

A-Engrossed
Senate Bill 618

Ordered by the Senate April 15
Including Senate Amendments dated April 15

Sponsored by COMMITTEE ON HEALTH POLICY (at the request of Nursing Mothers Counsel of Oregon)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires employer to provide unpaid rest periods for employees to breast-feed or express milk if providing rest periods does not cause undue hardship on operation of employer's business. Requires employer to make reasonable efforts to provide private area where employees can breast-feed or express milk. [*Prohibits discrimination against employee for invoking or using right to breast-feed or express milk during rest periods. Allows employee to file complaint with Commissioner of Bureau of Labor and Industries or file civil action.*] **Applies to employers who employ 25 or more employees.**

A BILL FOR AN ACT

1
2 Relating to breast-feeding in workplace.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. The Legislative Assembly finds that:**

5 (1) **Women with infants and toddlers are the fastest growing sector of today's labor force,**
6 **with at least 50 percent of pregnant women who are employed returning to work by the time**
7 **their children are three months old.**

8 (2) **The American Academy of Pediatrics recommends that every child be breast-fed for**
9 **at least the first 12 months of life and urges that arrangements be made for expressing**
10 **breast milk if the mother and child are separated.**

11 (3) **Women who wish to continue breast-feeding after returning to work have relatively**
12 **simple needs. These needs include a clean, convenient, private location to express milk at the**
13 **work site and adequate break time in which to do so.**

14 (4) **Employers who accommodate their breast-feeding employees experience significant**
15 **economic benefits. Benefits to employers include reduced employee absences (because**
16 **breast-fed babies are healthier and their mothers use fewer sick days to care for sick babies),**
17 **reduced costs to company health care plans (for every breast-fed baby, the average health**
18 **care savings is \$400 to \$1,000 a year), improved employee morale and increased employee**
19 **retention.**

20 **SECTION 2. (1) As used in this section:**

21 (a) **"Reasonable efforts" means efforts that do not impose an undue hardship on the op-**
22 **eration of an employer's business.**

23 (b) **"Undue hardship" means significant difficulty or expense when considered in relation**
24 **to the size, financial resources, nature and structure of the employer's business.**

25 (2) **An employer shall provide reasonable unpaid rest periods to accommodate an em-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **ployee who needs to breast-feed or express milk for her child. The employee shall, if feasible,**
2 **take the rest periods to breast-feed or express milk at the same time as rest periods that**
3 **are otherwise provided to the employee. The employer shall provide the employee up to 60**
4 **minutes in rest periods per eight-hour shift to breast-feed or express milk. If the employer**
5 **is required by law or contract to provide the employee with paid rest periods, the employer**
6 **shall treat the rest periods used by the employee for breast-feeding or expressing milk as**
7 **paid rest periods, up to the amount of time the employer is required to provide as paid rest**
8 **periods. If an employee takes unpaid rest periods, the employer may allow the employee to**
9 **work before or after her normal shift to make up the amount of time used during the unpaid**
10 **rest periods. If the employee does not work to make up the amount of time used during the**
11 **unpaid rest periods, the employer is not required to compensate the employee for that time.**

12 **(3) An employer is not required to provide rest periods under this section if to do so**
13 **would impose an undue hardship on the operation of the employer's business.**

14 **(4)(a) An employer shall make reasonable efforts to provide a room or other location,**
15 **other than a public restroom or toilet stall, in close proximity to the employee's work area**
16 **for the employee to breast-feed or express milk in private.**

17 **(b) The room or other location may include:**

18 **(A) The employee's work area if the work area meets the requirements of paragraph (a)**
19 **of this subsection; or**

20 **(B) A child care facility in close proximity to the employee's work location where the**
21 **employee can breast-feed or express milk in private.**

22 **(5) An employer may allow an employee to temporarily change job duties if the employ-**
23 **ee's regular job duties do not allow her to breast-feed or express milk.**

24 **(6) This section applies only to an employer whose employee is breast-feeding or ex-**
25 **pressing milk for a child 18 months of age or younger.**

26 **(7) This section applies only to employers who employ 25 or more employees in the State**
27 **of Oregon for each working day during each of 20 or more calendar workweeks in the year**
28 **in which the rest periods are to be taken or in the year immediately preceding the year in**
29 **which the rest periods are to be taken.**

30 **SECTION 3. Section 2 of this 2005 Act applies only to conduct occurring on or after the**
31 **effective date of this 2005 Act.**

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