

## Allies Already Poised to Comply: How Social Proximity Affects Lactation at Work Law Compliance

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This study demonstrates how legal compliance may be better achieved when organizations include individuals who will advocate for newly codified rights and related accommodations. To understand compliance with a new law and the rights it confers, this article examines as its case study the Lactation at Work law, which amends the Fair Labor Standards Act to mandate basic provisions for employees to express breast milk at work. In particular, this study interviewed those organizational actors who translate the law into the policies affecting workers' daily lives: supervising managers and human resources personnel. Those studied in this article were "Allies Already:" friends or relatives of breastfeeding workers, or ones themselves, who held pro-breastfeeding values and understood the complexities of combining lactation and employment. They mobilized within their organization to comply with the law swiftly and fully—often even overcomplying. This article demonstrates how heightened compliance, particularly with new laws, may be achieved even without directly affected actors mobilizing their own rights if allies champion needed accommodations.

After returning to work following maternity leave, some women employees combine paid employment with breastfeeding by expressing breast milk while at work. Until relatively recently, the law did not provide for accommodations of lactating employees. Growing awareness of the importance of breast milk and the difficulties of

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continuing to nurse while fully employed prompted various states and, eventually, the federal government, to pass Lactation at Work laws.

## **Alysha**

Alysha, a 32-year-old lactating employee, processed orders and other paperwork for a large manufacturing company. Because she worked in a cubical, she did not have sufficient privacy to express milk at her desk and had to go elsewhere each time she needed to pump breast milk. While this had been burdensome when she pumped for her first child, her current employer created a lactation room that made her milk expression much easier. She said:

When I had my first child at [another company], sometimes I'd pump [my breast milk] in the Ladies' Room. Once in a while, I pumped in my car. There just wasn't any place to pump...This [second] baby I had after the law changed. [My workplace] gave me my own key to a small room on the same floor as where I was working. [HR staff person on lactation issues, Gary] was so great. He really went out of his way to help. He found the room, he got me my own key, he would check in with me, like 'Do you need anything more in [the lactation room]?' I was very supported.

## **Gary**

Gary, the supportive HR person Alysha mentioned, knew about the difficulties of expressing milk at work because his wife had worked full time while breastfeeding their two children. Understanding breastfeeding as something worth supporting, he had tried to create lactation rooms for the women in the company who were breastfeeding over the past years, but found little support from management. However, after the law was passed, he could frame his request as an important component of compliance with the new law, and so was able to garner sufficient funds and suitable rooms. He said:

This was something I had tried to get going. Space is tight, so no area was willing to just give me a spare room. There were no rooms anyone thought of as 'spare.' I actually submitted a proposal about this to [upper management] as part of another report – a way to make our company more distinct, decrease turnover, help [employee] moms who are coming back to work. All that. Basically, they said I could do it, but didn't authorize me to take over any space, or any additional funds to do it. So,

basically no one would have stopped me, but no one helped do what needed to get done for this to happen.

Then after the law, I pulled that part of the report, made it its own thing. And this time, I could say, ‘Look! This is the law! We’ve got to do this. We either just barely do it, or do it well.’ And I convinced them to do it well, to give me more money to buy some things, to demand some rooms. I mean, the rooms were there, they just had to move things [around to clear out the rooms so they could be used as lactation rooms]...We help our employees to stop bad behavior – stop smoking, lose weight – but here we’re helping our employees, that is, our mom employees, to actually do a healthy behavior.

Gary and Alysha are not unique. In many other organizations I studied, individual managers or human resource supervisors were supportive of the goals of the new Lactation at Work law before it was even passed. They became “Allies Already” and advocated for accommodation of lactating employees’ needs, often surpassing what the law mandated.

The Lactation at Work law requires that the organization provide the lactating worker with a private, nonlavatory space and allow the employee “reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child’s birth” (Federal-Lactation-at-Work-Law 2010). The law was created because lactating employees need to express breast milk throughout the workday in order to maintain their milk supply. Additionally, if nursing mothers do not express milk when they need to, not only does the milk supply wane, but the women can develop painful and serious health issues including mastitis, engorged breasts, and blocked or infected milk ducts (Gartner et al. 2005).

Yet, successful milk expression at work is contingent on key structural factors affecting available time and private space to pump milk in the workplace (Dinour and Bai 2016; Jacknowitz 2008; Jantzer et al. 2018; Kim et al. 2019; McKinley and Hyde 2004; Ortiz et al. 2004). The Lactation at Work law was passed to address these impediments. Kozhimannil, Jou, Gjerdingen, and McGovern estimate that the federal Lactation at Work law covers almost 19 million paid-hourly employees, as well as millions more employees who are salaried (Kozhimannil et al. 2016).

Greater compliance with the law may be achieved when people rally around its enforcement (Epp 1998). Yet, often these advocates are only the people who will directly benefit from the law particular law. This can place an additional burden onto those who already are disadvantaged and in need of the law’s protection. This article asks

how mobilization by allies not directly aided by a new law might benefit those employees whom the law is meant to help and, subsequently, heighten their organizations' compliance.<sup>1</sup>

The focus of this project is the Lactation at Work law because it is a new law, in that, unlike other laws that extend, overturn, or alter an already existing law, the Lactation at Work law was truly new. As such, organizations had to interpret it without drawing on previous understandings of past incarnations of the law, since no past versions existed. Additionally, the Lactation at Work law required unique accommodations. While some accommodations might be similar to those of the Americans with Disabilities Act and others touch on similar issues as parental leave, nevertheless, the Lactation at Work law requires that organizations and their managers address issues particular to the lactating employee, issues unique to this new law. In this way, the Lactation at Work law presents an excellent opportunity to study how laws are "freshly" interpreted and how those understandings might evolve the longer the law is in force.

Extant research suggests that when laws have committed advocates, their effectiveness in changing past practices is increased (Boyle and Corle 2010; Hawkins 2013). Within an organization, DiMaggio coined the term "institutional entrepreneurs" to describe actors interested in specific intraorganizational changes who marshal resources to create new institutional arrangements or modify existing arrangements (DiMaggio 1988). This article argues that when institutional entrepreneurs mobilize around a new law, compliance—even overcompliance—becomes more possible, even without those specifically affected asserting their new rights themselves.

I suggest that allies, as a type of institutional entrepreneur, can be an important mechanism for achieving effective legal compliance within organizations. The institutional entrepreneurs discussed here were able to create swift and full compliance as soon as the law was in force, often surpassing the level of accommodation legally mandated. This also underscores the importance of acknowledging that, not only might some organizational actors not oppose regulation, but a subset may actually be key forces in implementing legal compliance.

Potential institutional entrepreneurs who are socially situated near key issues can drive legal compliance within their

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<sup>1</sup> The compliance addressed in this article focuses specifically on allocation of physical space to privately express breast milk. I focused on physical space—even though interviewees discussed both time and space accommodations—because physical space was more of a definite accommodation, while temporal accommodation could waver over time.

organizations because these actors' social proximity to the issues makes them keenly aware of the details surrounding the issues. In addition to having issue-specific knowledge, institutional entrepreneurs are also more likely to mobilize for greater compliance because they hold strong beliefs regarding issue-related initiatives, even when those beliefs violate conventional norms within their organizations. Casey and Smith (2010) emphasize that exposure to issues of inequality can be critical in becoming an ally or, arguably, an institutional entrepreneur. Because the law is not just a coercive weapon, but also a tool to educate and persuade the public and to frame and reframe social issues, it can empower institutional entrepreneurs to reach beyond the precise mandates of the law to call for swifter compliance and greater accommodations (Bernstein et al. 2009; McAdams 2017).

In fact, that use of the law is what this study found among a sizable minority of human resource personnel and supervising managers: the institutional entrepreneurs used the law's educative, coercive, and influential powers to advocate for prompt organizational compliance with the law and often achieved accommodation beyond what the law stipulated. This research examines human resource specialists and supervising managers who were in favor of lactation accommodations before the law mandating those accommodations was enacted. In contrast to supervisors discussed elsewhere (see Hoffmann forthcoming) who complied only by producing accommodations that were specified by law or were easily enabled due to pre-existing cultural or physical structures, these allies advocated for swift compliance and often overcompliance in their organizations.<sup>2</sup> These human resource specialists and managers were allies even before the law was passed because of their social proximity to the issue of lactation at work; they themselves had pumped milk at work, or a close friend or family member had. Their proximity not only sensitized them to the difficulties of lactation at work, but also facilitated their holding strong norms and values around breastfeeding and expressing milk at work. Motivated by their empathy and enabled by the new regulations, these allies became strong institutional entrepreneurs, creating swift compliance and successful innovations in their organizations.

