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Abstract:

The Lactation at Work Law amended the Fair Labor Standards Act to mandate employer accommodation of employees' breast milk expression. Interviews with employees, human resource specialists, and supervising managers in nine industries found that some organizations' supervising managers, who initially perceived accommodations only as a legal mandate furthering managerial goals, over time changed to understanding lactation accommodations through a children's-health lens that created morality-driven motivations for legal compliance—a "moralization of the law." Educational discussions with lactating employees not only provided these supervising managers with insights into lactation at work, but also sensitized them to ethical issues surrounding lactation accommodations.

Continuing to nurse after returning to paid employment is a substantial challenge for many mothers, since few workplaces provided necessary accommodations. The Fair Labor Standards Act (FLSA), as well as numerous state-level laws, now mandate employer accommodation of employees' milk expression. This article explores the effects of recent changes to the law by drawing on interviews with employees and two waves of interviews with human resource (HR) specialists and supervising managers from nine industries. Reflecting the insight of extant scholarship that interpretation of a new law may change overtime, interviews were conducted soon after the Lactation at Work Law (LAWL) was passed and again about five years later.

Both the two-wave design and the inclusion of manager, HR personnel, and worker interviewees are all methodological innovations to this area of research. Little research in this area includes perspectives of workers along side HR personnel or managers. Additionally, most

research examining organizational response to law over time studies evolution in printed materials or relies upon interviewee recollection.

Changes to the law do not automatically translate into improvements in civil society. In the case of employment law, organizations and actors within them transform legal mandates into managerial objectives, shifting the focus from legal concepts to goals more important to management. For example, organizational actors have re-interpreted civil rights laws' equity-focused directives for greater diversity into explanations of how greater diversity would improve profit, efficiency, and other management aims (Dobbin, and Kelly 2007; Edelman 1992; Edelman, Erlanger, and Lande 1993; Edelman, and Suchman 1997; Edelman, Uggen, and Erlanger 1999; Edelman, Fuller, and Mara-Dittra 2001; Fuller, Edelman, and Matusik 2000; Kelly 2003; Kelly, Ammons, Chermack, and Moen. 2010).

In implementing these now-managerial goals, organizational actors create structures through which the law enters the workplace, resolving any ambiguity about the law with specific organizational structures. Sometimes these structures are merely symbolic, “rules that are unenforced, procedures that are biased, programs that are ineffective, and ideologies that legitimate extant racial and gender inequality” (Edelman 2016: 116). However, other times, these structures produce substantive change within the organizations, directly improving the lives of the employees, somewhat surprisingly to seasoned researchers (Albiston 2010; Berrey, Nelson, and Nielsen 2018; Edelman 2016; Stepan-Norris, and Kerriessey 2016).

In implementing LAWL, some organizations in this study had insufficient accommodations, creating policies and structures that were more symbolic than effective. In other organizations, I found effective accommodations, even though implementation and appreciation of accommodations were seen through the lens of managerial benefit. Most

surprisingly, I also found that some supervising managers who initially saw accommodations as required by law that furthered a managerial rationale shifted in their understanding to view accommodations through a moralistic lens. These managers engaged a “moralization of the law” – viewing the law through the lens of ethical aspects of children’s health to create morality-driven motivation for legal compliance.

This change was stimulated by educational conversations between lactating workers and their managers. Through these conversations, these managers changed how they approached lactation accommodations, moving from a lens of managerial goals (e.g., breastfed babies might require fewer sick days) to a moral focus that also included health-and-wellness goals, such the health of breastfed babies. With new understandings of lactation at work, these managers now valued their workers’ efforts at workplace milk expression and embraced a moral duty to support them – separate from any benefits to their organization or compulsion by the law. This “moralization of the law” resulted in moving beyond merely symbolic compliance with the law to real changes that ameliorated workplace experiences of lactating employees.

LAWL – although no longer compelling compliance instrumentally through threat of force – remained an important component in how lactating workers gained useful accommodations. By its very presence, the law legitimated expressing milk at work. Moreover, by mandating tangible accommodations, the law compelled discussion of whether accommodations were sufficient, thereby creating social space for educational conversations that led to moralization of the law.

