

CHAMPS Webinar: February 3rd, 2021

Know the Law: Breastfeeding Legislation and Workplace Initiatives in Mississippi

Presenters:

Tess Lefmann, PhD, MSW, Assistant Professor of Social Work, The University of Mississippi, School of Applied Sciences

Cathy Carothers, BLA, IBCLC, FILCA, Mississippi CHAMPS Liaison and Trainer, Co-director, Every Mother, Inc.

ZOOM Meeting Info:

<https://bostonmedicalcenter.zoom.us/j/92562021152>, Meeting ID: 925 6202 1152
Dial-in by your location: +1 646 558 8656 US, +1 301 715 8592 US, +1 346 248 7799 US

Use the chat box for questions during the presentation.



Upcoming CHAMPS Wednesday Webinars, Spring Series 2021

*Webinars are held in collaboration with the Mississippi State Department of Health and the Bower Foundation,
and are scheduled on Wednesdays from 12-1p CST*

March 10th: Community Breastfeeding Support: The Latest From Mississippi

Panelists:

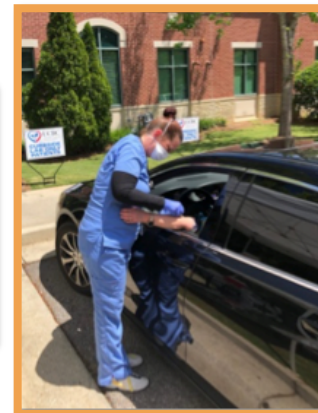
Rebecca B. Saenz, MD, FABM, Board of Directors President, Mother's Milk Bank of Mississippi

Tawanda Logan-Hurt, BSW, CLC, CHAMPS Mississippi Delta Community & Hospital Consultant; MSDH Region 1 Breastfeeding Coordinator

Jacinda Roach, PhD, RD, LD, Programs Officer, The Mississippi Public Health Institute

Jacqueline Lambert, Breastfeeding Coordinator, Delta Health Alliance

Chelesa Presley, CLC, CPST-I, CHW, Lead Facilitator, Crossroads Baby Café; Executive Director, Diaper Bank of the Delta; Owner, Early Dawn Birthing Services



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**Look out for details coming soon
about our April webinar with Baby-
Friendly USA, and our June webinar!**



If there are topics you would like covered in future webinars,
please email CHAMPSbreastfeed@gmail.com.

For log-in information or for slides and recordings
of past webinars, visit: cheerequity.org/webinars.html



Upcoming Conference!

CHEERing for CHAMPions:

Virtual Breastfeeding Conference 2021

May 19, 2021, 8AM-4PM CST! Registration opening tomorrow! Free Conference!

Keynote Speakers:

- ✧ **Michelle Y. Owens, MD, MS**, Division Chief and Fellowship; Director, Maternal Fetal Medicine, University of Mississippi Medical Center
- ✧ **Rafael Pérez-Escamilla, PhD**, Professor of Public Health, Director, Office of Public Health Practice; Director, Global Health Concentration, Yale School of Public Health
- ✧ **Diane Lynn Spatz, PhD, RN**, Professor of Perinatal Nursing & The Helen M. Shearer Professor of Nutrition, University of Pennsylvania School of Nursing; Nurse Scientist for the Lactation Program, Children's Hospital of Philadelphia
- ✧ **Kenn L. Harris**, Senior Project Director and Engagement Lead, National Institute for Children's Health Quality (NICHQ)



- The conference will offer clinical, racial equity, and Infant Feeding in Emergencies tracks, and will be accessible online for four weeks so attendees can catch all the sessions.

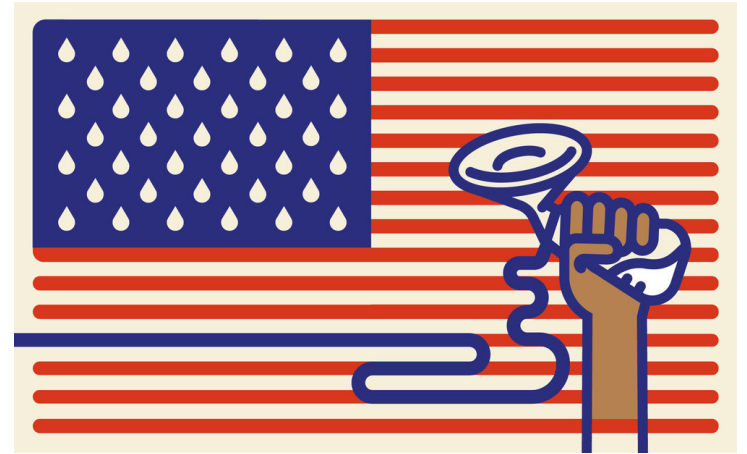
WORKPLACE BREASTFEEDING LEGISLATION

Tess Lefmann, PhD, MSSW
The University of Mississippi
School of Applied Sciences, Department of Social Work

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BREASTFEEDING LAWS WORK!

