



Texas Mother-Friendly Worksite Program

Policy Development Guide

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TEXAS
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Services

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What is a policy?

- For this purpose, a **lactation support policy (policy)** is a set of rules to govern the implementation of processes in the workplace.
- **Procedures**, on the other hand, are the guidelines for *how* to implement the policy.

An organization needs a policy when...

- The actions of employees indicate confusion about the most appropriate way to behave.
- Guidance is needed about the most suitable way to manage various situations.
- Having a policy will protect the business legally.
- Having a policy will assure compliance with governmental policies and laws.
- Establishing consistent work standards, rules, and regulations.
- Providing consistent and fair treatment.

A good policy is one that...

- Is clear, concise, and uses simple language.
- Addresses what is the rule rather than how to implement the rule.
- Is readily available with clear authority.
- Assures that policy “experts” are available for assistance with interpretation.
- Is consistent (does not conflict) with other policies.

Steps in policy development

Below are ten general steps for policy development. **This tool will help you work through the first three steps in the process to arrive at a draft policy.** You will need to complete steps 4 through 10 with the help of your organization's administration.

1. **Clearly articulate the goal that you hope to accomplish with the policy.**
2. **Gather information (e.g., legal requirements, best practice guidance, various sample policies, legal consultation).**
3. **Develop and write the policy.**
4. Review the policy—many eyes, varied perspectives.
5. Gain management support for the policy—buy-in and ownership.
6. Consider getting legal review of the policy if the policy has legal implications.
7. Communicate and implement the policy.
8. Decide how your organization will communicate your policy in the future.
9. Interpret and integrate the policy—be consistent and fair.
10. Review the progress and impact of policy implementation (tracking and evaluation).



STEP 1 *Clearly articulate the goal that you hope to accomplish with the policy.*

The overall goals of a worksite lactation support program are to increase optimal health outcomes; improve employee retention, productivity, loyalty, and satisfaction; and decrease absenteeism and health-care costs for your business. You can accomplish this through assurance that:

1. Breastfeeding employees have adequate **time** to support building and maintaining their milk supply.
2. Breastfeeding employees have access to a private, comfortable, hygienic non-bathroom **space** for the expression of breast milk.
3. Expectant and parenting employees have access to information and **education** about infant feeding and worksite lactation.
4. The worksite has a culture of **support** that ensures that breastfeeding employees can maintain breastfeeding after returning to work to achieve their personal breastfeeding goals as well as fulfill their job responsibilities.

Your policy may also address the requirements of federal law, or you may address this provision elsewhere in your Human Resources policy. You can read more about the federal law requirements related to worksite lactation on page 7 of this guide, or at <https://www.dol.gov/agencies/whd/pump-at-work>.

Policy Components

You should cover the following components in your employee worksite lactation support policy. A strong policy is brief and broad, though you may support the policy with clear procedures that provide specific and clarifying details.

1. Health and/or legal rationale

Providing the health and/or legal rationales for the policy provides additional legitimacy and stronger grounds for buy-in from supervisors and co-workers.

2. Atmosphere of tolerance/atmosphere of support

A woman's choice to provide breastmilk to her child is greatly influenced by the amount of support she receives from supervisors and coworkers. It is particularly important that employees feel free to address their physical needs for milk expression without danger of repercussion, intimidation, or hostility by their supervisors or coworkers.

3. Notification of policy to all employees

You should clearly communicate your policy during new employee orientation and through relevant communication channels on an ongoing basis. Human Resources materials should include breastfeeding policy information in packets for employees taking family/parental leave

for the birth of a child so they can make the necessary arrangements and feel confident and supported in their decision to provide breastmilk to their baby.

4. Time and leave

Consider the diverse needs, job roles, and functions in your organization. Your policy should be broad enough to address multiple employee roles and work environments. The policy should communicate the responsibility of managers and supervisors to arrange work coverage for the employee while they are on break to express milk. It should not be the responsibility of the employee to arrange this coverage.

5. Education/support/resources

Education and support are key to supporting the goal of maintaining breast milk supply attainable for employees. While not a required component for Texas Mother-Friendly Worksite (TMFW) designation, a strong policy addresses lactation education and support resources that are available to employees.

6. Facilities, including breast milk storage

Keep in mind your diverse employee roles and location of their work environments. If only a few employees would have access to one lactation room, for example in a central office, then investing all your resources for things like a recliner, mirror, etc. for one room will not meet the needs of all employees. It might be better to provide several mobile kits that employees can use in any clean, private space so that all employees have appropriate access to the space. A strong policy requires “access by each employee who has a need for a clean, private non-bathroom space appropriate for expressing breast milk”, but the type of space will depend on your worksite. You may choose to include accompanying procedures to detail the range of options your organization has available for providing this space in each setting.

In addition to a worksite lactation support policy, your organization may want to also consider developing a policy to clarify employees’ responsibilities to protect a customer or client’s legal right to breastfeed in public. You may also want to consider allowing the public to use designated private spaces for breastfeeding if they wish.



STEP 2 Gather information (e.g., applicable laws, best practice guidance, various sample policies, legal consultation).