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<sup>2</sup> This larger research project explored the various paths to compliance with the Lactation at Work law. The supervising managers and human resource specialists discussed in this article had the shortest, swiftest path. However, others did comply, although with less enthusiasm or after a longer period of time. As a two-wave qualitative study, this project was able to examine how compliance changed over time for some of those who took longer to embrace the health goals of the law. While some remained resistant to the law's goals, others eventually shifted over time to support lactating workers' breastfeeding goals, similarly to the Allies Already in this article.

## Empathy and Out-Group Allies

“Empathy” is a key concept that has garnered increased scholarly attention in recent years (e.g., Bandes 1996; Bandes and Blumenthal 2012; Decety 2011; Lynch and Haney 2011; Madeira 2006a, 2006b). Bandes and Blumenthal, in their review of the scholarship on law and emotion, defined empathy as the emotion that “sheds light on how individuals understand the minds, desires, and motivations of others” (Bandes and Blumenthal 2012: 170). Madeira, in her work on pain and civil adjudication, explained that empathy is similar to sympathy and compassion, but extends beyond these concepts to include “interpersonal demands made by comprehension of another’s pain and suffering” (Madeira 2006b: 47–48).

Greater social proximity to the issue at hand may contribute to increased empathy around the specific issue. For example, Yonker’s study of CEOs lay-off and pay-reduction decisions found that those establishments in or near the CEOs’ childhood homes were less likely to be negatively affected (Yonker 2017). Social scientists who study empathy distinguish between “trait empathy” and “situational empathy” (Plumm and Terrance 2009).

Trait empathy occurs when actors share an identity, such as race or gender, with another person with whom they feel empathy. For example, in studying pay inequality among lower-ranking female employees, Abraham identified managers’ gender as a key variable. She found that women managers were more likely to be fair and not discriminate based on employees’ gender when permitted less formalized pay systems (Abraham 2017).

Situational empathy occurs when individuals’ own direct experiences with an issue result in their being more sensitive when the same problem is experienced by others, and subsequently are willing to champion the other people’s situations (Plumm and Terrance 2009). For example, Moyer and Haire (2015) found that women judges who report having experienced sexual discrimination themselves were more likely to have empathy with women plaintiffs claiming discrimination. Specifically, they found that “judicial empathy for a plaintiff who alleges discriminatory treatment is not borne from a trait [such as both judge and plaintiff being female], but instead appears to form from [similar] experiences with discrimination” (Moyer and Haire 2015: 684).

Glynn and Sen’s study of judicial empathy found that the social proximity of personal relationships directly affects judicial decisionmaking. Specifically, judges with daughters took more feminist positions in cases that involved gender issues, than judges who only had sons (Glynn and Sen 2014). To illustrate this, Glynn and Sen describe conservative Chief Justice Rehnquist’s ruling that states

must comply with the Family and Medical Leave Act, having watched his divorced daughter struggle with tensions between work and home commitments; or Justice Blackmun witnessing his daughter drop out of college with an unplanned pregnancy prior to his writing the majority opinion legalizing abortion (Glynn and Sen 2014). Similarly, Cronqvist and Yu suggest a managerial “daughter effect”: firms, whose CEOs had daughters, have corporate social responsibility ratings that are 9 percent higher than similar firms, with the effect being significant for diversity, the environment, and employee relations issues (Cronqvist and Yu 2017).

Researchers have noted the correlation between personal experiences and shifts in political or ideological positions. For example, Reason and coauthors found that key factors in white undergraduates becoming “racial justice allies” were race-related coursework and high-quality interracial friendships (Reason et al. 2005: 530). Similarly, Kokkonen and Karlsson’s study of Swedish elected representatives found that friendships between the politicians and groups to which the politicians did not belong, created greater empathy and ally-activism by the politicians (Kokkonen and Karlsson 2017). These and other studies illustrate how empathy may grow as knowledge and familiarity with otherwise-removed issues increases.

## **Legal Compliance, Institutional Entrepreneurs, and Organizational Change**

How change occurs in organizations has been an intriguing scholarly topic for decades, and scholars of organizational change have long debated how much emphasis should be placed on the agency of the individual actors with the organization. Early versions of institutionalism focused on actors’ agency (see Selznick 1949); however, later research focused on more macro forces in understanding organizational change (Battilana 2006; Wijen and Ansa 2016). While much debate still exists, organizational researchers do agree that often “different types of forces and agents are involved” (Battilana et al. 2009: 668). Change could be created by groups of organizations, single organizations, groups of individuals, or single individuals within an organization.

Understanding how individuals become change agents has been a greater struggle because of “the paradox of embedded human agency” (Battilana 2006: 654; Scott and Davis 2007). That is, how do organizational actors, whose understandings are constrained by the norms of their organizations and whose possible actions are limited by the structure of their organizations, champion innovation and create change within the organization? Yet,



past research shows that organizational actors can overcome this paradox of embedded human agency—in other words that, even though they are embedded within their organizations and so constrained in how well they can initiate change, some people do change the organization from within.

DiMaggio argues that actors can advocate for organizational change—becoming what he called “institutional entrepreneurs”—when they have sufficient resources and recognize an “opportunity to realize interests that they value highly” (DiMaggio 1988: 14). Institutional entrepreneurs comply with the structure of their organizations yet challenge specific practices to advocate for alternative practices (DiMaggio 1988). Acknowledging that little scholarship on institutional entrepreneurship focuses on the individual, Battilana urges that we “study institutional entrepreneurship at the individual level [and thereby] tackle the paradox of embedded human agency” and better understand how individuals can contribute to institutional change while still being embedded within the constraints of the norms of the organization (Battilana 2006: 658).

In their study of compliance with the Americans with Disabilities Act, Barnes and Burke found that compliance, and possible overcompliance, hinged on “finding the ‘right’ person inside the organization, meaning someone who will internalize the social model perspective and serve as an advocate within the organization” (Barnes and Burke 2006: 508). In discussing “talking ATMs” for blind people, they describe how a particular bank resisted this accommodation until an advocate convinced a human resource officer to shadow a blind patron visiting the bank. “After the visit, the officer ‘got it,’ meaning that the individual realized that the access issues were significant” (Barnes and Burke 2006: 508). The bank no longer resisted installing talking ATMs and used their installation as a way to show the disabled community that it was taking their needs seriously (2006).

Similarly, in their study of environmental regulation, Kagan, Gunningham, and Thornton found that managerial attitudes and actions were far more important in corporate compliance than other factors such as corporate wealth, jurisdiction, or the manner of government enforcement. They categorized managers along a continuum: “regulatory laggards,” who were the least committed to compliance; “reluctant compliers,” who often made sufficient changes, but fell short of full compliance and often took short cuts; “committed compliers,” who would cooperate and even maintain a “margin of safety” but were purely reactive; “environmental strategists,” who overcomply and anticipate compliance issues; and finally the “true believers,” who sincerely saw compliance as the correct ethical action and as central to their corporations’ identity. Their work showed that the organization is not a monolithic body that is



driven solely by short-term, narrowly defined business goals, but, instead, is multifaceted and driven by many actors reflecting legal, economic, and societal contexts (Gunningham et al. 2003; Kagan et al. 2012). Kagan et al. show that organizations not only might willingly comply with (in their case, environmental) regulations, but might even comply beyond the regulatory mandates.

Institutional entrepreneurs frame or reframe their desired organizational change in ways that both encourage other groups not personally committed to the particular value to support the change and also “mobilize constituencies to infuse new beliefs, norms, and values into social structures” so that the change becomes established in the organization (Rao et al. 2000: 240). Successful institutional entrepreneurs often involve the innovation being incorporated in structures and processes of the organization (Wijen and Ansa 2016: 1079). Thus, greater compliance with a new law or regulation is heightened when its advocates are positioned to affect the daily workings of the organization (Barnes and Burke 2012). Yet, even if not in key positions of power, organizational actors can be effective institutional entrepreneurs, so long as they are situated within the organization with contact with important decision makers (Bockhaven et al. 2015).

The lactation policy institutional entrepreneurs in my study overcame “the paradox of embedded human agency” because their embeddedness within their organizations was sufficiently countered by their strong commitment to key norms outside the organizational mission—in this case, to values regarding lactation. The Lactation at Work law facilitated a focus on these values, enabling human resource personnel and supervising managers to think beyond their organizations’ established norms and become institutional entrepreneurs who championed full and swift compliance with the new Lactation at Work law. Much research indicates that the presence of a law can empower would-be advocates for the issues addressed by the law, enabling people to reframe their concerns and desires in ways they can assert more powerfully (Albiston 2005; Asta and Vacha-Haase 2013; Hoffmann 2003, 2005, 2012; McCann 1994; Trautner et al. 2013).

