

Trauma-Informed Lactation Support Policy for Employers in the State of Virginia

APPLICATION:

This policy applies to all nursing employees, including those not covered by the Virginia Personnel Act and those exempt from the FLSA.

BACKGROUND:

The Fair Labor Standards Act (FLSA) was amended by the Patient Protection and Affordable Care

Act in March, 2010. The amendment requires employers to provide reasonable break times for an employee to express breast milk for her nursing child for up to one year after the child's birth. Guidance related to this change in law was first published in the October 2010 Agency Human Resource Services Periodical.

On March 8, 2019, the Virginia General Assembly passed HB 1916 to be effective July 1, 2019, directing the Department of Human Resource Management (DHRM) to establish a policy reiterating the requirements of the federal law related to required breaks for nursing mothers. This change is incorporated into Policy 1.25, Hours of Work.

The policy modification supports other family-friendly executive orders and policies in effect and codifies established practices in providing breaks and lactation spaces to nursing mothers (for the purpose of expressing breast milk) in state government agencies. It complements the parental leave policy implemented in June, 2018, in sending the message that the Commonwealth supports employees in their work-life balance needs and recognizes the value of family care-taking for our employees.

POLICY STATEMENT:

This policy aims to guide employers in the state of Virginia in implementing trauma-informed lactation support practices within the workplace. By adopting a trauma-informed approach, employers can create a supportive environment that respects the needs and experiences of employees who are lactating, ensuring their physical and emotional well-being.

A trauma-informed lactation approach prioritizes the emotional well-being and individual needs of the lactating individual, while aiming to create a safe and empowering environment for them to navigate and own their breastfeeding journey.

POLICY GUIDELINES:

1. Education and Awareness:

- a.** Employers will provide education and training to supervisors and human resources personnel, ensuring they understand the impact of trauma on lactation experiences and the importance of trauma-informed care.
- b.** Employers will utilize resources provided by the Lactation-Friendly Workplaces Toolkit for Employers to educate employees about available lactation support resources and the benefits of a trauma-informed approach.

2. Establishing Lactation Spaces for Milk Expression:

Employees will be provided with a private place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, to express milk. The room can be a designated space for lactation. If this is not practical or possible, a vacant office, conference room, or other small area can be used so long as it is not accessible or visible to the public or other employees while the nursing employee is using the room to express milk. The room will:

- a.** Be in close proximity to the employee's work station when possible
- b.** Have a door equipped with a functional lock or, if this is not possible, the room will have a sign advising that the room or location is in use and not accessible to other employees or the public
- c.** Be well lit
- d.** Ensure privacy by covering any windows with a curtain, blind, or other covering
- e.** Contain at a minimum a chair and a small table, counter, or other flat surface
- f.** Ideally include an electrical outlet and nearby access to clean water

3. Flexible Work Arrangements:

- a.** Employers will offer flexible work arrangements, such as flexible scheduling or remote work options, to accommodate employees' lactation needs.
- b.** Employees will be encouraged to communicate their lactation needs openly with their supervisors and explore mutually agreeable solutions.

4. Supportive Policies:

- a.** Employers will implement policies that support employees in taking breaks for lactation purposes, ensuring that these breaks are uninterrupted and paid.
- b.** Employees will be provided with reasonable break times and durations to express milk or breastfeed their infants, in compliance with state and federal regulations.

c. No employee shall be discriminated against for breastfeeding or expressing milk during the work period, and reasonable efforts will be made to assist employees in meeting their infant feeding goals while at work.

5. Communication and Resources:

a. Employers will establish clear lines of communication for employees to access lactation support resources, such as lactation consultants, breastfeeding classes, or support groups.

b. Information about available lactation support services and resources will be regularly communicated to employees through various channels, such as email, intranet, or bulletin boards.

6. Confidentiality and Privacy:

a. Employers will maintain strict confidentiality regarding employees' lactation needs and information shared during lactation-related discussions.

b. Lactation support spaces will respect employees' privacy and be free from intrusion or unauthorized access.

7. Ongoing Evaluation and Improvement:

a. Employers will regularly evaluate the effectiveness of the lactation support program, seeking feedback from employees and making necessary adjustments to ensure continuous improvement.

b. The employer will consider employee suggestions and experiences to enhance the responsiveness and quality of lactation support services.

POLICY COMPLIANCE AND REVIEW:

Employers will ensure compliance with this policy and conduct periodic reviews to assess its implementation, identify any gaps, and make necessary revisions to further promote a trauma-informed approach to lactation support in the workplace.

POLICY EFFECTIVE DATE:

This policy will be effective immediately upon approval and communicated to all employees and relevant stakeholders.

POLICY REVIEW DATE:

This policy will be reviewed annually or as deemed necessary by the employer to maintain its relevance and effectiveness.

APPROVED BY:

[Name/Designation]

[Date]