



Helping working families make it work.

Know Your Rights: Breastfeeding and Family Responsibility

Maryland

+ I need to express milk at work. Does my employer need to accommodate me?

- Yes. According to the Fair Labor Standards Act, your employer must allow you reasonable break time to express milk for one year following the birth of your child. The employer must also provide a space, other than a bathroom, in which you can express milk in privacy.

+ Can my employer discriminate against me in hiring or promotion because of my family responsibilities?

- Probably not. If your employer has 15 or more employees and discriminates against you on the basis of caregiving stereotypes associated with your sex, this sex-based discrimination is prohibited under Title VII of the 1964 Civil Rights Act.
- If you work in Howard County, Montgomery Country, or Prince George's County, it is illegal under your county code for your employer to discriminate against you based on family responsibilities.

+ Am I entitled to leave to care for my family?

- Maybe. The federal Family Medical Leave Act (FMLA) requires employers to provide 12 weeks of unpaid family leave in a one-year period to care for a new child following the birth or placement of the child with the employee. Employees may also take leave to care for a family member with a serious medical condition.
- You are eligible under FMLA if:
 - Your workplace employs 50 or more people; and
 - You have worked for the employer for at least one year; and
 - You have worked at least 1,250 hours in the last 12 months.

- If your employer has between 15-49 employees, you may be covered under MD's Parental Leave Act. The PLA provides that eligible employees are entitled to six workweeks of unpaid parental leave during any 12-month period for the birth of the employee's child or the placement of a child with the employee for adoption or foster care.
- Under the Flexible Leave Act, if your employer has 15 or more employees and offers paid sick leave, your employer must allow you to use this leave to care for a sick family member. Your employer cannot discriminate or retaliate against you for using this leave.

✚ **Can my partner take leave?**

- Maybe. 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. 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 you and your partner work for the same employer, the employer may limit your combined leave to 12 weeks within a one-year period.

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

- If you qualify for protected leave under 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 fails to provide break time for you to express milk in a private space, you may file a complaint within two years of the discriminatory act with the Wage and Hour Division of the Department of Labor: (866) 487-9243 or <http://www.dol.gov/wecanhelp/howtofilecomplaint.htm>.
- If you 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 time the discrimination took place: <http://www.eeoc.gov/employees/howtofile.cfm>.
- If you work in Howard County, Montgomery County, or Prince George's County, you may file your complaint through your designated county commission:
 - Howard County Office of Human Rights: (410) 313-6430 or ohr@howardcountymd.gov. Claims must be filed within 6 months of the discriminatory action.

- Montgomery County Office of Human Rights: (240) 777-8450 or www.montgomerycountymd.gov/humanrights/. Claims must be filed within one year of the discriminatory action.
- Prince George's County Human Relations Commission: (301) 883-6270 or HRCStaff@co.pg.md.us. Claims must be filed within 6 months of the discriminatory action.
- If you qualify for protected leave under FMLA and your employer retaliates against you or prevents you from taking family leave, you may file a complaint within two years of the discriminatory act with 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.