Additionally, those who may have disagreed with an issue originally, upon learning of the passage of a new law addressing that issue, could shift their beliefs to incorporate the norms of that law. Simply learning that the law now permits something otherwise forbidden, or criminalizes something previously allowed, will begin an internalization of this new norm with corresponding law-abiding behavior, demonstrating the law’s “expressive powers independent of the legal sanctions threatened on violators” (McAdams 2017: 6). This is because the law not only creates new official rules, but also proclaims loudly what is deemed acceptable,

laudable, and constructive—and what no longer should be tolerated (Bernstein et al. 2009). Legislation, especially recently passed laws such as the Lactation at Work law, studied here, can communicate that public opinion has shifted, what McAdams calls “attitudinal signaling” (McAdams 2017: 145). Thus, the law can effect change by “redefining the normative value of old practices or by creating the cognitive building blocks for new ones” (Suchman and Edelman 1996: 929).

Similarly, regulatory requirements add weight to the normative pressures around laws, heightening compliance (Kagan et al. 2012). Deterrent effects and organizations’ fear of violating regulations interact with feelings of duty to being a “good corporate citizen” and normative commitments. This can produce a more willing compliance than mere fear of the law could elicit. In fact, some organizations’ actors will “overcomply,” embracing accommodations that are well beyond those required by law (Kagan et al. 2012).

This study of compliance with the Lactation at Work Law draws on the earlier research, discussed above. It examines those organizational actors with close social proximity to the focus of the law: breast milk expression at work. Upon the law’s passage, the interviewees discussed here became institutional entrepreneurs in their organizations, using the law as leverage to compel swift compliance and often overcompliance in their workplaces.

## **Sampling and Methods**

To understand how compliance with a law might evolve over time, this study began with open-ended interviews shortly after each Lactation at Work law (see below) was in force. Because a key goal of this study is to not simply look at how the law becomes policy, but also how policy becomes enacted within the organization, this project triangulated its data perspectives through interviews with human resource personnel, who crafted the law into policy, supervising managers, who apply the policies to employees’ workdays, and the lactating employees whose daily needs to express milk are the focus of these laws and policies. Interviews with human resource personnel and supervising managers were repeated 4–6 years later.<sup>3</sup>

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<sup>3</sup> Sometimes, the supervising manager or the human resource specialist was not available for both waves of interviews. For some of the Indiana firms, only a supervising manager or a human resource specialist was available for either interview. Although I usually interviewed only one employee in each organization, occasionally more than one area of an organization had a milk-expressing employee available; in those organizations, I interviewed more than one employee and each woman’s supervising manager whenever possible.

This study found that human resource personnel and supervising managers had various “paths” to accomplishing compliance. Sometimes these paths were short and resulted in swift, enthusiastic compliance—this was the case for the “allies” discussed in this article. Other times, supervising managers resisted or resented compliance initially and only after learning more from their lactating employees did they fully embrace lactation-at-work policies (Hoffmann forthcoming). Other groups of human resource personnel and supervising managers never entirely supported the workplace accommodations or the pro-lactation goals (Hoffmann forthcoming). Each of these sets of findings explain how law and subsequent policy might be experienced “in action” and provide important insights into how compliance, accommodation, and employee support might or might not be achieved in the workplace.

### **The Lactation at Work Laws**

The study examines the Lactation at Work law in two different manifestations: as state-level legislation and as a federal law in the United States. First, I studied Indiana’s Ind. Code §5-10-6-2 and §22-2-14-2, passed in 2008. At that time, about half the states had passed similar legislation. Second, I studied the portion of section 7 of the Fair Labor Standards Act (FLSA), amended in 2010 by the Patient Protection and Affordable Care Act.

The state and federal laws are very similar except for three differences: First, the federal law specifies a cut-off time of 1 year after the birth of the child, while Indiana’s has no time limit for its applicability (as is true for most the other state Lactation at Work laws). Second, the federal law applies to all employers covered by the Fair Labor Standards Act (which includes most employers), while the Indiana law applies to employers with at least 25 employees and weakens the mandate by including language that the accommodations should be “to the extent reasonably possible.” Third, while the state law had no enforcement provision, the federal law enforced by the U.S. Department of Labor.

These laws were motivated by the growing interest in having more breastfed babies. For example, the Indiana State Department of Health stated, “Breastfeeding your baby is one of the best things you can do to give your baby the healthiest possible start in life” (Indiana State Department of Health 2008). While some debate exists over whether breast milk is or is not substantially better for babies than artificial formula, the law, itself, asserts some consensus within this controversy. Both the federal government and the Indiana state government distributed similar materials

explaining their new Lactation at Work laws to the business communities (Health Resources and Services Administration 2015).

Throughout this article, I will refer to “the Lactation at Work law” in the singular. Since these findings could apply to either the specific state law, or the federal law that mirrors it, since no significant differences were found, the phrase “the Lactation at Work law” refers to either law.

## **Sampling**

This project draws on 488 interviews with human resource specialists, supervising managers, and employees who were expressing breast milk at work. These interviewees were drawn from 113 businesses from 10 industries—construction, dining/hotel/tourism, education, finance, government, health/medical, manufacturing, media, retail, and transportation—as well as professional firms. This sample was constructed to achieve maximum variation in perspectives and experiences (Polkinghorne 2005).

Thus, this study draws on viewpoints and experiences from varied, multisited fieldwork across a range of industries for greater validity (Hind 2007; Lévi-Strauss 1969). These industries were selected because they provided a mix of businesses to include blue-collar and service sectors; predominantly female, gender neutral, and predominantly male businesses; high- and low-entry cost positions; and a wide range of substantive focuses.

I conducted interviews with 188 supervising managers and human relation specialists as well as 173 lactating employees. Human relation specialists were those working in human resource departments, or similar employee benefit departments, who oversaw their organizations’ interpretation and application of new policies. Supervising managers were those who directly oversaw workers and engaged in activities such as performance evaluation, scheduling, and assignments. For example, in hospitals, these manager-supervisors were clinic or division managers; in school systems, these managers were principals; in the tourism and finance industries, these were the general managers for a specific hotel or bank, respectively.

In 2009, I began interviewing lactating employees, human resource personnel, and supervising managers in Indiana to learn how businesses were interpreting and applying the new state law. Four to six years later, I reinterviewed a portion of those same human resource specialists and supervising managers to see if their interpretations, practices, or viewpoints had changed having lived with this new law for several years. To capture effects of the 2010 federal Lactation at Work law, in 2011, I expanded the study to Wisconsin, a state that had no state-level Lactation at Work law. In 2015–2016, I reinterviewed those Wisconsin human

resource specialists and supervising managers. Thus, for Wisconsin, the federal Lactation at Work law was a new law covering a new workplace issue, just as the state-level law had been new for Indiana. I chose Wisconsin because it is culturally similar to Indiana, both being central Midwestern states with similar racial and ethnic demographics.

These Wisconsin interviews were done initially to explore how organizations responded differently to federal laws than to state-level laws addressing the same goals. Interestingly, I did not find any meaningful differences between the Indiana and Wisconsin interviews. However, these similarities in data do indicate that businesses reacted to the Lactation at Work laws similarly, whether state or federal, with or without enforcement mechanisms, and, therefore, do validate this study's applicability beyond its immediate data.

Since this state law applied only to organizations that had at least 25 employees, and the federal law only to those with at least 50 employees, these numbers were minimums for the organizations included in the study. That is, when studying the state law in Indiana, the organizations I included had at least 25 employees. When interviewing in Wisconsin, I included only organizations with at least 50 employees.

Usually, I began by contacting businesses' human relations departments and interviewing the human resource specialist that had most relevance to the organization's lactation-at-work policies. Sometimes organizations had an entire human resources department; other times, they had only one or two people to serve this function. Next, I generally interviewed at least one employee who was currently or had pumped breast milk after the new law had been passed (if an organization had no employees who were expressing or had expressed milk at work, then I removed it from the study). The third interview often was the employee's supervising manager. I had asked the employee to refer me to others in the organization who also had pumped milk at work. Sometimes these led to interviews with additional employees. If those additional employees worked under different supervising managers, I would interview them as well.

This article addresses a subset of these data: it specifically analyzes only those human resource specialists and supervising managers with personal or close second-hand experience with pumping milk or nursing who were allies for lactating employees and advocated for swift and full compliance—and sometimes overcompliance. Other human resource specialists and supervising managers without personal or close second-hand experience or who were not lactating-employee allies are discussed elsewhere (see Hoffmann forthcoming).

## Methods

A key benefit of qualitative research is the high validity possible (Hind 2007; Lévi-Strauss 1969). The researcher does not simply read off a survey, but asks initial questions and then probes the responses to understand the fuller, more complete situation. Thus, the interviewer can understand the greater context, obtain a large overview, and can triangulate the accounts of differently situated interviewees with various bases of knowledge.

