



# EMPLOYEE'S

## Guide to San Francisco

### Lactation Accommodations at Work

## All Employees in San Francisco have Lactation Rights at Work

### 1 A Clean and Private Space

- ✓ Cannot be a bathroom
- ✓ Must be safe, clean, shielded from view and free from intrusion
- ✓ Must have a place to sit and a place to set a breast pump
- ✓ Must have access to electricity
- ✓ Must have access to nearby sink with running water and a refrigerator

### 2 Time to Pump

Your employer must give you as much time as you need to pump, including set up and clean up. The time you pump, outside of your normal break time, does not need to be paid.

## How to Request Lactation Accommodations

- Your employer must give you a written lactation accommodation policy when you are hired and also when you ask about pregnancy or parental leave or tell your employer that you are expecting a baby.
- Ask your employer for lactation accommodations. You can ask for lactation accommodations orally, by email or in writing. No specific form is required. Your employer must respond in 5 business days.

If giving you lactation accommodations would be an undue hardship to your employer, they may claim an exemption to a specific requirement, but must communicate that to you in writing. Under state law, only employers with fewer than 50 employees may claim an undue hardship exemption.

**Employers may not interfere with or retaliate against employees for asking for or using lactation accommodations.**



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### Lactation in the Workplace Ordinance

According to the San Francisco Lactation Ordinance, employers must provide employees with **lactation breaks** and a **lactation location**, and must have a policy that explains how employees can request lactation accommodations. The following describes the necessary accommodations to be made for the requesting employee.

#### 1 Employers must have a written Lactation Accommodation Policy:

- Employers must give their Lactation Accommodation Policy to new employees and employees who ask about pregnancy or parental leave.
- Go to [www.sfgov.org/olse/lactation-workplace](http://www.sfgov.org/olse/lactation-workplace) for a sample policy.

#### 2 Employers must provide a clean and private space for lactation:

- Cannot be a bathroom
- Must be safe, clean, shielded from view and free from intrusion
- Must have a place to sit and a surface to set a breast pump
- Must have access to electricity
- Must have access to nearby sink with running water and a refrigerator

The space can be temporary or used for other purposes, as long as it is available for the lactating employee when needed. Check [www.sfgov.org/olse/lactation-workplace](http://www.sfgov.org/olse/lactation-workplace) for more information.

#### 3 Employers must provide time for employees to pump:

- Time is **not limited** and includes time for the employee set up and clean up.
- You do not need to pay employees for the time they pump unless it is during their break period.

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## How to Respond to a Request for Lactation Accommodations

- Give the employee the written lactation policy
- Respond to the request within 5 business days

If an employer believes that it is unable to provide any of the accommodations, it can claim “undue hardship” exemptions for the specific accommodations – **only for those employers with less than 50 employees**.

- If an employer claims an undue hardship for a specific accommodation, it must respond to its employee’s request for accommodations in writing.
- An employer claiming an exemption for one requirement must still comply with every other requirement of the Ordinance.

**Employers cannot interfere with or retaliate against employees for asking for or using lactation accommodations.**

Please contact the Office of Labor Standards Enforcement at [lactation@sfgov.org](mailto:lactation@sfgov.org) or at (415) 554-6406 with any questions.  
More information is available at [www.sfgov.org/olse/lactation-workplace](http://www.sfgov.org/olse/lactation-workplace).