

\$3.8 Million Reasons To Take Lactation Laws Seriously

Some employers tend to scoff at the idea of lactation accommodation, but I can give you \$3.8 million reasons why lactation accommodation should be taken seriously.

In a recent case, a Tucson, Arizona jury awarded a fire paramedic \$3.8 million in damages because her employer failed to provide her with appropriate lactation accommodations in accordance with the Fair Labor Standards Act (FLSA). (As a refresher, the FLSA requires employers provide employees with a private location and reasonable breaks to pump. Many states have enacted laws with similar requirements.)

According to the female employee, following her return from maternity leave, she requested a transfer to a location that could best meet her pumping needs. The transfer was denied and instead the employee was required to work as a “swing” paramedic – floating between various locations, many of which did not have adequate pumping space. When the employee brought that to the employer’s attention, she was told that she could use the private bedrooms of fire chiefs or captains in the station houses. The employee advised her employer that this solution was inappropriate, as it would require her to wake these individuals every few hours. Rather than figure out a workable solution, the employer retaliated against the employee and continually harassed her about her desire to pump.

Ultimately, the employee filed a lawsuit against her employer alleging that the employer had violated her Title VII rights, the Fair Labor Standards Act and retaliated against her in both cases. The jury agreed and awarded her a verdict of \$3.8 million.

This case serves as a reminder to employers nationwide that the FLSA lactation accommodation requirements (and its state counterparts) should be taken seriously and failing to provide the required accommodations can prove extremely expensive. If you have a pregnant employee, it is strongly recommended that you familiarize yourself with both the lactation accommodation requirements under the FLSA but also state (and even local) law.