawaiian or Pacific Islander communities. In conducting the study, the authors learned about the barriers to initiating and maintaining breastfeeding in accordance with a mother's breastfeeding plan. (You can access the full UCLA Center for Health Policy Research report, *Reducing Barriers to Breastfeeding in Disadvantaged Communities*, at <https://healthpolicy.ucla.edu/our-work/publications/strategies-increasing-breastfeeding-disadvantaged-communities>.)

## Exhibit 1 / Mothers Who Gave Birth in 2019 and Breastfed, California

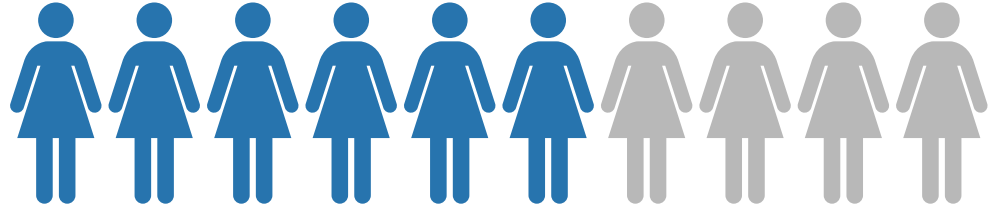
# 9 in 10

mothers who  
**ever** breastfed



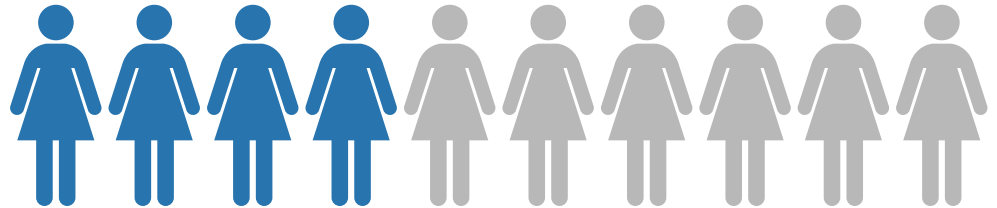
# 6 in 10

breastfed some  
at **6 months**



# 4 in 10

breastfed some  
at **12 months**




Source: National Immunization Survey, Centers for Disease Control and Prevention. *Breastfeeding Report Card, United States 2022*

Breastfeeding benefits the health of both a baby and its mother. The American Academy of Pediatrics (AAP) and the World Health Organization (WHO) recommend exclusive breastfeeding for at least 6 months of a baby's life, and continued breastfeeding until the baby is at least 12 months (AAP) or 24 months (WHO). In California, about 90% of mothers who gave birth in 2019 reported ever breastfeeding (compared to 83% in the U.S. overall), based on responses on breastfeeding in the National Immunization Survey (NIS) (Exhibit 1). The NIS found that 62% of these California mothers reported any breastfeeding of their babies at 6 months of age, and 27% reported exclusive breastfeeding

through 6 months of age. By 12 months, only 44% reported any breastfeeding. Therefore, barriers to a woman's ability to achieve her breastfeeding goals should be addressed by public health leaders and society at large.

Our study participants noted that they faced significant challenges to maintaining their desired duration of breastfeeding when entering or returning to the workplace. Those who returned to work with the intention of pumping breastmilk had varied experiences at work. Most women who wanted to sustain breastfeeding for additional weeks or months after returning to full-time work had to either breastfeed their baby or pump breast milk once or multiple times during the workday.



“They'll abide by the standards that there has to be a fairly private room for me to pump and access to a sink and running water, [but] whether or not those areas are hygienic is a completely different issue.”

This is important to ensure that the baby gets enough milk and that the mother continues to produce enough milk over time.

Both federal and state laws require employers to provide nursing mothers adequate time to pump in an appropriately private place (Exhibit 2). While some study participants reported sufficient compliance with these rules, others reported that their employers provided adequate time, but not an appropriate or clean space. One respondent said that she used most of the time allotted for pumping in just walking to and from the room provided, which was far from her workspace. Yet another mom returned to a job with company policies that offered sufficient time and space for pumping, but she was most often out in the field for her job and found the idea of returning to the office to pump in private completely unrealistic, noting that “it will be a lot of back and forth, because pumping is every two hours.”