Applicable Laws

Below is a description of the federal and state laws related to worksite lactation.

Federal: Fair Labor Standards Act “Reasonable Break Time for Nursing Mothers” requirement

The Patient Protection and Affordable Care Act (“Affordable Care Act”) amended [Section 7 of the Fair Labor Standards Act](#) (FLSA) to require employers to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child’s birth each time such employee has need to express the milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. The break time requirement became effective when the Affordable Care Act was signed into law on March 23, 2010. These protections were extended to nearly all US exempt and non-exempt employees (except for certain employees of airlines, railroads, and motorcoach carriers) by the “[Providing Urgent Maternal Protections for Nursing Mothers Act \(PUMP Act\)](#)”. The PUMP Act was signed into law on December 29, 2022.

Other federal guidance of interest:

Pregnant Workers Fairness Act: <https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act>

Equal Employment Opportunity Commission Enforcement Guidance: Unlawful Disparate Treatment of Workers with Caregiving Responsibilities. Available from: <http://www.eeoc.gov/policy/docs/caregiving.html>

Family and Medical Leave Act. Available from: <https://www.dol.gov/general/topic/benefits-leave/fmla>

State: Texas Health and Safety Code 165 Breast-Feeding

Legislation passed in Texas’ 74th Legislative Session, 1995, amended Texas Health and Safety Code to include legislative findings related to the importance of breastfeeding, to clarify a woman’s entitlement to breastfeed her child in any location, and to establish criteria for the Texas Mother-Friendly Worksite Program at the Texas Department of State Health Services. Relevant excerpts are below. You can view the complete law at: <https://statutes.capitol.texas.gov/Docs/HS/htm/HS.165.htm>.

Texas Statutes Health & Safety Code Title 2. Subtitle H. Public Health Provisions Chapter 165. Breast-Feeding. Added by Acts 1995, 74th Leg., ch. 600, Sec. 1, eff. Aug. 28, 1995.

Sec. 165.001. LEGISLATIVE FINDING.

The legislature finds that breast-feeding a baby is an important and basic act of nurture that must be encouraged in the interests of maternal and child health and family values. In compliance with the breast-feeding promotion program established under the federal Child Nutrition Act of 1966 (42 U.S.C. Section 1771 et seq.), the legislature recognizes breast-feeding as the best method of infant nutrition.

Sec. 165.002. RIGHT TO BREAST-FEED OR EXPRESS BREAST MILK.

A mother is entitled to breast-feed her baby or express breast milk in any location in which the mother's presence is otherwise authorized.

Sec. 165.031. LEGISLATIVE RECOGNITION.

The legislature recognizes a mother's responsibility to both her job and her child when she returns to work and acknowledges that a woman's choice to breast-feed benefits the family, the employer, and society.

Sec. 165.003. BUSINESS DESIGNATION AS "MOTHER-FRIENDLY"

(a) A business may use the designation "mother-friendly" in its promotional materials if the business develops a policy supporting the practice of worksite breastfeeding that addresses the following:

- (1) work schedule flexibility, including scheduling breaks and work patterns to provide time for expression of milk;
- (2) the provision of accessible locations allowing privacy;
- (3) access nearby to a clean, safe water source and a sink for washing hands and rinsing out any needed breast-pumping equipment; and
- (4) access to hygienic storage alternatives in the workplace for the mother's breast milk.

(b) The business shall submit its breastfeeding policy to the department [Texas Department of State Health Services]. The department shall [maintain a list of "mother-friendly" businesses](#) covered under this section and shall make the list available for public inspection.

Sec. 165.033. BREAST-FEEDING POLICY.

The department [Texas Department of State Health Services] shall develop recommendations supporting the practice of worksite breast-feeding that address the following:

- (1) work schedule flexibility, including scheduling breaks and work patterns to provide time for expression of milk;
- (2) the provision of accessible locations allowing privacy;



- (3) access nearby to a clean, safe water source and a sink for washing hands and rinsing out any needed breast-pumping equipment; and
- (4) access to hygienic storage alternatives in the workplace for the mother's breast milk.

The [Texas Administrative Code](#) outlines the rules that Texas Department of State Health Services implements to oversee the program. The rules include procedures for a worksite to qualify for, apply for, and maintain the Texas Mother-Friendly Worksite designation.

A Mother-Friendly business is defined as “a worksite that actively promotes and supports breastfeeding by its employees and that maintains a written worksite lactation support policy that is regularly communicated to employees.”

To earn the Texas Mother-Friendly Worksite Basic designation, an employer must maintain a written policy that:

- (1) Adheres to the definition of a Mother-Friendly business.
- (2) Provides work schedule and work pattern flexibility to, at a minimum, accommodate a reasonable break time for an employee to express breastmilk for her nursing child or to breastfeed each time such employee has need to express the milk or breastfeed for one year or longer after the child's birth.
- (3) Provides employees a private, accessible area, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, for either expressing breast milk or breastfeeding each time such employee has need to express breast milk or breastfeed.
- (4) Provides access to a clean, safe water source and a sink.
- (5) Provides access to a hygienic place to store expressed breast milk.

