

Conditions for breastfeeding facilities at the workplace - Costa Rica

June 25, 2018

The Ministry of Labor's Decree Number 41080, published in the Official Gazette on May 04, 2018, sets forth new conditions for breastfeeding facilities at the workplace. The Decree outlines the minimum conditions necessary to allow mothers, during work or intervals of time, to breastfeed their children safely and extract and store breast milk without risk of contamination. The new regulations on breastfeeding facilities are for companies with 30 or more female employees. The deadline to comply with the new requirements is May 04, 2019.

The Ministry of Health may apply the sanitary measures provided in the General Health Law, if the employer fails to comply with the regulations; additionally, the Labor authorities, according to the Labor Code, may punish the employer with fines from one (1) to twenty-three (23) base salaries of an Office Worker 1 (₡323.028.23- approx. US\$565), depending on the severity of the fault.

Breastfeeding Rooms must have at least:

- A minimum physical space of 6 square meters and a height of 2.40 centimeters.
- A refrigerator of at least 38 liters capacity to exclusively conserve breast milk.
- A small table. Two chairs with soft lining, backrest and armrests
- A trash can with lid and its plastic trash bags.
- Screens or curtains that guarantee privacy among working women.
- Natural and / or artificial lighting that guarantees appropriate lighting.
- Cleaning plan and a sink with liquid soap dispenser.
- Anti-slip material floor.
- The accessibility provisions of Law N° 7600.
- Evacuation instructions in case of an emergency.

The Employment, Labor and HR Practice of Dentons Muñoz– Costa Rica offers legal advice relating to:

- Legislation review to determine compliance with current labor regulations related to breastfeeding facilities.
- Legal opinions in reference to employment matters.
- Practical and strategic tips to prevent future legal issues.

To obtain legal advice on Costa Rican Labor and Employment Law, please do not hesitate to contact us

Your Key Contacts



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