



Helping working families make it work.

Know Your Rights: Breastfeeding and Family Responsibility

District of Columbia

- ✚ **I need to express milk at work. Does my employer need to accommodate me?**
 - Yes. Under the Protecting Pregnant Workers Fairness Act of 2014, D.C. employers must provide reasonable accommodations for breastfeeding mothers to express milk at work. This could include longer breaks, a temporary transfer to a different position, or relocation of your work area for easier access to private space.
 - Similarly, under the D.C. Human Rights Act and the Fair Labor Standards Act, employers must allow employees to have reasonable break time to express milk for one year following the birth of a child. The employer must also provide a space, other than a bathroom, in which the employee can express milk in privacy.

- ✚ **Can my employer discriminate against me in hiring or promotion because of my family responsibilities?**
 - No. Under the D.C. Human Rights Act, all employers are prohibited from discriminating against you based on family responsibilities. This may also constitute sex-based discrimination under Title VII of the 1964 Civil Rights Act if your employer has 15 or more employees and discriminates against you on the basis of caregiving stereotypes associated with your sex.

- ✚ **Am I entitled to leave to care for my family?**
 - Maybe. The D.C. Family Medical Leave Act (DCFMLA) guarantees employees 16 weeks of unpaid family leave within a 24-month period following the birth or adoption of a child or to care for a family member with a serious medical condition. Leave taken following the birth or placement of a child must be used within 12 months of the birth or placement of the child with the employee. You are eligible if:

- Your workplace employs 20 or more people; and
 - You have worked for the employer continuously for at least one year; and
 - You have worked at least 1,000 hours in the last 12 months.
- The federal Family Medical Leave Act (FMLA) gives similar guarantees to employees but only provides 12 weeks of unpaid leave in one-year period for employees who work for an employer with 50 or more employees.
 - The D.C. Accrued Safe and Sick Leave Act allows employees in DC to accrue paid leave that can be used to care for an injured or sick relative. The amount of paid leave you can accrue depends on the number of employees working for your employer. Employees begin accruing leave on the day they are hired and are eligible to take leave after 90 days of employment.

Can my partner take leave?

- Maybe. Under DCFMLA, your partner is also entitled to take unpaid family leave if he or she works for a qualifying employer and meets the eligibility requirements. If you and your partner work for the same employer, the employer may limit your combined leave to 16 weeks in a 24-month period, with only 4 weeks of leave taken simultaneously.
- Under DCFMLA, family leave may be taken for a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the partner provides consistent parenting care but who is not biologically or legally related to the partner.
- If your partner is eligible for FMLA leave, he or she may take up to 12 weeks for the birth or placement of a child. Like the DCFMLA, the FMLA also allows family leave for employees who are not the biological or legal parent of the child, but who consistently provide parental care and financial support to the child. If you and your partner work for the same employer, the employer may limit your combined leave to 12 weeks.

What happens to my benefits and health insurance while I'm on leave?

- If you qualify for protected leave under DCFMLA or FMLA, your employer must continue to provide you with health insurance while you are on leave.
- When you return, you must be reinstated in your previous position, or a similar position with equivalent pay and benefits.

What can I do if I experience discrimination?

- If your employer discriminates against you because of your family responsibilities or fails to provide you with break time to express milk in a private space, you may file a complaint within one year of the discrimination with the D.C. Office of Human Rights: (202) 727-4559 or ohr@dc.gov.

- Complaints regarding your employer's failure to provide accommodation for you to express milk may also be filed within two years with the Wage and Hour Division of the Department of Labor: (866) 487-9243 or <http://www.dol.gov/wecanhelp/howtofilecomplaint.htm>.
- If believe your employer is discriminating against you based on stereotypical gender family roles, you may bring a claim under Title VII with the Equal Employment Opportunity Commission (EEOC) within 300 days from the discriminatory action: <http://www.eeoc.gov/employees/howtofile.cfm>.
- If your employer interferes with your ability to use accrued sick leave under the Accrued Safe and Sick Leave Act, you may file a complaint within 60 days with the Office of Wage and Hour of the D.C. Department of Employment Services: (202) 671-1880 or does@dc.gov.
- If you qualify for protected leave under DCFMLA, you can file a complaint within a year with the DC Office of Human Rights: (202) 727-4559 or ohr@dc.gov. If you are protected under FMLA, you may file a complaint within two years through the Wage and Hour Division of the Department of Labor: (866) 487-9243 or <http://www.dol.gov/wecanhelp/howtofilecomplaint.htm>.

Need legal assistance?

- This fact sheet is intended to provide general information about legal rights in the workplace. For legal advice about your own individual situation, please consult an attorney.
- First Shift Justice Project can advise you on these issues for free or low-cost. Please contact us at lbrown@firstshift.org or consult our website: www.firstshift.org.