The interviews ranged from 20 minutes to just under 2 hours, with most lasting between 30 and 90 minutes. All interviews were recorded and transcribed. Thus, all quotations used in this article are direct quotes.

The interviews focused on understandings and application of the new Lactation at Work law. Questions included inquiries such as how they complied with the new law; how they explained it to others outside the organization; how they, themselves, learned about the law; and how they would explain the law to subordinates or peers within the organization. Interviewees were asked general, open-ended questions, but with some direct questions, especially as follow-up inquiries.

The transcribed interviews were coded, using the qualitative data software NVivo, for various themes. To analyze these interview data, I began with directed qualitative content analysis (Hseigh and Shannon 2005). I drew on specific research on legal compliance, advocacy, and organizational response to laws in order to shape my coding scheme. Thus, my analysis of the interview data began with specific ideas as to what topics and questions I wanted to investigate.

However, I then expanded my coding to conventional content analysis (Hseigh and Shannon 2005), locating additional coding categories directly from the text of the interviews. Sometimes these themes were responses to specific questions (e.g., “What sort of internal publications do you use to communicate about this law?” “What would an employee do if she felt she needed different accommodations for pumping breast milk?” and “What could she do if she didn’t receive the accommodation she requested?”). However, many others were extracted from the responses of interviewees to broader questions (e.g., “How would you explain the law to someone else in the same industry?” “What would you change about this law if you could just snap your fingers and it would be different?” and “How would you handle an employee who ...?”) or to follow up questions regarding other responses. Thus, many codes were not the result of a direct question or set of questions intended to measure a particular phenomenon, but were produced by careful analysis of interviewees’ various responses.

## Pumping Rights and Managerial Lactivism

Other members of management interviewed for this study (discussed elsewhere, see Hoffmann forthcoming), complied only by producing those accommodations that were specified by law or were easy for their organizations to implement due to pre-existing cultural or physical structures, such as a culture of relaxed and extended break-taking for all employees or buildings which provided private offices, rather than cubicles or open desk space, for all employees. However, the allies of the lactating employees addressed in this article were different. Knowledgeable about and committed to the issue of breastfeeding, this particular type of institutional entrepreneur advocated for swift compliance with the law, often implementing overcompliance in her or his organization.

### Empathy and the Proximity to Pumping Milk

Some managers and human resource specialists who were lactation-allies had expressed milk at work themselves. Having done so, they were aware of some of the difficulties of pumping at work. Thus, their relationship to the issue of expressing milk at work extended past compassion to include greater comprehension of the issue and others' experiences with it (Madeira 2006b).

Their personal decision to pump also may demonstrate an ideological commitment to breastfeeding. For example, this human resource specialist had expressed milk at work over a decade ago (prior to any Lactation at Work law). She spoke of breastfeeding facilitating mother-child bonding, particular for working mothers, demonstrating her ideological commitment to the issue, as well as her first-hand knowledge:

I had trouble finding spaces that worked in order to do the pump. I didn't have any office at the time. I was in a cubicle. So I tried to use other people's offices and they didn't like that. So ultimately is what I ended up doing is that I went into a closet, which housed our records. It was not a lot of room. I had to put a little sticky [note] on the door to tell people not to enter and I sat down on a little foot stool and plugged into an outlet that was in there. [Interviewer: Doesn't sound very comfortable.] No, it wasn't. So yeah I'm grateful that the laws have changed because I personally know what it's like to have to try to do that and not have any means or a way that's comfortable to do that.... I think that people frowned on it back then. They know that you're doing it and it was more of an inconvenience to them....Going through it myself, I understand what a necessity it is. You know, to be able to support that [milk expression and breast feeding], too, and the bonding between a mother and a



child. And just supporting the fact being workingwomen, they need this...They need this in order to be successful in their jobs as well as their personal lives. [023]

This woman emphasized her own experiences (“Going through it myself...”) as contributing to her understanding of the difficulty of milk expression at work.

This woman’s understanding of and compassion for the situation of her employees is what Plumm would label “situational empathy” insofar as she shared similar experiences with these employees (Plumm and Terrance 2009). This is similar to the judges in Moyer and Haire’s study of empathy with women plaintiffs in sex discrimination cases. If the women judges had experienced discrimination themselves, their empathy for these plaintiffs was greater (2015).

However, to the extent that these women occupied, or had occupied, a particular status within the organization that set them apart from colleagues—such as mother-employees or specifically lactating employees—they might have also experienced Plumm’s “trait empathy” (2009). Indeed, other researchers have documented that women workers who are known to be parents often are labeled and treated differently by supervisors and coworkers (see Albiston and O’Connor 2016; Benard and Correll 2010; Budig and England 2001; Gangl and Ziefle 2015; Glass and Fodor 2018; Mun and Brinton 2015; Nielsen 2017; Waldfogel 1998; Williams 2000).

The news director at a local television station, quoted below, had pumped milk for her own children, and tried to support her employees who also wished to express milk at work.

There was an empty office upstairs in the sales uh area, and it first started out as a place where people who weren’t feeling well could lie down...We call it The Quiet Room...When one of our employees came [back from maternity leave]...I let her have the key [to the Quiet Room] for about two months, three months, while she went up there twice a day. The other thing I did, it didn’t have a working computer in the Quiet Room. I got one set up so she could even sit at the computer and still read the wires or you know, chip away at her show—she was a producer—while pumping. So that she wasn’t just not doing anything, but she could actually still keep up with what was going on. So I got that computer installed up there. [011]

This supervising manager was proud of her own efforts on behalf of her lactating employees. As a mom who had pumped breast milk, she shared the status of “lactating worker” and so was empathetic about the need for a convenient place to pump, experiencing Abraham’s trait empathy (2017). As a newsperson, she also understood the importance of not wasting time or being

away from the wire services for too long. She initiated changes to address both sets of needs.

However, most other allies (over 70 percent)<sup>4</sup> had not been nursing mothers themselves. Instead, they had been educated about lactation and milk expression and sensitized to the value of breastfeeding because their wives, daughters, daughters-in-law, or close friends had breastfed. Yet, for them, as well, their second-hand experiences, greater knowledge, and heightened awareness had developed in them an empathy for employees struggling to successfully express milk at work. For example, the hotel manager, below, was cognizant of the value of breastfeeding because his wife had nursed, yet was also aware the struggles to express milk at work because of his wife's unsuccessful attempt to do so.

[Shortly before the Lactation at Work Law was passed, my wife and I had] just had our first son and she had gone back to work and they were going to allow her to take breaks to pump breast milk and she was able to do that. But after a couple weeks, it seemed like it became bothersome, like people were getting upset about it and it was some kind of burden and they didn't want to cover for her while she was on her break to do this, so... she just, rather than deal with all that, she just stopped doing it. And we start bottle feeding our son. [015]

His wife's negative workplace pumping made him a strong ally for his lactating workers, illustrating how managers' personal relationships increased their empathy regarding the issue of lactation at work. This was similar, for example, to the greater empathy for feminist positions by judges (Glynn and Sen 2014) or CEOs (Cronqvist and Yu 2017, Green and Homroy 2018: 35) who had daughters—whose close second-hand experience and greater understanding of the issues had sparked greater empathy.

Other human resource personnel and supervising managers also explained that they had become early allies of lactating employees because they had witnessed family members or friends struggle with trying to combine working and breastfeeding. For example, this middle school principal was an ally of lactating employees even before the law was passed. Because his wife had breastfed his children, he was aware of lactation issues and believed in the value of breastfeeding. His combination of greater knowledge and social proximity to this issue enabled him to empathize with his pumping employees, not just offering compassion for their difficulties but providing practical solutions.

<sup>4</sup> Forty-eight of the 188 human resource personnel and supervising managers interviewed were categorized as early allies. Of these 48, 13 (27 percent) had breastfed their children.

My wife nursed our children which are now ages 2, 4, and 6 years old. I do encourage [those I supervise] to nurse. We provide a place, as a matter of fact, last year we had a teacher who used her prep period to pump...I try to help them to nurse and pump. If I were a single guy, maybe, I would have a different viewpoint, but since my wife nursed, I understand the importance of it...I think the law is a good policy. It is something good: it is healthy for the baby and mother and it is cheaper. It is better for the parents and it should be encouraged as much as possible...Some managers may be uncomfortable because it is not something guys talk about. It is not something we think about – it's not something we think about if we do not have a wife. We just need to work together...I am fortunate because my wife nursed, so I understand. We have the space here. [010]

As this principal explained elsewhere during the interview, in the coming year, 3 out of his 100 employees planned to express milk when they returned from their maternity leaves. At 3 percent of all employees, his school had one of the highest percentages of lactating employees in this study.

