

Most women return to work after giving birth to a child. Because most are still breastfeeding their child, accommodations within the workplace are needed for pumping of breast milk. Women may also need to breastfeed when out in places of public accommodation going about the business of daily life. Vermont has laws that protect pregnant and nursing mothers. This issue summarizes those legal requirements. As always, call with questions. We are here to help. Karen Richards

“It is a curious commentary on our society that we tolerate all degrees of explicitness in our literature and mass media as regards sex and violence, but the normal act of breastfeeding is taboo.”

*- American Academy
of Pediatrics*



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Did you know?

In the first few months of life, babies need to breastfeed eight to twelve times in a 24-hour period.

Nearly one-third of beneficial bacteria in a baby's intestinal tract comes directly from mother's milk, with an additional ten-percent coming directly from the skin on the mother's breast.

Idaho is the only remaining U.S. State that doesn't have a law protecting a mother's right to breastfeed in public.

South Dakota and Virginia exempt breastfeeding mothers from public indecency or nudity laws.

Only 17 states and Puerto Rico exempt or postpone jury duty for nursing mothers.

Only two Canadian provinces have laws that protect breastfeeding as a right. They are British Columbia and Ontario.

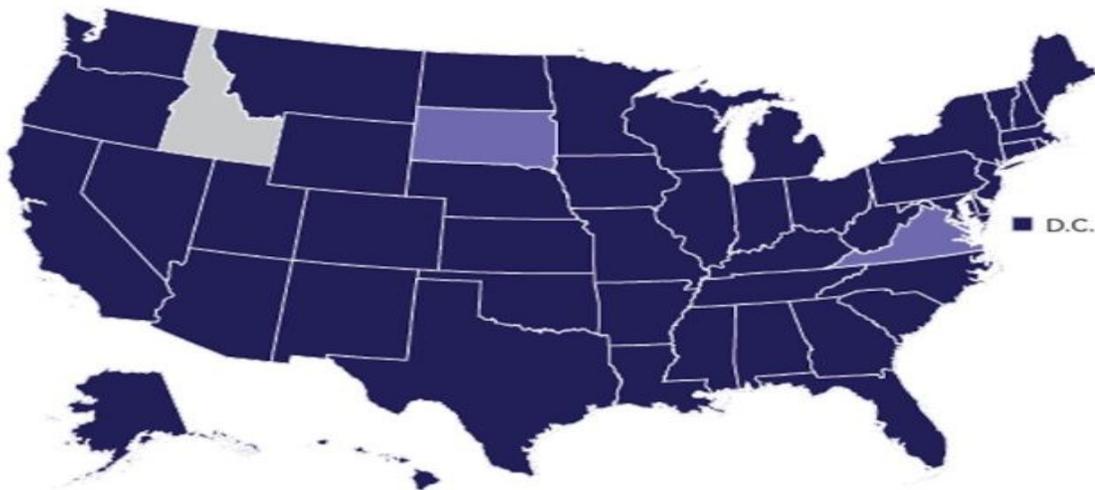
In 1984 the state of New York was the first state to amend its indecent exposure statute to exclude breastfeeding of an infant.

The State of Missouri protects the right to breastfeed in public, but requires that it be done "with as much discretion as possible."

In 2003 Jacqueline Mercado was reported to Child Protective Services in Richardson, TX for having a photograph processed at the local drugstore of her breastfeeding her 1-year old son. She was arrested and charged with "sexual performance of a child" and temporarily lost custody of her children.

In March 2008 the Vermont Human Rights Commission found Reasonable Grounds to believe that Mesa Air Group/Freedom Airlines discriminated against Emily Gillette when she was removed from a flight for refusing to cover her infant daughter's head while breastfeeding.

Where It's Legal To Breastfeed In Public



Public Accommodations

On March 15, 2003 Act 117 amended [9 V.S.A. §4502](#), Vermont's Fair Housing and Public Accommodations Law, to include protections for nursing mothers stating, "[n]otwithstanding any other provision of law, a mother may breastfeed her child in any place of public accommodation in which the mother would otherwise have a legal right to be."

This means that every mother has a civil right to breastfeed her child in places of public accommodation (schools, restaurants, stores, public transportation such as buses, taxis or airplanes, and other facilities serving the general public) when she enters to purchase or otherwise partake of the goods, facilities, or services offered. No one has the right to ask her to leave, to tell her to cover up, or tell her to stop breastfeeding.

A woman has a right to breastfeed even if it makes other patrons of the business or the owners uncomfortable. Breastfeeding is a natural process that improves both infant and maternal health and the frequency with which it is required during infancy necessitates accommodation of this practice. That is the purpose behind the law.

If you are a breastfeeding mother who has been denied access or requested to leave a place of public accommodation for breastfeeding your child, you can contact the [Vermont Human Rights Commission](#) to file a Complaint of Discrimination.

"Never be afraid to nurse in public. If people don't see it, it will never become normalized." - nourishingourchildren.org



Breastfeeding Moms' Rights in the Workplace

Employment

In May 2008, amendments were made to [Vermont's labor law](#) requiring that an employer provide a nursing mother, for up to three years after the birth of a child, (1) reasonable time, compensated or uncompensated, throughout the workday to express breast milk; and (2) provide a private space that is not a bathroom stall. Further, an employer cannot discriminate or retaliate against an employee who chooses to exercise her rights under the law. Some employers may be exempt if providing time or space to express breastmilk would substantially disrupt operations.

