



## US: CALIFORNIA EXPANDS LACTATION ACCOMMODATIONS IN WORKPLACES

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California employers face expanded lactation accommodation requirements, effective Jan. 1, 2020, under recently [signed](#) legislation ([2019 Ch. 720](#)). Since 2002, California has required employers to provide reasonable breaks and a location for employees to express milk, but the new law significantly expands employers' obligations.

### HIGHLIGHTS

**Lactation room.** Employers must provide a private lactation room or location for expressing milk that is near the employee's work area, shielded from view and free from intrusion. The room cannot be a bathroom but can be the employee's workspace if it meets all requirements. The location must:

- Be safe, clean and free of hazardous materials
- Contain a surface to place a breast pump and personal items
- Contain a place to sit
- Have access to electricity or alternative devices, including — but not limited to — extension cords or charging stations if a mother operates an electric or battery-powered breast pump.

**Sink and refrigerator.** The employer must provide access to a working sink and a refrigerator — or an alternative device like a cooler — near the employee's workspace.

**Multipurpose room.** If the location is used for different activities, lactation use takes precedence for the time in use.

**Shared worksite.** If multiple employers are at a worksite, they may share a lactation space if each employer can't provide its own location.

**Reasonable breaks.** An employer's denial of reasonable break time or adequate space to express will violate the rest period requirements under state law. If possible, employees should take lactation breaks at times already provided, since additional break time won't be paid.

**Nonretaliation.** The law prohibits firing or otherwise discriminating or retaliating against employees for exercising or attempting to exercise their rights. An aggrieved employee may file a complaint with the labor commissioner.

**Notification.** Employers must implement a lactation accommodation policy with specified information and make it available to employees.

**Small employer exemption.** Employers with 50 or fewer employees can seek an exemption from these requirements by showing compliance would pose significant difficulty or expense. Exempted employers must still make a reasonable effort to provide a private place for an employee to express milk.

**Other penalties.** A noncompliant employer faces a penalty of \$100 for each day that an employee is denied reasonable break time or adequate space to express milk.

## RELATED RESOURCES

- [Press Release](#) (Governor's Office, Oct. 10, 2019)
- [2019 Ch. 720](#), Lactation Accommodation (California Legislature, Oct. 10, 2019)

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