Like the school principal, who felt that being a man made his pro-lactation advocacy more unusual, others felt that men—if they were allies—could be more effective advocates for lactating employees than women managers. The interviewee below explained that since the concept of breast milk and milk expression has some sexual nuance to it, he believed that, as a man, he could address the accommodation issues without inappropriate discussions waylaying his advocacy.

[But for management] to be more welcoming to the idea and more accepting of it, you really need someone to champion the program and get it going, you know, and be all gung-ho about it. Preferably, I think – since the joking around really comes from men mostly, you know about breast milk and boobs and all that; you can probably picture what some people say – I think, it works out, it worked out very well that the champion in my case was a male. [015]

Some women, as well as men, were allies due to social proximity rather than their own experiences. Over two-thirds of the women allies had not breastfed themselves. For example, this human resource specialist at a large manufacturing plant was empathetic to issues around milk expression because her daughters-in-law both breastfed.

I have two daughters-in-law, that both have breastfed grandsons, and the time that it takes, you know just listening to them

and just seeing if it would apply to a work setting and stuff. But I think we're pretty [accommodating of lactation]...I think we work with people. There's that culture here to try and work with people, so it's not that big of a deal, but it could be. [029]

Her daughters-in-law educated her to the difficulties of expressing milk at work and sensitized her to the importance of breastfeeding and breast milk. She did not simply sympathize with her lactating employees' struggles, but she empathized with their needs and created effective support. Using her position in the human resources office, this interviewee had created four lactation stations about 5 years before the (state) law was passed. However, once the law was in place, she was able to mobilize additional resources to more than triple the number of lactation rooms available across the factory campuses.

Greater empathy includes both increased knowledge about an issue and also heightened compassion toward the struggles surrounding the issue (see Glynn and Sen 2014). The personal experience or close social proximity of human resource specialists and supervising managers to the issue of expressing breast milk at work contributed to both of these components of empathy. These allies comprehended the physiology of lactation and of alternating between nursing and milk expression: for example, the risks of mastitis, the pain of milk-engorged breasts, the embarrassment of leaking breasts, and the need for continuous demand to maintain milk supply. This basic knowledge was a key component to them becoming allies to their lactating employees.

As the work by Reason et al. (2005) and by Broido (1997) on racism, sexism, and heterosexism demonstrates, education efforts to possible out-group allies can be important. Teaching facts about social problems can create allies who would advocate against various forms of oppression. The extant research shows that such education could be formal, such as college courses, or informal, such as conversations (Broido 1997; Fingerhut 2011; Kokkonen and Karlsson 2017; Reason et al. 2005; Russell 2011). These human resource specialists and supervising managers had a depth of understanding about the issue of milk expression at work to create effective support for their lactating employees.

Yet, these allies of lactating workers not only had knowledge about lactation and pumping, but they also shared a belief in the value of nursing and breast milk. Breast milk was perceived as being sufficiently superior to synthetic alternatives to warrant the additional hassles, stress, and discomfort for the mothers. Given this normative position and their physiological understanding, these allies believed that enabling milk expression at work to be a logical consequence.

The close social ties these allies had with family and friends who breastfed and, possibly, also expressed milk at work, influenced their values. This is comparable to Russell's (2011) and Fingerhut's (2011) findings that heterosexual actors' friendships with members of the Lesbian, Gay, Bisexual, and Transgender (LGBT) community increased their sensitivity to heterosexism and homophobia. Similarly, Casey and Smith's study illustrates this same experience in the men whose commitment against gender violence increased as their social networks sensitized them to the issue of anti-woman violence (2010).

In their development of empathy, these human resource specialists and supervising managers were knowledgeable about the difficulties of milk expression at work and compassionate toward their employees' struggles. They had the knowledge base to be effective advocates, understanding the physiology and emotions involved in pumping breastmilk at work. Also, they had developed sensitivity and ideological commitment to be willing to work for effective solutions.

Through their empathy, they became allies who were ready and willing to mobilize for lactation accommodations as soon as the law came into force. They did not need to be coerced by the law. Nor did they need to be educated about the law's health-related goals. Instead, they were able to use the law to further accommodations that they already supported, as the following section discusses.

### **Institutional Entrepreneurs and Legal Compliance**

The empathy toward their lactating employees motivated these supervising managers and human resource personnel to become what DiMaggio termed "institutional entrepreneurs" and champion swift and full compliance within their organizations (DiMaggio 1988: 14). Many of these actors had wanted to create lactation accommodations before the law was passed. Some had raised this issue, but met with resistance and a few had limited success with small concessions.

However, once the Lactation at Work law was passed, they embraced the law as a way to drive change in their organizations. For example, this human resource specialist at a private university explained that, although her earlier attempts had been unsuccessful, once she had the law behind her, she could reframe these accommodations as legally necessary, rather than a benevolent idea. In this way, accommodation became seen as consistent with the organization's secondary goal of legal compliance and so was worthwhile to do.

Actually, it was something we tried to do a few years ago, when I was doing primarily the wellness work and [my lactation

accommodation ideas] didn't have a whole lot of [upper management] support, reason being space. Space is always an issue. So to give up space to be able to provide women a place to, to nurse or to pump was difficult to find people willing to give it up. And then, there was an Indiana law that passed last July, so, kind of after that came, I brought it up again, saying, now it's our responsibility to do this. It's no longer a nice thing to do, it's a legal requirement. [025]

Clearly, the reasons for initial resistance did not change—space continued to be in short supply—but the new law made lactation accommodation a higher priority for her organization.

The director of the human resources department in a large hospital, quoted below, explained that, while space shortages were a problem for her organization as well, the law now reframed lactating employees' needs as important.

Now that there's a law [about lactation accommodation], it is easier now. No one listened, before. It just wasn't taken seriously. Before the law, we didn't have a way to show that it was important. The problem was available space and capital funding – no empty space available and no money to build the rooms. Any businesses that's big enough that will want to provide those spaces for mothers, they will run into those same challenges.... but now we can say that the law says we must. And so we did. Now they would listen. [106]

The passage of the Lactation at Work law allowed this director to reframe the issue as one of importance, rather than her own trivial, idiosyncratic agenda (e.g., Albiston 2005; McCann 1994). As Edelman and Suchman explain, the law creates change not through pure coercion, but by altering the normative value of innovations so that new practices can take hold in the organization (Edelman and Suchman 1997; Suchman and Edelman 1996).

My interview with a human resource specialist in manufacturing also illustrates this as she explained that passage of the Lactation at Work law transformed lactation accommodation from just being “a women's issue” into a legitimate concern, shifting the organization's normative commitment to this issue:

[In earlier years] I had talked about this, about the need to set up some places [for women to express milk]. I think it was seen as 'a women's issue' and so it wasn't taken seriously, and I couldn't move anything forward. Now, [higher management] is interested. It's a real issue now, because the law says it's something to be taken seriously. It's not *my* [sic] issue; it's a real issue. [098]

Elsewhere, she explained that as soon as lactation accommodation was seen as a “real issue,” she was able to quickly implement an accommodation policy to fully comply with the law.

As other researchers have documented, legislation does not simply create new law. Rather, it makes a clear normative declaration about what behavior is good and should be encouraged, and what is bad and ought to be condemned (Barnes and Burke 2012; Bernstein et al. 2009; Engel and Munger 1996, 2003; Gunningham et al. 2003; Kagan et al. 2012). By signaling a shift in public norms and bringing a new understanding of a possibly under-considered, under-valued issue, the law creates new feelings of duty (McAdams 2017). Thus, these interviewees’ earlier attempts to create lactation accommodations were ignored, but, once the law was passed, their proposals were adopted.

### **Overcompliance with the Law**

As empathetic allies, these lactation-accommodation institutional entrepreneurs both understood the mechanics and physiology that the accommodations needed to satisfy, and they also embraced pumping milk as a valued activity that they wanted to encourage and support. They realized that the basic requirements of the law might be insufficient for some women’s needs and would not provide the level of encouragement they felt was appropriate. The quote, below, from a university human relations specialist illustrates this drive to implement the law in a way that truly accommodates all lactating employees, resulting in accommodations far beyond the law’s dictates (see Kagan et al. 2012). Although she never breastfed her children, her daughter had.

I don’t have a budget for workplace at all. But I do ask people to donate things to me, so I’ve gotten bulletin boards donated. There was some money left at the end of the year one time and I was able to get some curtains to use in various places and a chair that we move around from place to place as needed. When we were doing away with a certain type of paper towel holder; I was able to get those so I could offer those to people in order to be able to have a paper towel holder in place in the nursing area for the nursing mothers.