Silver and Gold Designation

DSHS may recognize Texas Mother-Friendly Worksites that implement additional best-practice policies and program activities to promote and support breastfeeding by their employees that exceed the minimum standards for the Basic designation. Silver and Gold Designation standards ensure that your organization:

- Meets TMFW minimum standards and communicates your policy.
- Provides dedicated lactation facilities.
- Provides additional flexible scheduling options and/or options for keeping the baby close during the workday.
- Provides breastfeeding educational and/or support resources.

Sample Policy Component Options

The following examples serve as a menu of options from which to choose to develop a basic worksite lactation support policy. These examples do not fully address Silver and Gold Texas Mother-Friendly Worksite designation standards. You can mix and match varying levels of comprehensiveness for each of the policy components. For example, you could choose a less-comprehensive option for the Statement of Purpose and a more comprehensive option for the Atmosphere of Tolerance.

Use the different policy statements as ideas or as templates, depending on your needs.

Statement of Purpose

Note: Your policy does not need to provide a statement of purpose to be eligible for designation as a Texas Mother-Friendly Worksite.

1. This policy establishes a “Mother-Friendly” employee worksite lactation support program at **Organization Name** in accordance with Texas Health and Safety Code § 165.003. The program provides a work environment that is supportive of lactating employees and encourages breastfeeding of their children for up to one year or beyond following their birth. The benefits of the program are increased attendance due to less time lost for care of sick children, reduced cost of insurance claims for sick children and mothers, reduced losses of institutional knowledge and turnover because of an employee opting not to return to work to breastfeed, and increased morale.

OR

2. This policy provides guidance for managers and employees of the **Organization Name** to support breastfeeding employees.

OR

3. In recognition of the well-documented health advantages of breastfeeding for infants and mothers, **Organization Name** provides a supportive environment to enable breastfeeding employees to express their milk during work hours.

OR

4. Because of the documented health benefits provided to mother and baby by breastfeeding, and because return-to-work is a common barrier to breastfeeding mothers, **Organization Name** adheres to the following policy:

Health and/or Legal Rationale

Note: Your policy does not need to provide a health or legal rationale to be eligible for designation as a Texas Mother-Friendly Worksite.



1. The American Academy of Pediatrics (AAP) affirms that “breastfeeding and human milk are the reference normative standards for infant feeding and nutrition” that “confer unique nutritional and non-nutritional benefits to the infant and the mother and, in turn, optimize infant, child, and adult health as well as child growth and development.” No commercial milk formula can duplicate the special nutrients that human milk provides. Human milk has a unique combination of fats, sugars, proteins, vitamins, enzymes, all of which are specially designed to promote brain and body growth and development. Antimicrobial, anti-inflammatory, immunoregulatory agents, and living white blood cells all contribute to the developing immune system of the child. The AAP also recommends “exclusive breastfeeding for approximately 6 months after birth and continued breastfeeding as long as mutually desired by mother and child for 2 years or beyond.” Research shows that there are significant risks of not breastfeeding, and the AAP concludes that “the provision of human milk is a public health imperative.”

OR

2. **Organization Name** recognizes that breast milk is the optimal food for growth and development of infants.

OR

3. Along with the Texas legislature, **Organization Name** recognizes that breastfeeding a baby is “an important and basic act of nurture that must be encouraged in the interests of maternal and child health,” recognizes a mother’s responsibility to both her job and her child when she returns to work and acknowledges that support of breastfeeding “benefits the family, the employer, and society.”

Atmosphere of Tolerance/Atmosphere of Support

Note: Your policy does not need to address atmosphere of tolerance/support to be eligible for designation as a Texas Mother-Friendly Worksite.

1. **Organization Name** encourages employees and management to have a positive, accepting attitude toward lactating employees. **Organization Name** promotes and supports breastfeeding and the expression of breast milk by employees who are providing breast milk to their infants when they return to work by providing information to all employees about the benefits of breastfeeding and the company policy that supports breastfeeding. This policy is to ensure that managers and employees are supportive of employees’ needs related to combining working and breastfeeding.

OR

2. **Organization Name** recognizes that breastfeeding is an important and basic act of nurture and encourages breastfeeding in the interest of maternal and child health and family values. Our organization supports the practice of worksite breastfeeding and/or expression of breast milk.

OR

3. **Organization Name** encourages employees and management to have a positive accepting attitude toward breastfeeding employees. **Organization Name** promotes and supports breastfeeding and the expression of breastmilk by employees who are breastfeeding when they return to work. **Organization Name** will not tolerate discrimination and harassment of breastfeeding employees in any form.

OR

4. Breastfeeding should not constitute a source of discrimination in employment or in access to employment. This policy prohibits the harassment of lactating employees; such conduct unreasonably interferes with employees' work performance and creates an intimidating, hostile, or offensive working environment. **Organization Name** will address any incident of harassment of a breastfeeding employee in accordance with the **Organization Name's** policies and procedures for discrimination and harassment.