Indeed, the fact that the lactating worker is expressing milk for someone else makes the accommodation request more powerful than simply asserting her workplace right under the law. Thus, the law becomes less visible over time as other logics or frames take over, while the goal

of the law (effective lactation accommodation) becomes reified within the organizational culture. However, this focus on the health-related morality of the accommodation may also shift focus away from the lactating worker herself and women's rights in the workplace. LAWL confers a right to the lactating employee, not her child; yet the children's health morality focus makes this labor right feel like a different kind of right. The intuitive appeal – and danger – of this discursive connotation is the cultural resonance about maternal care and women's roles. On the one hand, the woman worker can demand accommodations more forcefully by framing it as a child's health concern because they are advocating for someone else, not asserting their own needs. Yet, on the other hand, a motivation based on health concerns that could reify progressive organizational changes, could have macro-political effects that are very regressive eventually.

Applying the Lactation at Work Law

Workplace accommodation of lactation raises several unique concerns, mainly stemming from the anatomy-linked nature of lactation. Often, balancing work and home responsibilities falls more to women than men workers. (see Agocs, Langan, and Sanders 2015; Albiston 2010; Gangl, and Ziefle 2015; Glass 2004; Goldin 2006; Kelly, and Dobbin 1999; Kelly 2005; Perlow, and Kelly 2014; Waldfogel 2001; Whittington 2011; Williams 2000; Woodward 2015). This is often due to gender norms and social structuring of domestic duties, not any inherent biological linkage. An exception is reconciling breastfeeding and full-time employment, since only lactating mothers can physiologically fill this role. While home responsibilities can be ameliorated by help (e.g., grandparents) or organizational support (e.g., on-site childcare), only the mother expresses breast milk. Physiology of lactating makes this workplace accommodation a uniquely sex-tied issue.

Law's Application and Impact

Laws can affect what people believe to be morally correct. Laws have substantial symbolic power to communicate values and norms – sometimes shifting norms – within a society (Gusfield 1967; McAdams 2017). In this way, people who initially disagreed with a law’s purpose may change their beliefs to internalize new norms because the law “redefin[es] the normative value of old practices or by creating the cognitive building blocks for new ones” (Suchman, and Edelman 1996: 929). These “expressive powers independent of the legal sanctions threatened on violators” can create changed behavior even when enforcement is unlikely, sporadic, or not possible (McAdams 2017: 6).

Lovell’s work on civil rights claims demonstrates that people can even invoke “rights” that are not actually articulated by the law. His work on civil rights claims found that people engage idealized legal claims to express their pleas for justice, even though the law does not fully support their actual claims (Lovell 2012). With LAWL, sometimes the law’s specific requirements do not constrain accommodations, but inspire greater accommodations beyond those mandated by the law. Also, new rights articulated by the law may empower those affected to act differently and engage in confrontations or “rights talk” they might not otherwise have (McCann 1994). The presence of the rights-conferring law allows those affected to question and confront the previous status quo (Kostiner 2003)

Laws with “broad and ambiguous principles give organizations wide latitude to construct the meaning of compliance” (Edelman 1992: 1532). However, even if the law has minimal ambiguity, organizations applying the law might re-interpret the text substantially differently from the law’s original intent, but more advantageously for the organization (Kelly 2003; Stryker 2001). An organization can spin interpretations producing the appearance of compliance without substantively changing its behavior. In this way, organizations might “offer creative, self-

interested interpretations of law, even when the law is explicit and seems to point unambiguously to particular interpretations” (Kelly 2003: 615).

LAWL is more specific than many civil rights laws. It instructs organizations to provide lactating employees with a private space to express milk that is not a bathroom, to allow them to use their breaktime to express milk, and either provide, or allow the employee to provide, storage for the expressed milk. However, the law does not stipulate exactly what employers must do in terms of those space provisions or time allotments – the two key areas needing accommodation. For example, how convenient must the lactation space be and what happens if the time needed to travel to the designated lactation room consumes most of an employee’s break time?