Sometimes I have been able to get us small tables from Surplus Supply; they do charge five dollars for anything that’s minor and I usually just pay for them myself and put them in place. If they need painting I take them out and paint them so that they’ll look nice. But we can usually get those tables for them to put a pump on. And like I said, bulletin boards; people have donated to me so we put a bulletin board up so they can put up their child’s picture. [035]



Earlier in the interview, she explained that she had wanted to create lactation rooms before the law was passed, but did not believe she would get much support within HR and was reluctant to take on the building deputies who were in charge of allocating space in each building. However, once the law was passed, she quickly initiated a lactation policy and created lactation rooms across her campus, mobilizing university funds, volunteers' donations, and her own time and money.

This normative shift created by the law empowered the lactation allies to push for "overcompliance" (Gunningham et al. 2003; Kagan et al. 2012). The force of the law might have been sufficient to compel the organizations to adhere to the letter of the law, institutionalizing the exact requirements, but nothing more (as discussed elsewhere; see Hoffmann forthcoming). However, the normative and expressive power of the law enabled the allies to push for further accommodations, as a human resource specialist at another university explains:

For a few different options [I took] to the table with administration, I said, we could either be legally compliant or we could really do this well and, and market this as a benefit that we offer to our employees. And 'By all means!' they all agreed, 'We need to do this. We need to do it the right way.' It's not about getting it done as fast as we can or as cheap, but doing it well so that people want to use it and people appreciate the service that this provides them. So that was a very positive thing. [025]

Once the accommodations were mandated by law, they were legitimate. The law communicated that lactation needs were important and valid and so her university was willing to go beyond the basic, legally required accommodations.

Sometimes the overcompliance demanded substantial personal commitment. For example, the university human resources specialist whose daughter had breast fed (interviewee #035, above) not only created sufficient numbers of accessible lactation rooms, but also to make these rooms as inviting and pleasant as possible.

It was important to me to make the room functional and attractive. We found some lockers on campus that nobody wanted anymore. ...[When our office was] getting some new furniture, we [donated an old] table...[which partly] is light blue so it goes with the artwork that is in there... We wanted to just say: we care enough about you and want to encourage you to do this, so it is important for us to make this as nice as we can. [035]

Even though her office's mission was to serve employees' needs, she allowed the rooms to be used by students as well.

Similarly, Interviewee #059, quoted below, offered her law firm's lactation room to not just the employees but also any visitors:

When a visiting counsel from another firm was coming over to do depositions and was in a position where she needed to actually pump, and wasn't quite sure how to approach the firm, so she went to the reception desk, and she was whispering. She's like, 'Gosh I'm so embarrassed. I, do you have any place, a private space that I can, ah?' and she kind of hemmed and hawed until she got around to her point. Well, we were thrilled to be able to say, 'You know, we actually have a room! We have, actually, have a new mother's lounge dedicated for that. Let's take you back there!' And that was a huge selling point to that opposing counsel, that visitor and our guests, and we realized that it didn't need to be just for internal firm personnel. So we actually have that for use for anyone who comes into the firm, any new mother that needs that privacy to do so. [059]

Although she, and her firm, knew that providing the lactation room to visitors was not required by law, they chose to offer it to any lactating woman, including visitors, such as clients and other firms' attorneys, overcompensating beyond what the regulation dictates. In this way, the presence of the law was able create new practices of overcompliance as these lactation accommodations became understood as furthering the organization's secondary goal of being seen as welcoming of diverse needs (Albiston 2005).

The supervising manager at a large manufacturing plant, quoted below, had pumped milk at work herself. Although her organization provided rooms for expressing milk that were in basic compliance with the law, she found them difficult to locate. She took the initiative to create a flyer that her human relations department could give to women who returned from maternity leave, detailing exactly where to find each room where they could express milk.

I worked with HR to build their brochure for nursing moms to make it much more easy. I wrote directions specifically [explaining] how to walk to them from main spots because sometimes they're kind of hidden, because they'll be in more of closet-esque type locations that just, you know, have a sink and a nice sitting area but they're not always easy to find and especially if you're visiting another building and have a meeting there. [008]

Recognizing that substantial time spent searching for the lactation-approved rooms would detract from the time these women had to express milk, she felt strongly that these directions were necessary, even if not specifically stipulated by law.

## Lactation Experience and Minimal Compliance

All interviewees who were “Allies Already” had a personal or close second-hand experience with lactating at work. However, the reverse does not hold: some human resource specialists and supervising managers, who themselves had expressed milk at work, were not allies. Nevertheless, this second group still complied with the law sufficiently to create adequate accommodations, often using what was easily available within the cultural and physical structures of their organizations, even though they were not poised to comply or over-comply when the law came into force.

Of the 188 management interviewees, only three who had personal experience with lactation provided accommodations which, although legally compliant, were insufficient. An example is this human resource supervisor:

I was a lactating mom and had to go through it once myself, but I think it can be done as long as we keep, again, the employers’ needs in focus as well. [021]

As far as I can tell, no managerial interviewee with close connections to lactating and pumping failed to provide at least this level of accommodation. It is possible that I missed identifying some managers with close second-hand experience who resisted making adequate accommodations, but I believe this is unlikely. I believe that I identified all interviewees who had experiences with lactating and pumping. I asked everyone about personal and spousal experiences with lactating and pumping, and although the interview protocol did not ask if a close friend or nonspouse family member had pumped, I believe the open-ended nature of the interviews invited that information, which often emerged naturally. Yet no one who provided insufficient accommodation reported that they had a close friend or relative who nursed. Additionally, the interviews with the lactating workers could have provided examples of management with personal or close experiences who insufficiently accommodated, but none did.<sup>5</sup>

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<sup>5</sup> The closest for such an example is this: An interviewee, who pumped, herself, and was a lower-level manager at a restaurant, described her surprise that her uncooperative supervisor had children—but if they were breastfed or received expressed milk, she has no idea.

My duties at work didn’t stop just cause I left the door (laughs a little). I would get home from work and be texted or called by the time I walked in the door and [I’d] have to turn around and go back to work, like I’ve had to stop nursing my child to sleep at night to go into work and be able to stock. When I was on maternity leave they called me in asking me to go into work and deal with things. Jeez, well and that’s just really weird because a lot of like the male GM’s or the higher up you go they have children as well...You wouldn’t think it talking to them though. The way they would talk to me you wouldn’t think that

However, the possibility exists that there could have been a larger group of interviewees with personal connections to breastfeeding, who were not allies, whom this study did not identify. Such data could possibly suggest complicated factors regarding what conditions need to be in place for an HR specialist or supervising manager to become an ally. While existing data do not bear this out, it raises the possibility that an alternate causal connection, other than social proximity to breastfeeding, affects who becomes an ally.

## **Conclusions—Allies Poised for Compliance**

This article explored how compliance might be better and more fully achieved when advocates for that compliance reside within the affected organizations, by examining the Lactation at Work law as its case study. Allies of lactating employees had been aware of the issue of breastfeeding and the difficulties faced by women employees who combined breastfeeding with full employment. Differences in industry did not seem to affect the likelihood that a human resource specialist or supervising manager would be an ally. Already empathetic and knowledgeable, these particular institutional entrepreneurs were poised to push for full and swift compliance when the law came into force. Their values motivated them and their knowledge base enabled them to effectively champion accommodations that met or even surpassed the measures necessary for legal compliance.

In comparison to the five ideal types in Kagan et al.'s scale of environmental regulations compliance, the organizational actors discussed in this article fell between the "environmental strategists," who overcomplied, embraced creative solutions, and anticipated additional compliance issues, and the "true believers," who saw compliance as "the right thing to do" rather than simply being good for business. However, unlike the true believers, few allies saw lactation accommodations as central to their organizations' corporate identity (with the exception of some at medical facilities) (Gunningham et al. 2003, Kagan et al. 2003, 2012: 44).

However, unlike those complying with environmental regulations, the allies in this study developed their passion for compliance through personal experience or social proximity to the issue of lactation at work. Similar to earlier research on LGBT allies, for example,

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they had kids. I was really surprised to find out like I said that [the manager who had been particularly unaccommodating] I was like 'Oh he has a family... Really?!' (laughs) His wife must take care of everything and he just goes to work and it's like kind of a male chauvinist thing. [002]

If her unaccommodating supervising manager had had a wife who nursed and possibly pumped milk, he would have been a counterexample to the allies discussed in this chapter, but this did not emerge from the interview.

for whom LGBT friendships were often critical for becoming an ally (Broido 1997; Fingerhut 2011; Stotzer 2009), supervising managers' and human resource personnel's personal experience or social proximity to lactation at work—daughters, wives, in-laws, close friends—were key to becoming allies and institutional entrepreneurs within their organizations. These experiences and social connections both educated the allies regarding the physiology of lactation and milk expression and also imparted the belief in the value of breast milk and nursing.