OR

5. Managers, supervisors, and employees should create and maintain an environment that encourages and supports employees and eliminates barriers. A supportive, respectful environment includes a workplace that does not tolerate comments or actions that may dissuade lactating employees from taking the time necessary for breast milk expression. **Organization Name** specifically prohibits the following:
 - Adverse employment actions of any kind because of time used for lactation
 - Acts of discrimination or retaliation against lactating employees or those who may become lactating employees
 - Disapproving comments or criticisms of employees who use time for lactation
 - Jokes, comments, or ridicule that may result in embarrassment for lactating employees or other staff

Notification of Policy to All Employees

1. **Organization Name** will disseminate the Texas Mother-Friendly Worksite policy to every incoming and current employee in the **Organization Name** on an annual basis.

OR

2. Supervisors are responsible for notifying all employees of this policy and for alerting pregnant and breastfeeding employees about this policy for breastfeeding support on an annual basis.



Time and Leave

Include this or similar language in your policy:

“Work schedule and work pattern flexibility will be provided to accommodate a reasonable break time for an employee to express breast milk for her nursing child or to breastfeed each time such employee has need to express the milk or breastfeed, for up to one year [*or, “for one year or longer”*] after the child's birth.”

In addition, consider the following examples:

1. Lactating employees may use time during the standard workday for breast milk expression. This may include various combinations of standard paid break periods, lunch periods, and other time, as necessary. Managers will afford lactating employees flexibility in their work schedules, such that employees will not need to use accrued leave or leave without pay to cover time used for breast milk expression. While in general, this may require two to three lactation breaks a day, managers will collaborate with employees to schedule lactation breaks on a case-by-case basis based on the specific needs of the employee. Supervisors and managers are responsible for ensuring that there is coverage for the duties of lactating employees during their expression breaks. Support also includes providing onsite child care or assistance with finding child care nearby. If the child-care facility is close, employees may visit their babies on their breaks to breastfeed directly.

OR

2. Breastfeeding employees may breastfeed or express breast milk during work hours, using their normal meal and compensated break times. For time needed beyond these usual breaks, and with approval from their supervisor, lactating employees may arrive at work earlier or stay later than their regular hours. In addition, **Organization Name** heads or their designees may authorize alternative work schedules such as flex-schedules, compressed work weeks, telework, and job sharing.

OR

3. This policy provides for work schedule flexibility, including the scheduling of breaks/lunch periods to provide adequate time for expression of breast milk. Managers will encourage employees to include breast milk expression in their lunch and break periods and may collaborate with employees to designate a staff member to assume temporary care of their responsibilities they need if additional expression breaks. The employee may make up time used over and above scheduled break periods by shortening her lunch period, starting their shift early or leaving later, or through other flexible scheduling options as negotiated with her manager or director.

OR

4. Support shall include flexible work hours, phase-back options, part-time and working-at-home opportunities as well as flexible breaks/assignments when feasible within the collective agreement.

OR

5. Breastfeeding employees may express breast milk during work hours using their normal break times and mealtimes. For time they may need beyond their normal breaks, employees may make up the time as negotiated with their supervisors.

OR

6. Employees and their managers shall establish lactation break times based on an employee's individual work schedule. If possible, the lactation time will run concurrently with any break time already provided. Lactation time beyond the regular break time is unpaid and will be negotiated between the employee and **Organization Name**.

For a highly comprehensive policy, your organization may choose to provide policies that facilitate contact for the employee and their infant, such as:

- Paid maternity/parental leave
- Job protection for extended unpaid leave, without loss of benefits
- Baby-to-work
- Onsite child care

Education/Support/Resources

Note: Your policy does not need to address education and/or support resources to be eligible for designation as a Texas Mother-Friendly Worksite.

1. Support includes providing educational information about breastfeeding and returning to work to employees at the initiation of maternity leave. **Organization Name** encourages managers to develop a peer network of nursing employees who can support each other when working and breastfeeding.

OR

2. Informational materials about breastfeeding are available to employees at **website**. This policy is included in the Employee Handbook; Human Resources will alert all employees about this policy during New Employee Orientation and on an annual basis.

OR



3. The **Department or Health Plan Name** supports **Organization Name** staff members who are breastfeeding by providing knowledgeable healthcare staff should the employee seek assistance with breastfeeding. The **International Board Certified Lactation Consultant/Employee Health or Wellness Nurse** staff can provide information on proper breastfeeding and pumping techniques/strategies.

OR

4. Prenatal and postpartum breastfeeding education and information is available for interested employees from **Department or Location**.

OR

5. Managers will provide information about available breastfeeding support upon an employee's return to work prior to their maternity leave.

Facilities, Including Breast Milk Storage

Include this or similar language in your policy:

"**Organization Name** shall provide a private, accessible area, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, for the purpose of expressing breast milk each time such employee needs to express the milk."

Your policy should also explicitly address:

- Provision of nearby access to a clean, safe water source and a sink.
- Provision of access to a hygienic place to store expressed breast milk.

