

SENATE No. 00926

The Commonwealth of Massachusetts

PRESENTED BY:

Susan C. Fargo

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An act relative to family friendly employers.

PETITION OF:

NAME:

Susan C. Fargo

DISTRICT/ADDRESS:

Third Middlesex

SENATE No. 00926

By Ms. Fargo, petition (accompanied by bill, Senate, No. 926) of Fargo for legislation relative to family friendly employers [Joint Committee on Labor and Workforce Development].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An act relative to family friendly employers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 149 of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by inserting after section 105D, the following section:-

3 Section 105E. (a) For purposes of this section, the following words shall have the following
4 meanings:-

5 “Employee”, an employee as defined in section 1 of chapter 151B.

6 “Employer”, an employer as defined in section 1 of chapter 151B.

7 “Labor organization”, a labor organization as defined in section 1 of chapter 151B.

8 (b) No employer or labor organization shall prohibit an employee from expressing breast milk
9 during any meal period or other break period required by law to be provided by the employer or
10 required by a collective bargaining agreement. Employers and labor organizations shall also

11 provide reasonable unpaid break time each day to an employee who needs to express breast milk
12 for her child. If possible, the break time for breastfeeding shall run concurrently with any break
13 time already provided to the employee. The employer or labor organization shall make
14 reasonable efforts to provide a room or other location in close proximity to the work area, other
15 than a toilet stall, where the employee can express her breast milk in privacy. An employer or
16 labor organization is not required to provide break time for breastfeeding by an employee under
17 this section if to do so would unduly disrupt the operations of the employer or labor organization.

18 (c) It shall be an unlawful discriminatory practice for any employer or labor organization,
19 because an employee expresses milk at the workplace, to refuse to hire or employ or to bar or to
20 discharge from employment such employee or to discriminate against such employee in
21 compensation or in terms, conditions or privileges of employment, unless based upon a bona fide
22 occupational qualification.

23 (d) Violation of this section shall be subject to the second paragraph of section 150 and to section
24 180. An employer or labor organization shall be not liable for a violation of this section if
25 reasonable efforts have been made to comply with its provisions. Nothing in this section shall
26 prohibit employers or labor organizations from establishing internal rules and guidelines for
27 employees who may wish to breastfeed or express breast milk in the workplace.

28 SECTION 2. (a) The executive office of health and human services shall maintain and
29 make available for public inspection a list of businesses in the commonwealth and covered by
30 this act that it designates as accommodating the needs of lactating women in the workplace. A
31 business seeking such designation may submit its lactation policies to the executive office of
32 health and human services.

33 (b) The executive office of health and human services shall develop a unique identifying mark or
34 name to distinguish those designated businesses that accommodating the needs of lactating
35 women in the workplace and a business may use such mark or name in its promotional materials,
36 if the business develops and implements a written policy supporting the practice of workplace
37 lactation which includes the following elements:

38 (1) work schedule flexibility, including scheduling breaks and work patterns to provide
39 time for expression of milk;

40 (2) the provision of accessible locations allowing privacy other than a bathroom stall;

41 (3) access to an electrical outlet; and

42 (4) access near to a clean, safe water source and a sink for washing hands and any needed
43 breast-pumping equipment; and

44 (5) access to hygienic storage in the workplace for the mother's breast milk.