

Sample Tribal Workplace Breastfeeding Support Policy

Section One. Findings and Intent

- A. The _____ Tribe is committed to improving the health and welfare of all tribal members, to promote a healthy environment, and has an obligation to enact policies that promote health and protect members from harm.
- B. The _____ Tribe acknowledges that breast milk is the first traditional food for babies and a Lakota tradition, and the most healthful, natural, and economic method of infant nutrition. CRST encourages all of our pregnant and postpartum employees to consider breastfeeding their children as a means of promoting the health of both child and mother. We encourage and support employees in their efforts to combine working and breastfeeding.
- C. The _____ Tribe finds that breastfeeding has many health benefits to babies including: providing antibodies that help protect their immune systems from disease; fewer and less severe instances of bacterial meningitis, diarrhea, ear infections, respiratory infections, and urinary tract infections; and breastfeeding protects against future illness, obesity, and disease.[1]
- D. The _____ Tribe finds that exclusive or even partial breastfeeding saves lives by reducing the risk of sudden infant death syndrome (SIDS).[1]
- E. The _____ Tribe finds that breastfeeding has many health benefits to mothers including lower rates of diabetes, cancer (breast, uterine, and ovarian), osteoporosis, benefits child spacing, promotes emotional health, and reduces the risk of postpartum depression in new mothers.[1]
- F. The _____ Tribe finds that breastfeeding mothers who are supported at work are more productive, have fewer distractions, less absenteeism, and are more likely to continue with breastfeeding.[2] [3]
- G. The _____ Tribe finds that the tribe will benefit from a supportive breastfeeding policy by increased productivity, improved employee loyalty, better recruitment and retention of people of childbearing age, and improved job satisfaction.
- H. The _____ Tribe finds _____ (insert data about breastfeeding rates of Native women in your area).

[1] American Academy of Pediatrics, Policy Statement: Breastfeeding and the Use of Human Milk (March 2012), <https://pediatrics.aappublications.org/content/pediatrics/129/3/e827.full.pdf>.

[2] L. Murtagh & A.D. Moulton, *Working Mothers, Breast Feeding, and the Law*, 101 *Amer. Journal of Public Health* 217-223 (2011).

[3] J. Ortiz et al., *Duration of Breast Milk Expression Among Working Mothers Enrolled in an Employer-sponsored Lactation Program*, 30 *Pediatric Nursing* 111-119 (2004).

[4] See David Steven et al., *Breastfeeding: A Review of the Benefits for American Indian Women*. 61 *South Dakota Medicine: The Journal of The South Dakota State Medical Association* n.448 (2009).

Section Two. Purpose

In recognition of the well-documented health advantages of breastfeeding for infants, mothers, the community, and employees, along with the aim to promote Indigenous cultural first food practices, the purpose of this Section is to

formally establish a supportive work environment and policy for the _____ Tribe employees who are breastfeeding. The policy upholds traditional Lakota values in honoring women’s health and intends to ensure that employees of the _____ Tribe who are breastfeeding may obtain the health benefits for not only themselves, and their families, but also for future generations. Additionally, there is a benefit to the _____ Tribe in prioritizing the health and wellness of employees of the _____ Tribe for a whole and well-functioning tribal community workplace.

Section Three. Definitions

- A. “Breastfeeding” means feeding human milk to an infant from a person’s chest.
- B. “Employee” means employee as defined by [citation to relevant code].
- C. “Nursing” means feeding an infant at the breast; tending and caring for a child.
- D. “Milk expression” means pumping (or “expressing”) breast milk.
- E. “Pumping breast milk” means using an electric or manual device used to mechanically remove breast milk from a person’s chest.
- F. “Mother’s Room” means space dedicated to nursing or pumping breast milk.