Management and the Law

Workers’ needs often require management to deviate from usual ways of operation, yet organizations often find this difficult, since many aspects that could be altered to provide sufficient accommodation may seem unchangeable – institutionalized within the organizational culture (Berger, and Luckmann 1966). O’Brien documents how, even when addressing the Americans with Disabilities Act (ADA), employers expected the disabled to accommodate society, rather than disrupt what seemed “normal” (2001). In particular “many of the characteristics of work that seem natural, normal, and inevitable involve practices regarding time and employer control” (Albiston 2010: 1104). Yet, the *employee’s* control over her *time* and *place* to obtain necessary private space and minutes to pump milk is exactly what this law addresses.

It is these “practices implementing the policies [that] can alter the very definition” of those laws within the organization (Marshall 2005: 87). As organizations respond to, interpret,

and apply the law, that law becomes institutionalized and transformed by the very organizations that the laws are intended to control (Dobbin, and Kelly 2007; Edelman 2005; Fuller, Edelman et al. 2000; Kelly, Moen, and Tranby 2011; Marshall 2005; Stryker 2007).

Edelman notes that “as organizations become increasingly legalized, the law becomes managerialized;” focus shifts from legal concepts to managerial goals, creating policies that might only symbolize compliance, yet usually engender no true changes (Edelman 2005: 340). By managerializing the law, formal organizational structures and procedures transform legal imperatives, such as equality, into conventional managerial goals, such as efficiency, making changes that might or might not actually further the actual goals of the law (Edelman, Fuller et al. 2001; Seijts 2002). While Edelman and others recognize that managerialization can, on rare occasion, create effective compliance, the thrust of managerialization theory is that the replacement of legal ideals with managerial frameworks generally results in changes that are symbolic and inadequate. It is the unusual positive change, when the organization’s response creates effective results, discussed in this article.

Organizational Advocates

Relationships with the law vary between different organizational actors. Legal texts are HR specialists’ touchstones (see Marshall 2005; Suchman, and Edelman 1996), working more closely with lawyers and focusing on the specifics of legal compliance. In contrast, supervising managers are further removed from the letter of the law, often being less cooperative to legal compliance than HR specialists would be. Indeed, extant research shows that, while HR specialists bring the law into the organization, managers often block full compliance in quests for efficiency, control, and organizational goals (e.g., Gwartney-Gibbs, and Lach 1992; Hallden

2015; Hodson, and Roscigno 2004; Kelly, Moen, Oakes, Fan, Okechukwu, Davis, Hammer, Kossek, King, Hanson, Mierzwa, and Casper 2014; Marshall 2003). Yet, my data show the opposite: supervising managers embraced greater accommodation and compliance with the goals of the law.

Organizational reactions to the law can range from minimally compliant to enthusiastic compliance beyond the law's mandates. For example, in their study of environmental law, Kagan et al. documented differences in compliance between "committed compliers" who followed exactly what the law dictated, and "true believers" who saw environmental law compliance as important to their corporate identity (2012). Similarly, in their study of ADA compliance, Barnes and Burke contrasted those organizational actors whose compliance was "proactive [and] cooperative" because they had "internalized the social model of the ADA...describe[ing] themselves as partners of the disability community," with other actors who exhibited "minimalist practices," "reactive, cooperative rights practices," and "reactive minimalist practices" – all of whom either resisted compliance or complied without being proactive (2006: 507).

Transformation of powerful actors into moral allies can be critical in developing "policy entrepreneurs" for this law within organizations (Raymond, Weldon, Kelly, Arriaga, and Clark 2013). Less powerful actors can successfully transform powerful actors into allies through normative arguments as well as value-neutral information (e.g., Harrison, Lopez, and Martin 2015; Nielsen, and Parker 2012; Skitka, and Morgan 2014). For example, Desai and Kouchaki found that employees could induce greater ethical behavior by their supervisors by invoking and displaying moral symbols, such as religious icons or Gandhi (2017). Value-neutral information swayed powerful decision-makers in Weinberg and Nielsen's study of increased judicial empathy. when parties sensitized judges on matters with which they may have had little personal

experience (2012). In my study, lactating workers were able to use both normative arguments (e.g., milk as natural and health-promoting) and value-neutral information (e.g., how milk production worked) to transform supervising managers into “moral allies,” to use Becker’s term (1963), and, thus, could reframe compliance through a health-focused morality argument that created better accommodations for their lactation at work.