Consider the following examples of wording:

1. Employees may use, when available, the dedicated employee lactation rooms designated for the purpose of expressing breast milk and which include the following:
 - A locking door, an electrical outlet, a clean work surface, and comfortable chair.
 - A safe, clean water source and sink for washing hands and cleaning breast pump equipment within the designated breast pump room.
 - A clean refrigerator used for the sole purpose of storing expressed breast milk.
 - A hospital-grade multi-user double electric breast pump. Employees must use their own personal-use milk collection kit.

Where dedicated space is not feasible, **Organization Name** will provide a mixed-use space for lactating employees. In cases such as the latter, lactating employees will have priority over all other uses of the space.

In addition, an employee may choose to use their private office or other space, identified in consultation with her manager.

2. A private room is available for breastfeeding employees to express breast milk. This room locks and has an electrical outlet. Employees may check out the key to use the room. An employee restroom on the same floor has soap and water for cleaning. If an employee prefers, she may also express breast milk in her own private office or in another private location agreed upon in consultation with their supervisor.
3. A private, comfortable room, other than a bathroom, is available for breastfeeding employees to breastfeed or express breast milk. This room has comfortable seating, access to electricity, and is sanitary. At Organization Name headquarters, this is called the Moms' Room or Lactation Room, Room Number. Organization Name will aid with creating these rooms at satellite offices as needed. If preferred, lactating employees also have the option to express breast milk in their private offices or another clean, private room with a locking door, comfortable chair, electrical outlet, and table or shelf.

Lactating employees have access to running water for washing hands and rinsing breast pump parts. Depending on the lactating employee's place of work, employees may store expressed breast milk in the refrigerator in the lactation room, company refrigerators in the break room, and/or the employee's personal cooler.

4. Organization Name will provide employees a clean, comfortable space for the purpose of breast milk expression. A restroom shall not serve as the breast milk-expression space.

The space shall be:

- Equipped with an electrical outlet.
- Close to the employee's work area.
- Equipped with comfortable seating.
- Near a sink with hot water and soap for hand washing and cleaning equipment.

Employees may hygienically store their expressed breast milk in either their own personal insulated coolers with ice packs or in the employee break room refrigerator. As with any personal food item, handling and supervision of the expressed breast milk is the sole responsibility of the employee.

5. Organization Name will provide private space, other than a bathroom, for lactating employees to express breast milk. Where feasible, that space will be dedicated for the specific use of expressing breast milk by lactating employees. Where dedicated space is not feasible, Organization Name will provide a mixed-use space for lactating employees. In cases such as the latter, lactating employees will have priority over all other uses of the space. Organization Name will provide access to a safe water source and a sink within reasonable distance from the



lactation space. Employees may store their expressed breast milk in their own personal coolers with ice pack or in the shared break room refrigerator space, if available.

Separate Policy: Right [of clients and customers] to Breastfeed in Public Places

Note: Your policy does not need to address clients' and customers' right to breastfeed in public places to be eligible for designation as a Texas Mother-Friendly Worksite.

Breastfeeding in Public Space

In accordance with Texas Health and Safety Code § 165.002, **Organization Name** recognizes that a mother is entitled to breastfeed her baby or express breast milk in any location in which the mother's presence is otherwise authorized. **Organization Name** employees shall welcome clients/customers who want to breastfeed. **Organization Name** will post signs in customer service areas to notify customers that private areas are available for breastfeeding. Clients/customers may also breastfeed in any location within the client/customer area. All staff members will support the needs of breastfeeding clients/customers in this regard."

STEP 3 *Develop and write the policy.*

Policy Outline

The sample policy component templates from Step 2 can be adapted or cut and pasted into this section to draft a comprehensive employee worksite lactation support policy. Your policy should include the following eight sections:

1. Policy Purpose

2. Recognition of Health Benefits

3. Definitions *Who qualifies for the program (all employees, part-time, contractors, visitors, etc.)*

4. Program Components

- **Time** *Leave and break options for employees returning to work after the birth of a baby.*
- **Space** *Arrangements for private space, other than a bathroom, access to water and sink, hygienic milk storage solutions, and equipment provided, as applicable.*
- **Education** *Resources available to parents returning to work.*
- **Culture of Tolerance** *General support and nondiscrimination.*
- **Optional Related Breastfeeding-in-Public-Spaces Policy** *Addressing employee responsibility to assure a customer's/client's right to breastfeed in public.*



Sample Policy Template

Below is a sample policy. We offer it as a complete picture of how the different components might look when combined. You may use this wording as much or as little as is appropriate for your organization. At a minimum, your final policy should meet or exceed the minimum Texas Mother-Friendly Worksite standards.

Statement of Purpose

This policy establishes a “Mother-Friendly” employee worksite lactation support program at **Organization Name** in accordance with Texas Health and Safety Code § 165.003. The program provides a work environment that is supportive of lactating employees and encourages breastfeeding of their children for up to one year or beyond following their birth. The benefits of the program include increased attendance due to less time lost for care of sick children, reduced cost of insurance claims for sick children and mothers, reduced loss of institutional knowledge and turnover because of a mother opting not to return to work to breastfeed, and increased morale.

