Washington State Department of Social & Health Services

Transforming lives

Administrative Policy No. 18.85

Subject:	Breastfeeding in the Workplace
Information Contact:	DSHS Human Resource Division
Authorizing Source:	RCW 43.70.640 Workplace Breastfeeding Policies The Patient Protection and Affordable Care Act of 2010 Washington Fair Labor Standards Act The Pregnancy Discrimination Act of 1978
Effective Date:	May 28, 2019
Revised:	July 26, 2023 1 Housekeeping 2/26/24 2 Housekeeping 1/14/2026
Approved By:	**Original signed by Wendy Long** Senior Director, Human Resources Division

DSHS Official

Purpose:

The Department of Social and Health Services (DSHS) is committed to providing a healthy work environment for breastfeeding or chest-feeding employees by ensuring they receive the accommodations necessary to provide for their infant(s) or children.

Scope:

This policy applies to all DSHS employees, interns, and volunteers.

Additional Guidance:

RCW 43.10.005 workplace pregnancy accommodations
Breaks for breastfeeding in the workplace micro-learning
Administrative policy 18.88 infants at work
Governor's executive order 13-06 improving health and productivity of state employees

Definitions:

Breastfeeding: For purposes of this policy, breastfeeding includes nursing an infant or child, expressing or pumping of milk by lactating employees to support feeding an infant or child; or breastfeeding or chest-feeding an infant or child to provide the child nutrition.

Policy:

A. Under Washington law, it is the right of a parent to breastfeed their infant "in any place of public resort, accommodation, assemblage, or amusement." DSHS recognizes the health benefits of breastmilk for infants and children, as well as the health benefits to employees who breastfeed. Therefore, DSHS supports employees in their need to breastfeed and express milk in the workplace. DSHS recognizes that breastfeeding is not considered indecent exposure.

B. As an employer, DSHS will provide (RCW 43.70.640 and RCW 43.10.005):

1. Reasonable break time for an employee to express milk for infant or child for up to two years after the birth of a child; and
2. A private room, other than a bathroom, that is shielded from view and free of intrusion from co-workers and the public.
3. A refrigerator to store breast milk and a place for hand washing and rinsing equipment.

C. Supervisors and managers will support breastfeeding and will allow them to flex their work hours within their assigned work shift to accommodate nursing and pumping when standard breaks and meal periods are not adequate. Breastfeeding employees must either adjust or make-up time or take leave to ensure they work the required number of hours in a workday or work-week.

D. A nursing infant or child may be brought to the workplace for an employee to nurse during breaks or lunch; however, the infant or child must not remain in the workplace beyond a reasonable time after nursing unless participating in the infants at work (IAW) program. Any visitor who brings an infant or child to the workplace for an employee to nurse during breaks or lunch must comply with DSHS security policies.

1. This policy shall not be construed to regularly allow nursing infants and children in the workplace unless participating in the IAW program.
2. Security policies apply as they relate to visitors.

E. Failure of an employer to provide an identified private space and the time to nurse is a violation of the Fair Labor Standards Act, chapter 49.46 RCW, DSHS administrative policy and Executive Order 13-06, and may result in disciplinary action up to and including dismissal.

[1] Link updates 2024 SharePoint move.
[2] Updated links for infants at work and security policies in D.

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