

Health Care Legislation and Breastfeeding

By Cindy O'Neil, RD, LD

Included in the newly passed healthcare reform act is an amendment to the Fair Labor Standards Act of 1938 which requires an employer to provide reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk. The employer shall also 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. An employer that employs less than 50 employees shall not be subject to the requirements of this subsection if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.

The law applies to "non-exempt workers" which generally means hourly workers who are subject to overtime laws. Exempt workers on a salary, often in managerial positions, are not covered by the new federal law. The law is effective immediately and the US Department of Labor is working to establish the rules for enforcement.

Women who breastfeed have a decreased risk of diabetes, heart disease, ovarian cancer, and breast cancer. Infants who are breastfed have a lowered risk of ear infections, GI tract infections, and less diabetes. As a result of breastfeeding, mothers of breastfed babies are less likely than mothers of formula fed babies to be absent from work due to illness in the infant.

Women are the primary breadwinners in 4 out of 10 American families. Nearly 80% of women in Idaho initiate breastfeeding, but only 55% are breastfeeding at 6 months and 25% at 12 months. Returning to an unsupportive work environment has been identified as a major reason for the early abandonment of breastfeeding. WIC provides support for WIC breastfeeding moms including those who return to work or school. Please contact the WIC office 208-327-7488 and ask to speak with a Breastfeeding Coordinator, if you have any questions.

References:

http://docs.house.gov/rules/hr4872/111_hr3590_engrossed.pdf

<http://www.usbreastfeeding.org/Workplace/WorkplaceSupport/WorkplaceSupportinHealthCareReform/tabid/175/Default.aspx>

www.cdc.gov/breastfeeding/data