- Increase breastfeeding rates
- Allow women to earn a living
- Strong enforcement required for compliance



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FAIR LABOR STANDARDS ACT

- 1938 – minimum wage, 40 hour work week, “time and a half”
- 2010 – Break Time for Nursing Mothers Law
 - amendment of FLSA by Affordable Care Act to include provision that employers must provide:
 1. “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.”
 2. “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.”



EXEMPTIONS

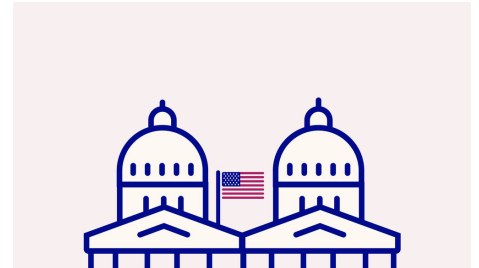
- Salaried employees are considered exempt from overtime protections and thus also exempt from break-time protections
 - Salary threshold of \$36,568 per year or \$684 per week
 - Teachers
 - RNs and NPs
 - Transportation workers
 - Agricultural workers
 - Managers
 - Retail workers (who receive at least half of their earnings on commission or 1.5xs federal minimum wage)
 - Small businesses with fewer than 50 employees (if causes undue hardship)
- Supporting Working Moms Act
 - would expand coverage to salaried and exempt employees



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FAIRNESS FOR BREASTFEEDING MOTHERS ACT

- July 2019
- “requires that certain public buildings that are open to the public and contain a public restroom provide a lactation room, other than a bathroom, that is hygienic and is available for use by members of the public to express milk. The lactation room must be shielded from public view, be free from intrusion, and contain a chair, a working surface, and (if the building is supplied with electricity) an electrical outlet.”
 - A public building may be excluded from such requirement at the discretion of the official responsible for its operation if
 - it does not contain a lactation room for employees and does not have a space that could be repurposed as one or that could be made private by using portable materials, at a reasonable cost; or
 - the cost of new construction required to create a lactation room is not feasible.



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ISSUES

- Space:
 - Chair and flat surface
 - 4' x 5' area
 - Shielded from view and intrusions
 - Not a bathroom
- Time:
 - “Reasonable” break time – need varies by age of child
 - Unpaid
- No provision to allow for feeding of child
- “express milk for her nursing child”



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ADDITIONAL MISSISSIPPI PROTECTIONS

- Length of protections under the Nursing Mothers Law is unlimited (only 1 year federally mandated)
- Child-care facilities are required to provide breastfeeding mothers (including employees) with a space other than a bathroom to pump or breastfeed. The space must include an outlet and be near a water source
- Nursing mothers are exempt from jury duty and indecent exposure laws



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MEAL AND BREAK LAWS

- Mississippi provision states that employers cannot prevent an employee from expressing breast milk during a pre-existing break or meal period.
- Mississippi does not have a required meal or break law.



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DIFFICULTY IN ENFORCEMENT

- Violations are to be filed with the Department of Labor's Wage and Hour Division
- The penalty is generally to compensate the employee for lost wages.....
- BUT breaks for expressing milk aren't required to be paid



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MISSISSIPPI PREGNANT WORKERS FAIRNESS ACT

- Currently in committee
- Would do the following:
 - prohibit discrimination in employment based on pregnancy, childbirth, or a related condition
 - provide definitions of terms: “reasonable accommodations”, “related conditions”, “undue hardship”
 - require that an employer provide written notice of the right to be free from discrimination in relation to pregnancy, childbirth and related conditions
 - create an actionable right for any person who is an employee and who believes his or her rights have been violated



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Workplace Breastfeeding Initiatives

Cathy Carothers, IBCLC, FILCA
Every Mother, Inc.



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See handout for relevant information from
presentation by Cathy Carothers

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Questions?

Unmute yourself or use the chat box to send in any questions you might have

Think of a question after the webinar?

Email the CHAMPS Team at champs.breastfeed@gmail.com!

Thank you for joining!

Tune in on March 10th for the next webinar in the series,

***Community Breastfeeding Support:
The Latest From Mississippi***

***And be on the lookout for registration information for our
May 19th conference coming SOON!***