Health Rationale

The American Academy of Pediatrics (AAP) affirms that “breastfeeding and human milk are the reference normative standards for infant feeding and nutrition” that “confer unique nutritional and non-nutritional benefits to the infant and the mother and, in turn, optimize infant, child, and adult health as well as child growth and development.” No commercial milk formula can duplicate the special nutrients that human milk provides. Human milk has a unique combination of fats, sugars, proteins, vitamins, enzymes, all of which are specially designed to promote brain and body growth and development. Antimicrobial, anti-inflammatory, immunoregulatory agents, and living white blood cells all contribute to the developing immune system of the child. They also recommend “exclusive breastfeeding for approximately 6 months after birth and continued breastfeeding as long as mutually desired by mother and child for 2 years or beyond.” Research shows that there are significant risks of not breastfeeding, and the AAP concludes that “the provision of human milk is a public health imperative.”

Culture of Tolerance

Organization Name encourages employees and management to have a positive, accepting attitude toward lactating employees. **Organization Name** promotes and supports breastfeeding and the expression of breast milk by employees who are breastfeeding when they return to work by providing information to all employees about the benefits of breastfeeding and the company policy that supports breastfeeding. This policy is to ensure that managers and employees are supportive of employees’ needs related to combining working and breastfeeding.

Policy Dissemination

Organization Name will disseminate the Breastfeeding-Friendly Worksite policy to every incoming and current employee in the Organization Name.

Supervisors are responsible for alerting pregnant and breastfeeding employees about this policy prior to, and upon return from, an employee's period of leave for the reason of childbirth.

Program Components

Time

Organization Name will provide flexible scheduling to accommodate a reasonable break time for an employee to express breast milk for her nursing child or breastfeed each time such employee has the need to express the breast milk or breastfeed for one year or longer after the child's birth. Lactating employees may use time during the standard work day for breast milk expression. This may include combinations of standard paid break periods, lunch periods, and other times, as necessary. Managers will afford lactating employees with flexibility in their work schedules, such that employees will not need to use accrued leave or leave without pay to cover time used for breast milk expression. While in general, this may require two to three lactation breaks a day, managers will collaborate with employees to schedule lactation breaks on a case-by-case basis to accommodate the milk-expression needs of the employee.

Education

Support includes providing educational information about breastfeeding and returning to work to employees at the initiation of maternity leave. Additionally, the employee wellness coordinator may facilitate a lactation peer support program.

Space

Organization Name shall provide a private, accessible area, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, for the purpose of expressing breast milk each time such employee has need to express the breast milk.

Employees may use, when available, the dedicated employee lactation rooms as designated for the purpose of expressing breast milk, which include:

- A locking door, an electrical outlet, a clean work surface, and comfortable chair.
- A safe, clean water source and sink for washing hands and cleaning breast pump equipment within the designated breast pump room.
- A clean refrigerator used for the sole purpose of storing expressed breast milk. Employees may also hygienically store their expressed milk in either their own personal insulated coolers with ice packs or in the employee break room refrigerator. As with any personal



food item, handling and supervision of the expressed milk is the sole responsibility of the employee.

- A hospital-grade multi-user double electric breast pump. Employees must use their own personal use milk collection kit.

Where dedicated space is not feasible or available, **Organization Name** will provide a mixed-use space for lactating employees. In cases such as the latter, lactating employees will have priority over all other business uses of the space. Provided space will be in reasonable distance to a source of clean, safe water and a sink.

Employees may register complaints regarding violation of this policy, in accordance with **Organization Name** Complaint Policy XXX.

Additional Policy: Right to Breastfeed

Breastfeeding in Public Space

In accordance with Texas Health and Safety Code § 165.002 **Organization Name** recognizes that a mother is entitled to breastfeed her baby or express breast milk in any location in which the mother's presence is otherwise authorized. **Organization Name** employees shall welcome breastfeeding clients/customers who want to breastfeed. Signs may be posted in customer service areas to notify customers that private areas are available for breastfeeding. Clients/customers may also breastfeed in any location within the client/customer area. All staff members will support the needs of breastfeeding clients/customers in this regard."

More Policy Samples, Adapted from policies of current Texas Mother-Friendly Worksites

Policy #1: Insert in employee policy book

Organization Name allows employees a reasonable amount of break time at appropriate intervals to express breast milk. Organization Name shall provide a room or other location in reasonable proximity to the employee's work area with an accessible electrical outlet and a locking door where the employee can express breast milk in private. Lactating employees may use the sink, microwave oven, refrigerator, and freezer in any break area to clean breast pump equipment, wash hands, and store labeled breast milk containers in a hygienic manner. An employee shall notify her division director or immediate supervisor of her intent to use break time under this subsection. Lactating employees may express breast milk during work hours, using breaks and meal times. For additional time beyond normal break and/or lunch times, employees may make up the time as negotiated with their supervisors.