Some scholars of institutional entrepreneurship, more generally, argue that “individuals who occupy higher hierarchical positions can rely on the authority associated with their position to impose divergent organizational changes” (Battilana et al. 2009: 665). However, the human resource specialists and supervising managers—the particular type of institutional entrepreneurs discussed in this study—often stated that their power within the organizations was too limited. Their places in their hierarchies were insufficient to enable them to create pro-lactation changes on their own. They believed that they also needed the backing of the law to champion these changes in their organizations. Without the accommodations being framed as legal compliance, most felt they would not have been successful.

These allies often saw the law as a way to shift the discussion to ultimately change “the existing cultural frameworks” (Albiston 2005: 18). The law enabled these allies to reframe lactation accommodations as important, rather than a lesser “women's issue.” The accommodations could be understood as supporting organizational goals, such as greater diversity, lower turnover, and legal compliance.

Kagan et al. (2003, 2012) argue that compliance is better achieved if it is seen as an important component for the key goals of the organization. However, other scholars of organizational change emphasize that compliance is heightened if the required changes are not seen as altering central parts of the organization, such as the business's primary mission (Edelman et al. 1999, 2001; Stryker 2007). These two caveats are not necessarily in conflict. The lactation allies were able to frame the lactation accommodations as consistent with secondary goals of their organizations—legal compliance, employee retention, and diverse workforce. However, they also presented the accommodations as not challenging their organizations' primary activities. In this way, their institutional entrepreneurship reached substantial success.

The disability advocates in Barnes and Burke's (2006) study of Americans with Disabilities Act compliance needed to convince a human resource officer of an accommodation-resistant bank to

shadow a blind patron as he struggled to use the facility. “After the visit, the officer ‘got it,’ meaning that the individual realized that the access issues were significant and that the bank could meaningfully reach out to the disabled community by installing talking ATMs” (Barnes and Burke 2006: 508). In the case of the Lactation at Work law, the allies of the lactation accommodations were the actors who “got it” because they had some personal experience with, or close social proximity to this issue.

This research has important implications for compliance with other civil rights and other laws including those addressing organizational accommodations and those targeted to diversity in the greater society. The prevalence of allies who had neither trait empathy (not being formerly lactating workers themselves) nor situational empathy (not having nursed or expressed milk at work themselves) (Plumm and Terrance 2009) offers the hope that strong allies can be developed who will advocate for swift and full compliance to provide various needed accommodations, even if they themselves lack first-hand experience. While debates continue over the importance of specific identity groups having member representation in various arenas, this research offers the possibility that even if certain groups do not have representation, they might be able to achieve some level of justice if they still have allies in key places.

Additionally, the importance of empathy underscores the need for outreach to and education of “outgroup” members. As Barnes and Burke observed, “formal rules are not self-executing; they must be mobilized” (Barnes and Burke 2012: 171). Education and greater awareness as well as friendships and social ties are all important to the success of various groups having advocates who will mobilize rules and laws so that various needs are met. The more people learn from each other and create social ties to different people at young ages, the greater will be society’s phalanx of allies and advocates for the variety of issues that need to be addressed.

Yet, this research also underscores the law’s crucial role—simply being willing to be an ally was not enough for successful advocacy; they needed the law on their side. The necessary accommodations had to be framed as compliance with a specific law, not simply a worthwhile concept. Many of the allies discussed in this article had tried earlier to create changes in their organizations but were not successful until after the Lactation at Work law was passed. This is not simply because the law provided a tool for change in an instrumentalist sense. Rather, the law signaled the emerging prominence of new values, validated the importance of the issue, and heightened awareness by the allies’ superiors of the need for accommodation in order to comply with the new law.

## References

- Abraham, Mabel (2017) "Pay Formalization Revisited: Considering the Effects of Manager Gender and Discretion on Closing the Gender Wage Gap," 60 *Academy of Management* 29–54.
- Albiston, Catherine & Lindsey Trimble O'Connor (2016) "Just Leave," 39 *Harvard J. of Law & Gender* 1–65.
- Albiston, Catherine R. (2005) "Bargaining in the Shadow of Social Institutions: Competing Discourses and Social Change in Workplace Mobilization of Civil Rights," 39 *Law & Society Rev.* 11–49.
- Asta, Elizabeth L. & Tammi Vacha-Haase (2013) "Heterosexual Ally Development in Counseling Psychologists: Experiences, Training, and Advocacy," 41 *The Counseling Psychologist* 493–529.
- Bandes, Susan (1996) "Empathy, Narrative, and Victim Impact Statements," 63 *The Univ. of Chicago Law Rev.* 361–412.
- Bandes, Susan A. & Jeremy A. Blumenthal (2012) "Emotion and the Law," 2012 *Annual Rev. of Law & Social Science* 161–81.
- Barnes, Jeb & Thomas F. Burke (2006) "The Diffusion of Rights: From Law on the Books to Organizational Rights Practices," 40 *Law & Society Rev.* 493–523.
- (2012) "Making Way: Legal Mobilization, Organizational Response, and Wheelchair Access," 46 *Law & Society Rev.* 167–98.
- Battilana, Julie (2006) "Agency and Institutions: The Enabling Role of Individuals' Social Position," 13 *Organization* 653–76.
- Battilana, Julie, Bernard Leca, & Eva Boxenbaum (2009) "How Actors Change Institutions: Towards a Theory of Institutional Entrepreneurship," 3 *Academy of Management Annals* 65–107.
- Benard, Stephen & Shelley J. Correll (2010) "Normative Discrimination and the Motherhood Penalty," 25 *Gender & Society* 616–46.
- Bernstein, Mary, Anna-Maria Marshall, & Scott Barclay (2009) "The Challenge of Law: Sexual Orientation, Gender Identity, and Social Movements," in Bernstein, M., A.-M. Marshall, & S. Barclay, eds., *Queer Mobilizations: LGBT Activists Confront the Law*. New York: NYU Press.
- Bockhaven, Wouter Van, Paul Matthyssens, & Koen Vandenbempt (2015) "Empowering the Underdog: Soft Power in the Development of Collective Institutional Entrepreneurship in Business Markets," 48 *Industrial Marketing Management* 174–86.
- Boyle, Elizabeth H. & Amelia C. Corle (2010) "Law and Culture in a Global Context: Interventions to Eradicate Genital Cutting," 6 *Annual Rev. of Law and Social Science* 195–215.
- Broido, Ellen M. (1997) *The Development of Social Justice Allies During College: A Phenomenological Investigation*. Doctor of Education, Counselor Education, The Pennsylvania State Univ., UMI.
- Budig, Michelle J. & Paula England (2001) "The Wage Penalty for Motherhood," 66 *American Sociological Rev.* 204–25.
- Casey, Erin & Tyler Smith (2010) "'How Can I Not?': Men's Pathways to Involvement in Anti-Violence against Women Work," 16 *Violence Against Women* 953–73.
- Cronqvist, Henrik & Frank Yu (2017) "Shaped by Their Daughters: Executives, Female Socialization, and Corporate Social Responsibility," 126 *J. of Financial Economics* 543–62.
- Decety, Jean (2011) in Ickes, William, ed., *The Social Neuroscience of Empathy*. Boston: The MIT Press.
- DiMaggio, Paul (1988) "Interest and Agency in Institutional Theory," in Zucker, L., ed., *Institutional Patterns and Organizations*. Cambridge, MA: Ballinger. 3–22.



