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**ACLU and Legal Aid at Work Sue on Behalf of Employee
Who Asked for Lactation Room**

BARSTOW – When Jennifer Atkinson returned to work at a military base in the Mojave Desert after parental leave, she asked for a private room to pump breastmilk. It's her right under the Fair Labor Standards Act, which says employers have to provide a room for that purpose. But she didn't get one for several weeks, forcing her to pump in the bathroom and her car. When she was finally given a room, it was strummed with garbage, smelled, and had cockroaches. It had no working air conditioning.

Making matters far worse was a near-daily onslaught of sexual harassment in the form of crude remarks from male co-workers and supervisors, including, "Can I get milk with my coffee?" and "You do one and I'll do the other." Atkinson's complaints about the harassment to supervisors went unanswered, and eventually, she lost her job.

Today, the American Civil Liberties Union Foundations of Southern and Northern California, the non-profit Legal Aid at Work, and the law firm of Alexander Krakow + Glick LLP filed a lawsuit on Atkinson's behalf, charging that her former employers acted in violation of the American with Disabilities Act and Title VII of the Civil Rights Act of 1964, as well as the Fair Labor Standards Act.

The suit, filed in U.S. District Court in Riverside, names as defendants AECOM, Inc. and the U.S. Navy, which were Atkinson's joint employers when she first requested a lactation room. Also named is Pacific Architects and Engineers, a contractor that took over AECOM's work at the military facility.

"No one should have to endure this kind of abuse in the workplace," said **Aditi Fruitwala, Staff Attorney with the ACLU SoCal.**

"Subjecting a coworker – or even worse, a subordinate – to egregious comments about her breast size and milk production is not only a gross display of objectification and disrespect, it's also illegal."

Atkinson began working as a supply technician for AECOM, a global provider of technical and management support services, and jointly the Navy in 2014 at the Yermo annex of the Marine Corps Logistics Base near Barstow. During that time, AECOM was contracted to rebuild armored vehicles for the Navy.

She gave birth to her daughter in October 2016 and decided to breastfeed her baby because of well documented health benefits for the newborn, including a lower risk of SIDS, asthma, and infections. Her request for a private room was backed by federal law that says employers must provide "a place other than a bathroom that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk."

"As the U.S. Office of Women's Health states, 'breastfeeding saves lives, money, and time,'" said **attorney Katherine Wutchiett of Legal Aid at Work.** "When accommodations are not provided, new parents find themselves having to choose between giving up their income and not caring for their baby's health in the way that they wanted. No one should have to make that choice."

Atkinson was given a woefully substandard, infested, communal room in March 2017. And although the Fair Labor Standards Act says employees must be allowed break time "each time such employee has need to express the milk," Atkinson had to wait for the room to be cleared and was sometimes told to come back later. The only response

to her objections to the room was a small desk fan — hardly enough to deal with the problems.

Harassment was incessant, with one supervisor in particular making comments that included: "I'll help if you need me to, I don't mind" and "Let me buy you lunch. You just have to bring the milk." Another supervisor made similar comments, at one point asking for "milk for my donut."

Atkinson began to panic every time she needed to pump. Stress caused her volume of milk to dwindle, leaving her with an inadequate supply to feed her child. She was devastated. But even after she stopped pumping at work, the harassment didn't cease. In early June, she took a medical leave, receiving treatment for high blood pressure, anxiety, and similar symptoms.

In May 2018, while she was still on medical disability leave, AECOM's contract with the Navy ended. Typically, replacement contractors offer employment reinstatement to the previous staff. The employer who took over the work, Pacific Architects and Engineers, indeed rehired the vast majority of employees. But made no such offer to Atkinson.

Atkinson believes that the loss of her job was due to her request for a lactation space, her filing reports of harassment, and her medical leave. "A mother should not be subjected to infantile, intolerant acts of harassment because she had the audacity of choosing to give the best care for her infant daughter by breast feeding," said **Bernard Alexander, an attorney with Alexander Krakow + Glick LLP**. "Both public and private employers have a legal obligation to maintain a harassment free environment. Here, Navy and AECOM supervisors helped create and encourage this environment of lactation harassment, which is just another form of gender discrimination."

The lawsuit asks that because the actions against her were intentional, malicious, and done with reckless disregard to her rights under the law, she should receive compensation.

Read the lawsuit here:

https://www.aclusocal.org/sites/default/files/aclu_socal_20181218_atkinson_comp

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