Policy #2: General Policy

Worksite Breastfeeding Policy

Because breastfeeding and human milk has been shown to be the normal standard for infant feeding and nutrition, providing a multitude of health benefits across the lifespan, and because breastfeeding employees need ongoing support in the worksite to be able to provide breast milk for their babies, Organization Name will provide lactating employees the following:

1. A place to breastfeed or express their breast milk.

Organization Name will provide an employee lactation room as a private and sanitary place for breastfeeding employees to express their breast milk during work hours. This room provides an electrical outlet, comfortable chair, and nearby access to running water. Employees may, of course, use their private office area for breastfeeding or breast milk expression, if they prefer.

2. A refrigerator for safe storage of expressed breast milk.

Employees may use their own cooler packs to store expressed breast milk or may store breast milk in a designated refrigerator/freezer. Employees should provide their own containers, clearly labeled with name and date. Those using the refrigerator are responsible for keeping it clean.

3. Flexible breaks to accommodate breastfeeding or milk expression.

Organization Name will provide lactating employees a flexible schedule for breastfeeding or pumping to provide breast milk for their children. The time would not exceed normal time allowed for lunch and breaks. For time beyond normal lunch and breaks, lactating employees can come in a little early or leave a little later to make up the time.



4. Staff support for breastfeeding employees.

Realizing the importance and health benefits of breastfeeding to infants, employees, their families, and the company, staff should provide an atmosphere of encouragement and support for breastfeeding employees.

5. Breastfeeding promotion information.

The company will provide information on breastfeeding to all pregnant and breastfeeding employees, including local resources. In addition, positive promotion of breastfeeding will be on display in the company and in-house communications with staff.

6. Information about the company's breastfeeding policy during employee orientation.

Organization Name will communicate the company's breastfeeding policy to current staff and will inform new employees about the company policy in the new employee orientation training.

Policy #3: General Policy

Support for Breastfeeding Employees

In recognition of the well-documented health advantages of breastfeeding for infants and mothers, Organization Name provides a supportive environment to enable breastfeeding employees to express their breast milk during work hours.

- **Milk Expression Breaks**

Organization Name allows lactating employees to express breast milk during work hours using their normal break times and meal times. For the time lactating employees may need beyond their normal breaks, employees may use their accrued leave or make up the time as negotiated with their supervisors.

- **A Place to Express Milk**

A private room is available for employees to express breast milk. This room locks and has an electrical outlet. Employees may check out the key from Contact Name to use the room. The employee restroom on the same floor has soap and water for cleaning. If an employee prefers, she may also express breast milk in her own private office or in another private location agreed upon in consultation with her supervisor. When more than one employee needs to use the private room, Organization Name encourages employees to work together and coordinate breast milk expression times. Employees should contact Contact Name to arrange for additional space on an as-needed basis.

- **Milk Expression Equipment**

Employees must provide their own equipment and supplies for breast milk expression.

- **Education**

Informational materials about breastfeeding are available to employees at: [link to online resource hub for employees].

- **Communication of Policy**

In addition to including this policy in the Employee Handbook, Human Resources will alert all employees about this policy during New Employee Orientation and on an annual basis.

Employee Responsibilities

- **Communication with Supervisors**

Employees who wish to express breast milk during the workday shall coordinate with their supervisors as needed so they can work together to satisfy the needs of both the employee and the agency.

- **Maintenance of Breast Milk Expression Areas**

Lactating employees are responsible for keeping the room clean and sanitary for the next user. This responsibility extends to other areas where expressing breast milk occurs.

Organization Name will not clean or monitor the condition of the private room or these other areas.

- **Breast Milk Storage**

Expressed breast milk may be stored in one of the break room refrigerators available to employees. Employees should label all breast milk with their name and collection date so that it is not inadvertently confused with another employee's breast milk. Each employee is responsible for proper storage of their breast milk using available Organization Name refrigerators or personal storage coolers.

Policy #4: State Agency

Mother-Friendly Worksite Policy

Policy Number:

Type of Policy: Human Resources

Date:

Purpose

This policy establishes a "Mother-Friendly" Worksite program at the Organization Name, in accordance with Texas Health and Safety Code § 165.003. It is applicable to employees, contract workers, and members of the public conducting business at the agency. The program provides a supportive environment for lactating employees and to encourage breastfeeding following childbirth. Potential benefits of the program include increased employee attendance due to less lost time for sick children, reduced cost of insurance claims for sick children and mothers, reduced loss of institutional knowledge and turnover because of new mothers opting not to return to the workplace, and an overall increase in staff morale.



Definitions

Texas Mother-Friendly Worksite: A designation given to an employer by the Texas Department of State Health Services, once the employer meets the requirements for such designation.

Lactation Room: A private space, other than a bathroom, that allows lactating employees to express breast milk during the workday.

Program: Refers to the overall Texas Mother-Friendly Worksite Program and any individual activity offered through the Texas Mother-Friendly Worksite Program.

Texas Mother-Friendly Worksite Program Components

The Texas Mother-Friendly Worksite Program consists of practices and activities that enhance lactating employees' ability to breastfeed their babies while maintaining favorable employment. The **Organization Name** Texas Mother-Friendly Worksite program includes:

- **Policy:** A policy that governs the program and establishes standards for compliance with Texas Mother-Friendly Worksite standards as defined by the Texas Department of State Health Services.
- **Education:** Periodic informational presentations, literature, and publications to support improved lactation knowledge, support, and access to resources.
- **Flexible Work Schedules** Provides breastfeeding employees the opportunity to express breast milk periodically during the business day as needed. Also allows participating employees to work a standard work shift schedule, without using accrued leave.
- **Lactation Rooms** Provide breastfeeding employees with a private place to express breast milk in comfortable settings and without interruptions.