Sufficient access to those in power is often only available to people with adequate power themselves and educational discussions with powerful actors entails some level of risk (e.g., Abel 1982; Crenshaw 1988; Delgado, Dunn, Brown, Lee, and Hubbert 1985; Edelman, Erlanger et al. 1993; Galanter 1974; Grillo 1991; Hoffmann 2001; Hoffmann 2005; Lazerson 1982; McEwen, Mather, and Maiman 1994; Sarat 1990; Silbey, and Sarat 1989). By providing information that is unknown to the powerful actors, less-powerful employees may annoy or anger those whom they hope will become their allies. New information, especially when in opposition to previously held beliefs, is not always welcome and can cause aggravation (Boyle, and Corle 2010; Plumm, and Terrance 2009). Reflecting these insights, some of the lactating workers in my study were unable to have educational conversations with their supervising managers because they lacked power. Additionally, the women who were able to do so, often did so with some recognition that their assertiveness was not without risk.

Methodology

LAWL mandates that organizations accommodate lactating employees’ milk expression needs. Specifically, organizations must provide a private space to express milk that may not be a bathroom; they must allow lactating workers to use their breaktime to express milk, and either

provide refrigerated storage for the expressed milk, or allow the employee to do so for herself. Prior to the passage of the federal law, over half the states had passed very similar LAWLs.

This study examines LAWL in two different manifestations: as new state-level legislation in Indiana, Ind. Code §5-10-6-2 and §22-2-14-2, passed in 2008; and, at the federal level, an amendment to section 7 of the Fair Labor Standards Act (“FLSA”) in 2010.

Because the federal-level LAWL only protects those covered by the FLSA, thereby excluding employers with annual sales under \$500,000, some are concerned that this exclusion might apply to more female-dominated jobs, and so LAWL would not apply to many lactating workers – an important issue. In contrast, a key criticism of the state-level laws is that most included no penalty for non-compliance, but only set up the business for civil suits. However, federal LAWL addresses compliance and is enforceable by the Department of Labor (DoL), which, in response to complaints, conducts audits of organizations.

DoL audits are broad, addressing all aspects of the business, not just lactation accommodations, so that the initial motivation or focus of the audit is not obvious to the business. This lessens the likelihood of retribution against lactating workers who may have filed a complaint with the DoL. Nonetheless, the possibility of discrimination against those employees simply for requesting lactation accommodations exists. Indeed, another criticism of LAWLs is the lack of protection from discrimination against lactating workers.

I found no significant differences between the state and federal. Because no differences were found, the findings apply similarly to either the state or federal law; therefore, throughout this paper, I will refer to “LAWL” in the singular to refer to either law. However, this does refer to two separate pieces of legislation technically.

To study the law's application over time, this study began with open-ended interviews shortly after each LAWL (see below) was in force. This study triangulates the data perspectives through interviews with HR personnel, who crafted the law into policy, supervising managers, who apply the policies to employees' workdays, and lactating employees whose daily needs to express milk are the focus of these laws and policies. Interviews with HR personnel and supervising managers were repeated four to six years later.¹ This study was supported by National Science Foundation grant SES-0853534.

Sampling

This project draws on interviews with 173 employees who were expressing breast milk at work and 188 HR specialists and supervising managers. Interviewees were drawn from 113 businesses from professional firms and 10 industries – construction, dining/hotel/tourism, education, finance, government, health/medical, manufacturing, media, retail, and transportation. This study encompasses viewpoints and experiences from varied, multi-sited fieldwork across a range of industries for greater validity (Hind 2007; Lévi-Strauss 1969). These industries 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 foci.

HR specialists were those working in HR departments, or similar employee benefit departments, overseeing their organizations' interpretations and applications of new policies.

¹ Sometimes, the supervising manager or the HR specialist was not available for both waves of interviews. For some of the Indiana firms, only a supervising manager or a HR 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.

Supervising managers were those directly overseeing 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, principals; in the tourism and finance industries, general managers for a specific hotel or bank.

This paper addresses a subset of the data: including only those HR specialists and supervising managers who had no personal or close second-hand experience with pumping milk or nursing. Those with direct or near-indirect experience are discussed fully and exclusively in another publication (Hoffmann 2019). Because of their social proximity to the issues of breastfeeding and expressing milk at work, these were HR personnel and supervising managers who advocated for full lactation accommodation at, or even before, Time 1. They often used the law to create legitimacy for lactation needs within their organizations. With the law as leverage, they implemented accommodations that met and even exceeded the legal requirements.