Another mother recounted similar experiences with her previous children that directly led to her ending her plans to continue feeding with breastmilk: “I wasn't really comfortable with pumping [sic] my last babies because I didn't know where to do it. Where I was working, they didn't have pumping rooms, they didn't have mother rooms. So why would I pump if I had nowhere to do it, or I had no time to do it, or I felt like I had no time?”

One doctor in the study was told she could take the breaks she needed to accommodate her pumping needs, but she still had to see the same number of patients in a day that was required of all physicians.

A mother who was planning her return to work did not have high expectations for the accommodation of a location for her to pump, saying, “They'll abide by the standards that there has to be a fairly private room for me to pump and access to a sink and running water, [but] whether or not those areas are hygienic is a completely different issue.”

“My first child, the employment status really affected me ... I wasn't given break time. I didn't have space to feed [or pump for] my child, and I almost lost my job.”

Many participants noted that the workplace situation forced them to have to supplement with infant formula or to stop breastfeeding altogether.

### Legal Rights in the Workplace

When mothers do return to the workplace with the intention of pumping to continue to provide milk to their child, they are often confronted with confusion regarding their legal rights in the workplace. Two mothers in our study noted that they had to educate the management or human resources departments in their companies on the rights they had as breastfeeding mothers.

As one doula noted, the policies are supposed to afford moms time and space for their needs: “It's one thing for pumping time to be protected or to have a space to pump, which isn't always the case, but it's another thing to work with your management team in order to allow for that time.”

Other moms amplified that sentiment. One said, “I still don't know where that [space] would be at my workplace, or what the options

are, what resources I have there. Is there a California law about women being able to have certain breaks or have a designated location? Is that required of every employer? That's not really well talked about or known. ... I feel like that's something you have to hunt down rather than something that's openly given to you easily.”

Despite the laws that are in place, women still report not being provided the correct accommodation: “My first child, the employment status really affected me ... I wasn't given break time. I didn't have space to feed [or pump for] my child, and I almost lost my job.”

Other women had to actively advocate for themselves for their legal rights. One mother shared her experience in having to advocate for herself to get sufficient time in the workplace: “I said that I wanted to breastfeed – they said, ‘Okay, well, you have 15 minutes to breastfeed on your break.’ That's it. I emailed HR and they told me that I do get 10 minutes walking time (to reach the designated private room). So, 10 minutes to get there, sign in, do whatever I've got to do, sit down, and then start pumping, on my break. I have my 15 minutes, and then I get that extra 10 minutes to go back. So that could have created a big barrier in someone that probably didn't want to advocate for themselves or say anything about it.”

One community representative said that at the time she gave birth, she was employed by a non-U.S. based business. She had to educate her managers on the California laws governing her rights to pump in the workplace.

## Exhibit 2 / Major Federal and California Breastfeeding Policies and Legislative Action

Federal Policies			
Name	Year Passed	Description	Duration
<a href="#">The Family and Medical Leave Act (FMLA)</a>	1993	Requires certain employers to give eligible employees unpaid, job-protected leave per year for certain family and medical reasons, including the birth of a child and the care of a newborn child.  Employers must also give breastfeeding mothers reasonable break time to express milk for a nursing child. The law applies to employers with 50 or more employees within 75 miles of the worksite.	12 weeks within one year of birth  Within one year of birth
<a href="#">The Patient Protection and Affordable Care Act (ACA)</a>	2010	Requires employers to provide reasonable break time and a private place, other than a bathroom, for an employee to express milk during the workday after the birth of a child.	12 months
<a href="#">The Breastfeeding Promotion Act (the "Pump Act")</a>	2022	Amended the Fair Labor Standards Act (FLSA), which requires employers to give reasonable break time and a private place, other than a bathroom, to an employee to express breast milk during the workday.*	Until child's first birthday
State Policies			
<a href="#">California Assembly Concurrent Resolution 155</a>	1998	Encourages employers to support breastfeeding by ensuring that employees are provided with adequate facilities for breastfeeding and expressing milk.	
<a href="#">California Labor Code § 1030–1033</a>	2022	State law that states employers need to allow a break and provide a room for expressing milk in private.	
State Laws That Require Breastfeeding Accommodations by Place or Institution			
<a href="#">California Education Code § 222</a>	2015	California public schools	
<a href="#">California Section 1030-34 of the Labor Code (AB 1976 and SB 142)</a>	2018, 2019	Every employer in California	
<a href="#">California Penal Code § 4002.5 (AB 2507)</a>	2018	County jails and prisons	
<a href="#">California Education Code § 66271.9 (AB 2785)</a>	2018	Community colleges and state universities	
<a href="#">California Public Utilities Code § 99176 (AB 752)</a>	2019	Multimodal transit stations	

