

For more information on Hawaii state fair employment law prohibiting discrimination against an employee who breastfeeds or expresses breast milk in the workplace, contact the Hawaii Civil Rights Commission (HCRC):

Oahu: 586-8636

Kauai: 274-3141, Ext. 6-8636#

Maui: 984-2400, Ext. 6-8636#

Hawaii: 974-4000, Ext. 6-8636#

Lanai and Molokai: 1 (800) 468-4644, Ext. 6-8636#

For more information on taking legal action in response to an employer's denial to provide time or place to pump at work, contact the Hawaii Legal Aid office — Oahu: 536-4302 or Neighbor Islands: 1-800-499-4302 or the Hawaii State Bar Association Legal Referral Line at (808) 537-9140.

For more information on the federal FLSA employer requirements for breastfeeding and expression of breast milk, contact the U.S. Department of Labor (USDOL) Wage and Hour Division at (808)-541-1361 or 1-866-487-9243.

Additional resources can be found on the
Hawaii WIC website:

<http://health.hawaii.gov/wic>



Hawaii WIC Oahu: 586-8080
Neighbor Islands: 1-888-820-6425

USDA is an equal opportunity provider and employer.



Breastfeeding Promotion and Protection at the Worksite and in Public Hawaii's Laws

What Do Hawaii Laws Say?

Employment:

- Hawaii laws apply to ALL employees.
- An employer can not refuse to hire you just because you are breastfeeding.
- You cannot be fired for breastfeeding or pumping at work.
- You cannot be demoted, penalized, or have your pay withheld just because you are pumping at work.
- Your employer must provide you with break time and a place, other than a bathroom, to pump.

However, employers are not required to:

- Pay you for the time you take to pump if it takes longer than your normal paid break time.
- Provide time or place to pump if they have received an exemption from the law.

Breastfeeding in Public:

- It is against the law to deny or attempt to deny a woman breastfeeding her child the use of public places such as stores, parks and restaurants.
- Any woman who believes that her right has been violated may go to small claims court to stop the practice.

What Does the Federal Law Say?

Employment:

The Fair Labor Standards Act (FLSA) was changed to provide protection to nursing mothers. Under this act employers must:

- Provide reasonable break time for you to pump until your child is 1 year of age.
- Provide a private place for you to use while pumping that is not a bathroom.

However, employers are not required to:

- Pay you for the time you take to pump if it takes longer than your normal paid break time.
- Provide any of the above if their company has received an exemption from the United States Department of Labor.
- Provide any of the above if your position is considered “exempt” or if you are not allowed to earn overtime pay.