- Dinour, Lauren M. & Yeon K. Bai (2016) "Breastfeeding: The Illusion of Choice," 26 *Women's Health Issues* 479–82.
- Edelman, Lauren B., Sally Riggs Fuller, & Iona Mara-Ditra (2001) "Diversity Rhetoric and the Managerialization of Law," 106 *American J. of Sociology* 1589–641.
- Edelman, Lauren B. & Mark C. Suchman (1997) "The Legal Environments of Organizations," 23 *Annual Rev. of Sociology* 479–515.
- Edelman, Lauren B., Christopher Uggen, & Howard S. Erlanger (1999) "The Endogeneity of Legal Regulation: Grievance Procedures as Rational Myth," 105 *American J. of Sociology* 406–54.
- Engel, David M. & Frank W. Munger (1996) "Rights, Remembrance, and the Reconciliation of Difference," 30 *Law & Society Rev.* 7–53.
- (2003) *Rights of Inclusion: Law and Identity in the Life Stories of Americans with Disabilities*. Chicago, IL: University of Chicago Press.
- Epp, Charles R. (1998) *The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective*. New York: Univ. of Chicago Press.
- Fingerhut, Adam W. (2011) "Straight Allies: What Predicts Heterosexuals' Alliance with the LGBT Community?" 41 *J. of Applied Social Psychology* 2230–48.
- Gangl, Markus & Andrea Ziefle (2015) "The Making of a Good Woman: Extended Parental Leave Entitlements and Mothers' Work Commitment in Germany," 121 *American J. of Sociology* 511–63.
- Gartner, Lawrence M., et al. (2005) "Breastfeeding and the Use of Human Milk," 115 *Pediatrics* 496–506.
- Glass, Christy & Eva Fodor (2018) "Managing Motherhood: Job Context and Employer Bias," 45 *Work and Occupation* 202–34.
- Glynn, Adam N. & Maya Sen (2014) "Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women's Issues?" 59 *American J. of Political Science* 37–54.
- Green, Colin P. & Swarnodeep Homroy (2018) "Female Directors, Board Committees and Firm Performance," 102 *European Economic Rev.* 19–38.
- Gunningham, Neil A., Robert A. Kagan, & Dorothy Thornton (2003) *Shades of Green: Business, Regulation, and Environment*. Berkeley: Stanford Univ. Press.
- Hawkins, Keith (2013) "Enforcing Regulation: Robert Kagan's Contribution—And Some Questions," 38 *Law & Social Inquiry* 950–72.
- Health Resources and Services Administration (2015) "The Business Case for Breastfeeding," *Maternal and Child Health*. U.S. Department of Health and Human Services. Available at: [https://www.womenshealth.gov/files/documents/bcfb\\_business-case-forbreastfeeding-for-business-managers.pdf](https://www.womenshealth.gov/files/documents/bcfb_business-case-forbreastfeeding-for-business-managers.pdf) (accessed 5 December 2015).
- Hind, Christine (2007) "Multi-Sited Ethnography as a Middle Range Methodology for Contemporary STS," 32 *Science, Technology & Human Values* 652–71.
- Hoffmann, Elizabeth A. (2003) "Legal Consciousness and Dispute Resolution: Different Disputing Behavior at Two Similar Taxicab Companies," 28 *Law & Social Inquiry* 691–715.
- (2005) "Dispute Resolution in a Worker Cooperative: Formal Procedures and Procedural Justice," 39 *Law & Society Rev.* 51–82.
- (2012) *Co-Operative Workplace Dispute Resolution: Organizational Structure, Ownership, and Ideology*. New York: Routledge.
- (forthcoming) *Pumping Justice: Law, Lactation, and Pathways to Social Change*. Cambridge: Cambridge University Press.
- Hseigh, Hsiu-Fang & Sarah E. Shannon (2005) "Three Approaches to Qualitative Content Analysis," 15 *Qualitative Health Research* 1277–88.
- Indiana State Department of Health (2008) *Breastfeeding*. Available at: <http://www.in.gov/isdh/25939.htm> (accessed 11 February 2016).
- Jacknowitz, Alison (2008) "The Role of Workplace Characteristics in Breastfeeding Practices," 47 *Women and Health* 87–111.

- Jantzer, Amanda M., Jenn Anderson, & Rebecca A. Kuehl (2018) "Breastfeeding Support in the Workplace: The Relationships among Breastfeeding Support, Work-Life Balance, and Job Satisfaction," 34 *J. of Human Lactation* 379–85.
- Kagan, Robert A., Neil Gunningham, & Dorothy Thornton (2003) "Explaining Corporate Environmental Performance: How Does Regulation Matter?" 37 *Law & Society Rev.* 51–90.
- (2012) "Fear, Duty, and Regulatory Compliance: Lessons from Three Research Projects," in Park, C. & V. L. Nielsen, eds., *Explaining Compliance: Business Responses to Regulation*. Northampton: Edward Edgar, 37–58.
- Kim, Julia H., Jong C. Shin, & Sharon M. Donovan (2019) "Effectiveness of Workplace Lactation Interventions on Breastfeeding Outcomes in the United States: An Updated Systematic Review," 35 *J. of Human Lactation* 100–13.
- Kokkonen, Andrej & David Karlsson (2017) "That's What Friends Are for: How Inter-group Friendships Promote Historically Disadvantaged Groups' Substantive Political Representation," 68 *British J. of Sociology* 693–717.
- Kozhimannil, Katy B., et al. (2016) "Access to Workplace Accommodations to Support Breastfeeding after Passage of the Affordable Care Act," 26 *Women's Health Issues* 6–13.
- Lévi-Strauss, Claude (1969) *The Elementary Structures of Kinship*. New York: Beacon Press.
- Lynch, Mona & Carol Haney (2011) "Mapping the Racial Bias of the White Male Capital Juror: Jury Composition and the 'Empathic Divide'," 45 *Law & Society Rev.* 69–102.
- Madeira, Jody Lynsee (2006a) "Lashing Reason to the Mast: Understanding Judicial Constraints on Emotion in Personal Injury Litigation," 40 *UC Davis Law Rev.* 137–97.
- (2006b) "Recognizing Odysseus' Scar: Reconceptualizing Pain and Its Empathic Role in Civil Adjudication," 34 *Florida State Univ. Law Rev.* 41–97.
- McAdams, Richard H. (2017) *The Expressive Powers of Law: Theories and Limits*. Cambridge, MA: Harvard Univ. Press.
- McCann, Michael W. (1994) *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*. Chicago: Univ. of Chicago Press.
- McKinley, Mary Nita & Janet Shibley Hyde (2004) "Personal Attitudes or Structural Factors? A Contextual Analysis of Breastfeeding Duration," 28 *Psychology of Women Q.* 388–99.
- Moyer, Laura P. & Susan B. Haire (2015) "Trailblazers and Those that Followed: Personal Experiences, Gender, and Judicial Empathy," 49 *Law & Society Rev.* 665–89.
- Mun, Eunmi & Mary C. Brinton (2015) "Workplace Matters: The Use of Parental Leave Policy in Japan," 42 *Work and Occupation* 335–69.
- Nielsen, Mathias Wullum (2017) "Scandinavian Approaches to Gender Equality in Academia: A Comparative Study," 61 *Scandinavian J. of Educational Research* 295–318.
- Ortiz, Joan, Kathryn McGilligan, & Patricia Kelly (2004) "Duration of Breast Milk Expression among Working Mothers Enrolled in an Employer-Sponsored Lactation Program," 30 *Pediatric Nursing* 111–19.
- Patient Protection and Affordable Care Act, P.L. 111-148 (2010).
- Plumm, Karyn M. & Cheryl A. Terrance (2009) "Battered Women Who Kill: The Impact of Expert Testimony and Empathy Induction in the Courtroom," 15 *Violence Against Women* 186–205.
- Polkinghorne, Donald E. (2005) "Language and Meaning: Data Collection in Qualitative Research," 52 *J. of Counseling Psychology* 137–45.
- Rao, Hayagreeva, Calvin Morrill, & Mayer N. Zald (2000) "Power Plays: How Social Movements and Collective Action Create New Organizational Forms," 22 *Research in Organizational Behavior* 237–81.
- Reason, Robert Dean, Elizabeth A. Roosa Millar, & Tara Scales (2005) "Toward a Model of Racial Justice Ally Development," 46 *J. of College Student Development* 530–46.

- Russell, Glenda M. (2011) "Motives of Heterosexual Allies in Collective Action for Equality," 67 *The J. of Social Issues* 376–93.
- Scott, William Richard & Gerald F. Davis (2007) *Organizations and Organizing: Rational, Natural, and Open System Perspectives*. New York: Prentice Hall.
- Selznick, Philip (1949) *TVA and the Grassroots: A Study of Politics and Organization*. Berkeley: Univ. of California Press.
- Stotzer, Rebecca L. (2009) "Straight Allies: Supportive Attitudes toward Lesbians, Gay Men, and Bisexuals in a College Sample," 60 *Sex Roles* 67–80.
- Stryker, Robin (2007) "Half Empty, Half Full, or Neither: Law, Inequality, and Social Change in Capitalist Democracies," 3 *Annual Rev. of Law & Social Science* 69–97.
- Suchman, Mark C. & Lauren B. Edelman (1996) "Legal Rational Myths: The New Institutionalism and the Law and Society Tradition," 21 *Law & Social Inquiry* 903–41.
- Trautner, Mary Nell, Erin Hatton, & Kelly E. Smith (2013) "What Workers Want Depends: Legal Knowledge and the Desire for Workplace Change among Day Laborers," 35 *Law & Policy* 319–40.
- Waldfoegel, Jane (1998) "Understanding the 'Family Gap' in Pay for Women and Children," 12 *J. of Economic Perspectives* 137–56.
- Wijen, Frank & Shahzad Ansa (2016) "Overcoming Inaction through Collective Institutional Entrepreneurship: Insights from Regime Theory," 28 *Organization Studies* 1079–100.
- Williams, Joan C. (2000) *Unbending Gender: Why Work and Family Conflict and What to Do About It*. Oxford, UK: Oxford Univ. Press.
- Yonker, Scott E. (2017) "Do Managers Give Hometown Labor an Edge?" 30 *The Rev. of Financial Studies* 3581–604.

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