Section Four. Protections for Breastfeeding and Milk Expression

- A. Reasonable Break Times: The _____ Tribe will provide flexible schedules and a reasonable number of breaks of sufficient duration for milk expression for 1 year after the child’s birth, acknowledging the frequency and duration of time necessary may vary depending on the needs of the employee.
 - 1. Creative use of normal breaks and earned time/leave for milk expression is encouraged. Examples include: taking shorter meal breaks, using break times, coming in to work earlier or leaving work later, etc.
 - 2. Time to travel to or from a provided Mother’s Room or space that is not in close proximity to the employee’s workspace is considered work time and the employee will not be required to either make up the time or use leave.
 - 3. The same break time accommodations and flexibility will be made available to employees when traveling away from the office for work.
 - 4. Employees who wish to express milk during the work period shall keep supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the workplace.
- B. Space for Milk Expression: The _____ Tribe shall provide employees with a private space (other than a bathroom or toilet stall) that is shielded from view and free from intrusion by others to express breast milk. The space does not need to be exclusively dedicated to this purpose, and a temporary space that meets best practices may be offered. Best practices include: access to electricity (outlets), a comfortable chair, privacy signage, disinfectant wipes, and access to a sink and refrigerator (for breast milk storage) in the room or nearby. All efforts should be made to ensure the space provided will be in close proximity to the employee’s workspace.
- C. Other Supports:
 - 1. Education: The _____ Tribal department will provide annual employee education to explain why breastfeeding mothers need support from their employers and co-workers, and to promote the availability of and location(s) of Mother’s Room(s).
 - 2. Staff Support: Supervisors are responsible for alerting pregnant and breastfeeding employees about the Tribal Worksite Breastfeeding Support Law protections and for negotiating workplace accommodations to help facilitate each employee’s infant feeding goals consistent with the

protections provided by this law. It is expected that all employees will assist in providing a positive atmosphere that supports breastfeeding employees. The _____ Tribal building supervisors will ensure signs are posted to promote the Mother's Room(s) in common areas and directly outside the Mother's Room(s).

Section Five. Right to Breastfeed

Individuals have the right to breastfeed within the boundaries of the _____ Tribe. A person breastfeeding their child in any place, whether public or private, shall not be deemed as indecent exposure, an obscene act or any other punishable action under the [*insert citation to relevant code*], as may be amended from time to time.

Section Six. Enforcement

- A. If employees or community members have grievances within the boundaries of the _____ Tribe relating to this Section, they should follow the chain of command and the general grievance process, as set forth in [*citation to relevant code*]. Examples of conduct that could be worthy of a grievance include: disapproving comments or criticism of employees who use time for lactation; jokes, comments, or ridicule that may result in embarrassment for employees whether or not they are breastfeeding; tampering with or theft of milk expression equipment or stored pumped milk; altering or scheduling over break times or planned break times intended for milk expression or breastfeeding purposes.
- B. Conduct that interferes with the protections provided by this law for breastfeeding employees will also be considered a violation of the _____ Tribe employment anti-discrimination law at [*citation to relevant code*].

The following are guidelines that could be incorporated into a formal administrative policy to support implementation of the breastfeeding support law:

- a. Each space will provide, at a minimum, access to electricity (outlets), a comfortable chair, privacy signage, access to a sink and refrigerator (for breast milk storage) in the room or nearby. A community refrigerator will suffice for breast milk storage because breastmilk is not hazardous bodily fluid and it is not a contamination danger. A reasonable method for scheduling use (for example, a sign-up sheet, dry-erase board, or an online calendar schedule as time allotted for scheduling is usually in 30-minute increments).
- b. Breastfeeding employees are responsible for cleaning milk expression areas after each use, using anti-microbial wipes to clean the pump and area around it. Employees are also responsible for keeping the general lactation room clean for the next user. This responsibility extends to both designated milk expression areas, as well as other areas where expressing milk will occur.
- c. Janitorial staff will clean as part of a routine cleaning regimen.
- d. Employees are not required to use the designated space for breastfeeding or milk expression. Employees may choose to express breastmilk or breastfeed in an alternate location.
- e. Individuals who breastfeed shall not dispose of diapers or other odorous materials in the space provided for breastfeeding or expressing milk. Individuals will ensure materials are stored properly in an area not used by other staff and taken home or disposed of each day.