



KATY TANG
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Contact: Ashley Summers
(415) 554-7460

**** PRESS RELEASE ****

**STRONGEST LACTATION POLICY IN THE COUNTRY AUTHORED BY SUPERVISOR
KATY TANG PASSES UNANIMOUSLY AT THE BOARD OF SUPERVISORS**

*Ordinance supports mothers returning to the workplace who wish to continue to breastfeed and requires
lactation spaces to be incorporated into new office and employee spaces*

Today Supervisor Katy Tang received unanimous support for legislation she authored that will strengthen lactation accommodation standards for mothers returning to the workplace. The Lactation in the Workplace Ordinance, now the strongest lactation policy in the nation, builds upon existing federal and state laws that protect an employee's right to pump in the workplace. The policy defines mandatory minimum standards for lactation accommodation, requires a workplace lactation policy, a process by which employees request lactation accommodation, and also requires tenant improvements that meet certain cost and size thresholds to include lactation facilities.

"New mothers who want to return to work face so many barriers - whether it's juggling childcare, balancing a new schedule, or figuring out how to provide breast milk for their child," said Supervisor Tang. "Although there are existing lactation laws, they do not provide minimum standards, such as requiring a place to sit or an electrical outlet. Many women also do not feel comfortable asking their employers for lactation breaks or accommodations, so our legislation seeks to make the lactation discussion a regular part of employment conversations."

Current federal and state laws regarding lactation require reasonable unpaid break time, and a private (non-bathroom) space near the employee's workspace. Supervisor Tang's legislation goes further and creates minimum standards including: a clean and safe space that contains a surface to place a breast pump and personal items, a place to sit down, and access to electricity. While employers are not required to build a permanent lactation room, they must provide a sink with running water and a refrigerator in close proximity to the employee's workspace. Requesting lactation breaks will also become a normal part of the hiring process. Employers will now be required to provide their employees a copy of their lactation policy upon hiring or a request for parental leave. When employees want to make a request for lactation breaks when they return from parental leave, they are able to do so using a lactation accommodation request form which employers must respond to within five days.

"Too many working moms stop breastfeeding before they want to because they are unaware of their rights or encounter problems pumping on the job," said Julia Parish, Attorney with the Work & Family Program at Legal Aid at Work. "This ordinance will empower women and help guide both employers and employees through transitions back to work. We look forward to helping employers and employees access the resources they need to make pumping work for everyone."



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The American Academy of Pediatrics recommends exclusive breastfeeding for 6 months and continued breastfeeding until 1 year or longer. However, in a 2016 report, the San Francisco Department of Public Health (SFDPH) published statistics showing marked disparities in breastfeeding rates in San Francisco, despite the affordability and the numerous health benefits breast milk provides.

While in the hospital, 97% of San Francisco women initiate breastfeeding according to the California Department of Public Health (CDPH). By one month postpartum, CDPH reports that 23% of these women shift from exclusive breastfeeding to partial breastfeeding and supplementing with some formula. By 6 months postpartum, SFDPH reports that only 16% of low-income mothers who participate in the Women, Infants, and Children (WIC) supplemental nutrition program are exclusively breastfeeding. Hospitals that serve the greatest number of low-income women have the lowest rates of breastfeeding initiation, and white infants enrolled in WIC are two to three times more likely to be breastfed at 1 month of age than their African American and Asian counterparts, according to SFDPH.

“The San Francisco Chamber of Commerce supports Supervisor Tang’s first of its kind lactation accommodation policy, and we worked closely with the Supervisor, her staff, and our partners in the small business community to ensure employers felt comfortable with the ordinance and would also be able to comply with the requirements,” said Dee Dee Workman, Vice President of Public Policy with the Chamber. “We heard from many of our small business partners that they already provide lactation accommodations when requested by employees, but for some without space or resources it can be a challenge. The Supervisor was open to our suggestions that would enable businesses of all types to comply, and we are comfortable with the result and happy to support the legislation.”

The Lactation in the Workplace Ordinance also creates requirements and guidelines for incorporating lactation rooms into tenant improvements in buildings that will be occupied by employees. Hotels, retail, office space, and other building types will now be required to include lactation rooms if their tenant improvement project costs over \$1,000,000 and includes over 15,000 square feet of employee-only space. The number of lactation spaces required to be built is based on the number of employees. If multiple lactation spaces are required, projects can combine one, two, three or more lactation spaces within one room. Lactation spaces must be a minimum of 50 square feet and include at least one electrical outlet per station. Lactation rooms require permanent signage to ensure they remain available for lactation and do not inadvertently become converted to another use. However, employees are able to utilize lactation spaces for other uses if they are not needed by a lactating mother.

Supervisor Tang worked closely with SFDPH and other stakeholders to develop the new lactation policy. The legislation requires SFDPH to develop employer best practices that will provide employers with recommendations on how to go above and beyond what is required by the law. Best practices include will recommendations such as a permanent lactation room, adequate lighting, and a hospital-grade breast pump. These best practices will be published on their website along with a model lactation accommodation policy and a sample lactation accommodation request form, which can all be downloaded by employees and employers.

“This policy is meant to ensure women are supported when returning to the workplace because for many women, it is not a choice to work when they are living in a city as expensive as San Francisco,” said

Member, Board of Supervisors
District 4



City and County of San Francisco

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Supervisor Tang. “It is also a business-friendly policy because employees will want to return to work when they feel supported by their employer.”

The Lactation in the Workplace Ordinance will go into effect on January 1, 2018.

For more information, please contact Supervisor Katy Tang’s office at (415) 554-7460 or Ashley.Summers@sfgov.org.

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