The **Organization Name** Texas Mother-Friendly Worksite program activities and resources offered at headquarters may be replicated at field offices/sites to the greatest extent possible. Certain program activities may be site-specific consistent with operational requirements and availability of facilities, equipment, or other program resources.

General Policies

Texas Mother-Friendly Worksite

Flexibility in Work Schedules and Program Accessibility

Organization Name managers and supervisors shall grant lactating employees the greatest flexibility in job duties and work schedules to accommodate breast milk expression and breastfeeding. **Organization Name** will maintain a supportive environment by providing lactating employees with adequate time during the standard workday for breast milk expression. This may

include various combinations of the standard paid break periods, lunch periods, and other times as necessary. Employees may “flex” their work schedules such that an individual does not need to use personal leave to recover time used for breast milk expression. Lactating employees should coordinate specific scheduling with their immediate supervisors. This policy specifically prohibits:

- Adverse employment actions of any kind because of time used for lactation.
- Acts of discrimination or retaliation against lactating employees or those who may become lactating employees.
- Disapproving comments or criticisms of staff who use time for lactation.
- Jokes, comments, or ridicule that may result in embarrassment for a lactating employee or other staff.

Lactation Rooms

Organization Name will provide a private space, other than a bathroom, for lactating employees to express breast milk. The space will include access to a nearby source of running water and a sink and a hygienic storage alternative (e.g., refrigeration or the employee’s own cooler with an ice pack) for the employee’s breast milk. Where feasible, the space will be dedicated specifically for the expression of breast milk by lactating employees. Where dedicated space is not feasible, Organization Name will provide a mixed-use space for lactating employees. Lactating employees will have priority in cases of mixed space usage. In field locations with limited space options, the site supervisor must collaborate with the lactating employee to identify feasible space and coordinate priority use of that space.

Breastfeeding in Public Space

In accordance with Texas Health and Safety Code § 165.002, Organization Name recognizes that a mother is entitled to breastfeed her baby and express breast milk in any location in which the mother’s presence is otherwise authorized. Lactating employees opting for more privacy may use the employee lactation room.

Employees may make complaints regarding violation of this policy, in accordance with Organization Name Complaint Policy XXX.

Policy #5: State Agency

Supporting Breastfeeding Employees

Purpose: This policy provides guidance for managers and employees of the Organization Name to support breastfeeding employees. Because of the documented health benefits breastfeeding provides to mother and baby, and because return-to-work is a common barrier to continued breastfeeding, Organization Name adheres to the following:



1. **Organization Name** allows lactating employees to breastfeed or express breast milk during work hours, using their normal meal times and compensated breaks. For time needed beyond these usual breaks, and with approval from her supervisor, the employee may arrive at work earlier or stay later than their regular hours. In addition, **Organization Name** heads or their designees may authorize alternative work schedules, such as flex schedules, compressed work weeks, telework, and job-sharing.
2. A private, comfortable room, other than a bathroom, is available for employees to breastfeed or express breast milk. This room has comfortable seating, access to electricity, and is sanitary. At **Organization Name** Headquarters, this room is called the Employee Lactation Room, **Room Number**. **Organization Name** will aid with establishing locations at satellite offices in creating these rooms as needed. If preferred, breastfeeding employees also have the option to express breast milk in their private offices or another clean, private room with a locking door, comfortable chair, electrical outlet, and table or shelf, as designated.
3. Breastfeeding employees have access to running water for washing hands and rinsing breast pump parts. Depending on the breastfeeding employee's place of work, employees may store expressed breast milk in the refrigerator in the Employee Lactation Room, company refrigerators in the break room, and/or the employee's personal cooler.
4. Prenatal and postpartum breastfeeding education and information is available from **Organization Name** for interested employees.

Responsibilities:

1. Supervisors are responsible for alerting pregnant and breastfeeding employees about this policy of breastfeeding support. Supervisors are also responsible for allowing breastfeeding employees to adjust their schedules to the greatest extent possible to support their efforts.
2. Breastfeeding employees are responsible for coordinating the most appropriate work schedules with their supervisors. An employee wishing to express breast milk during work hours shall keep her supervisor informed of her needs so that the supervisor may make accommodations to satisfy the needs of the employee and the work setting.
3. Breastfeeding employees are responsible for cleaning the areas designated for breast milk expression after use.
4. If multiple employees are breastfeeding at any given time, it is their responsibility to coordinate use of the private room for breast milk expression. If there is no mutual solution, the employees' supervisors are responsible for scheduling.
5. Breastfeeding employees will label all breast milk expressed and placed in the Employee Lactation Room or company refrigerators with their name and date.



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dshs.texas.gov/TexasMotherFriendly