On March 23, 2010, amendments were made to [section seven](#) of the federal Fair Labor Standards Act (FLSA) requiring employers to provide "reasonable break time" for a nursing mother to express breastmilk for one year after the birth of a child. As with State law, employers are also required to provide a private space that is not a bathroom stall and cannot discriminate or retaliate against an employee who chooses to exercise her rights under the law.

In September 2014 The Vermont Department of Health held a breastfeeding symposium in Montpelier to discuss challenges still faced by working, breastfeeding mothers. At this symposium, Cindy Twombly, a public health nurse for the State of Vermont told the Burlington Free Press that "closet or bathroom breastfeeding and pumping has become the norm for some working mothers." And, that, "she knows women who say they are taking a cigarette break but are really pumping breastmilk for their baby in secret." If this is true, much more education needs to be provided to employers and employees about the rights of breastfeeding mothers in the workplace.

With over seventy percent of new mothers returning to work and many of them breastfeeding at a rate above the national average, there needs to be more education for employers on the benefits of supporting nursing mothers. The benefits are not just for the child and breastfeeding mother but for the overall benefits to their business including lowering employee turnover and absenteeism while improving productivity, morale and loyalty.

In a related area, recognizing the work remaining to be done to support pregnant and nursing mothers in the workplace, the Legislature passed and Governor Scott signed [Act 21](#), otherwise known as H.136, on May 4, 2017 making it an unlawful employment practice for an employer to deny a reasonable accommodation for an employee's pregnancy-related condition. A reasonable accommodation request could be, but is not limited to: more frequent bathroom breaks, having water at a workstation, being provided a chair versus standing, or a reduced or flexible work schedule, etc.

For women who believe they have been discriminated against or denied a reasonable accommodation in the workplace based on being a nursing or expectant mother, there are places you can go for help, they are:

- Non-state government employees that are a nursing or expectant mother can contact the [Vermont Attorney General, Civil Rights Unit](#) to discuss filing a complaint of discrimination in employment.
- State government employees that are a nursing or expectant mother can contact the [Vermont Human Rights Commission](#) to discuss filing a complaint of discrimination in public accommodations and/or employment.
- Any employed, nursing or expectant mother can additionally contact the [U.S. Equal Employment Opportunity Commission](#) to file a complaint of discrimination in employment.



- Employers supporting nursing mothers rights to express breastmilk see a decrease in employee absenteeism, and an increase in productivity.
- In 2008 an average annual savings for employers equaled \$400 per breastfed baby with lower medical costs.
- Discomfort of coworkers and discussing the subject of breastfeeding or pumping milk with supervisors is a top challenge to breastfeeding mothers.
- Employers must provide breastfeeding mothers with a private space to express breastmilk that is not a bathroom stall.
- Employers without a breastfeeding mother on staff are not required to have a designated space for breastfeeding mothers.
- Mothers may breastfeed their children in any place of public accommodation they have a legal right to be.
- Places of public accommodation include, but are not limited to: schools, restaurants, stores, hotels, theaters, municipal buildings, airports, etc.
- On July 1, 2017 it will be unlawful for an employer within the state of Vermont to deny a reasonable accommodation for an employee's pregnancy-related condition.
- Breastmilk boosts a baby's immune system helping to fight viral, bacterial, and parasitic infections.
- For every year a mother breastfeeds, her risk of developing invasive breast cancer is reduced by six percent. There is some research that indicates longer breastfeeding is also linked to a reduction in ovarian cancer.
- It takes only about 10-15 minutes (using a double breast pump) to empty both breasts of milk approximately three times a day.
- In 2013 the Center for Disease Control and Prevention found that 77 percent of new mothers are breastfeeding their babies.

Contact Us

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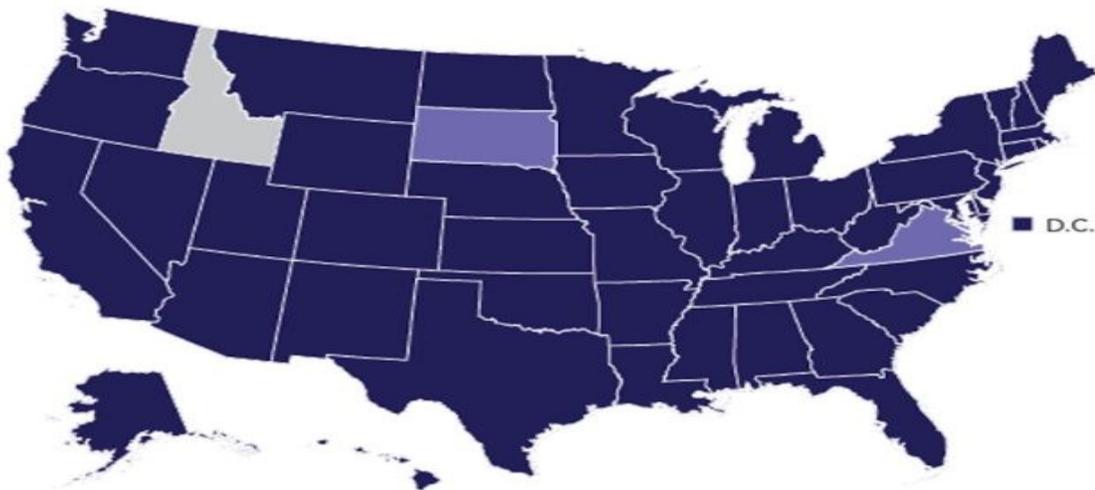
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