\*A lawsuit can be filed in the following circumstances: (1) violations of the break time requirement; (2) the employer has indicated they have no intention of providing private space for pumping; (3) an employee has been fired for requesting break time or space.

“Even though we have laws to protect breastfeeding folks, there isn't always the will or the energy to pursue legal action should their rights not be respected.”



Following her own experience with managers lacking awareness of the rules, she became involved in workplace advocacy.

Providers in the study were aware of clients who also had to advocate for these rights in their workplaces, and they wondered about the women at those same companies who may be unaware of the law and their rights or who might not feel confident enough to speak up for themselves. They specifically noted that women who are immigrants (regardless of legal status) might be impacted by this issue and not feel comfortable asserting their rights.

### **Enforcement of Lactation Accommodation Laws in California**

The California Civil Rights Department (CRD) is the agency responsible for investigating and enforcing the state's discrimination laws, including lactation accommodation laws. Employers found in violation of these laws can face penalties and fines.

Employees who believe that their employer has violated lactation accommodation laws can file a complaint with the CRD. The agency will then conduct an investigation of the complaint, and if the employer is found to be in violation, the CRD may take action against that employer. The CRD can also provide mediation services to help resolve disputes between employees and employers. Employees also have the right to file a private lawsuit against an employer for violating lactation accommodation laws, and they can seek relief that includes but is not limited to lost wages, emotional distress, and attorney's fees.

It is important to note that all employers, regardless of size, are required to comply with lactation accommodation laws in California, including providing a reasonable amount of break time and a private place (other than a bathroom) for an employee to express milk. Employers are also required to make a reasonable effort to provide a location close to the employee's work area so the employee can express milk in privacy.



## RECOMMENDATIONS

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Based on our interviews with mothers and maternal care providers, as well as a review of the relevant literature and of policies, we offer these recommendations:

**Increase awareness of legal rights of workplace accommodations for breastfeeding mothers among human resources professionals, managers, and employees.** Many study participants said they hoped that having the conversation about accommodations in the workplace could be normalized: “Most of the time you just go back to work; nobody’s going to be asking you if you breastfeed.” Participants, ranging from mothers to providers and community representatives, said improved understanding of insurance coverage and mandates are also needed.

Participants also recommended improved alignment of family leave policies with recommendations for breastfeeding practices and duration. While there are California Labor Code laws that require employers to provide a reasonable amount of break time and a private place other than a bathroom for an employee to express milk, there is no comprehensive state guidance on lactation accommodation, which can make it difficult for employers to understand their legal obligations and for employees to know their rights.

**Enforce current policies on workplace breastfeeding.** Nearly all study participants called for improved enforcement of employer responsibilities under the law, including adequate and appropriate space and time to pump during the workday and the rights of women to breastfeed in public.



“I still don't know where that [space] would be at my workplace, or what the options are, what resources I have there. ... That's not really well talked about or known ... I feel like that's something you have to hunt down rather than something that's openly given to you easily.”

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One doula hinted that some of the challenges could be addressed by expanded family leave: “I think that a manager can make or break somebody's experience at a company, right? Even though we have laws to protect breastfeeding folks, there isn't always the will or the energy to pursue legal action should their rights not be respected. I won't say that I know of any kind of law that would help to extend breastfeeding besides allowing them to be with their baby longer.”

**Include workplace rights messaging in public campaigns.** Public awareness campaigns can raise awareness of breastfeeding workplace rights among employers, employees, and other workplace staff. Including workplace rights messaging can help normalize the practice of women pumping during the workday and build positive support for the enforcement of laws and accommodation of breastfeeding mothers.

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