



LEGAL ALERT

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Colorado Employers Must Provide Accommodations for Working, Nursing Mothers

by Elizabeth J. McNamee and Kati Miller Rothgery

On Tuesday, August 5, 2008, a new Colorado law requiring employers to provide certain accommodations for nursing mothers takes effect. Under this law, employers – defined as “any person engaged in business who has one or more employees” – must allow nursing mothers reasonable break time in which to express breast milk, and must make reasonable efforts to provide a suitable private space in which to do so. The law also prohibits discrimination against nursing mothers.

The break time provided to nursing mothers can be unpaid, or employers can allow nursing mothers to use paid break or meal time for the purpose of expressing milk. Most mothers will need two or three breaks, of at least 15 minutes each during an eight to nine hour workday, in order to express adequate breast milk for their nursing babies.

With regard to the private space that must be provided to nursing mothers, the law expressly states that this space should be “other than” a restroom stall. The space can be a simple one, however, so long as it has a table, chair, and electrical outlet.

The United States Department of Health and Human Services reports that for every dollar spent on lactation programs, employers see a two dollar return.

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