In 2009, I began interviewing lactating employees, HR personnel, and supervising managers in Indiana to learn how businesses were interpreting and applying the new state law. Four to six years after the initial interviews, HR specialists and managers were re-interviewed 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 LAWL, in 2011, I expanded the study to Wisconsin, a state that had no state-level LAWL, with re-interviewing in 2015-16.

Thus, for Wisconsin, the federal LAWL was a new law covering a new workplace issue, just as the state-level law had been new for Indiana. I chose Wisconsin for its cultural similarity to Indiana, both being central Midwestern states with similar racial and ethnic demographics. Wisconsin interviews were initially performed to explore how organizations responded

differently to federal than state laws addressing the same goals. There were no meaningful differences between the Indiana and Wisconsin interviews.

Interviews

Interviews ranged from 20-120 minutes, most lasted between 30-90 minutes. All interviews were recorded and transcribed. All quotations are direct quotes. A strategic decision was made to interview both supervising managers and human relation specialists. Whereas compliance professionals, like HR specialists, interpret the law and craft policy in response to those laws, mid-level managers directly transform these policies into day-to-day workplace reality.

Interviews focused on understandings and application of the new LAWL. Questions addressed how they complied with the new law; how they explained it to others outside their organizations; how they, themselves, learned about the law; and how they would explain the law to subordinates or peers. Interviewees were asked general, open-ended questions, but with some direct questions, especially for follow-up.

Transcribed interviews were coded using qualitative data software (NVivo). To analyze these interview data, I began with directed qualitative content analysis (Hseigh, and Shannon 2005), with specific ideas for topics and questions to investigate. The coding scheme draws on specific research on workplace accommodation, legal compliance, and organizational response to laws. Coding was expanded to conventional content analysis (Hseigh, and Shannon 2005), locating additional coding categories directly from interview transcriptions. 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?” “What could she do if she didn’t receive the accommodation she requested?”). Many others were extracted from responses 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?” “How would you handle an employee who ...?”) or to follow-up questions regarding other responses. Thus, many codes were not the result of direct questions or sets of questions intended to measure a particular phenomenon, but were produced by careful analysis of responses.

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 researcher is able to understand the greater context, to obtain a large overview, and can triangulate the accounts of differently situated interviewees with various bases of knowledge” (Hoffmann 2008: 274).

Interviewees in this study were asked open-ended questions on a wide variety of work-related topics. Open-ended interviewing uses a simple, straightforward structure of a predetermined initial set of questions with each interviewee, to ensure coverage of key topics with everyone. However, this was not simply an oral survey whose responses could be tabulated to capture trends. Rather, through both initial probes and follow-up questions, I could develop interviews in the most productive way and explore all fruitful comments given by subjects. By permitting the interviewee to expand on any question or even move to other topics altogether, and by following interviewees’ tangents with appropriate additional questions, I could increase

the amount of data collected, ensure greater credibility and dependability of the data, and heighten the study's validity (Denzin and Lincoln 2000; Hoffmann 2007). Thus, the thrust of these data is to explore themes and competing conceptualizations, not frequencies. Throughout this paper, percentages or other statistics are not provided, in order to maintain focus on the narrative of concepts (Denzin and Lincoln 2000; Hoffmann 2007).

Findings

The success of LAWL in addressing lactating workers' needs was substantially mediated by how management interpreted and applied the law. This law could not achieve adequate accommodations if HR personnel and managers refused to cede some of their managerial control to the *employee's* control over her time and place in order to have the necessary private space and minutes to pump milk. Yet, control over workers' time and physical placement are the two key areas of managerial control least easily surrendered by management (Albiston 2010). As the literature notes with regard to other laws, to maintain managerial control, yet be seen as complying with the law, organizations transform the law toward the organizations' purposes, often with the result of insufficient changes (Dobbin, and Kelly 2007; Edelman 2005; Fuller, Edelman et al. 2000; Kelly, Moen et al. 2011; Marshall 2005; Stryker 2007).

Managerialization

Organizations engage in managerialization by interpreting legal compliance in ways that preserve the organizations' core operations yet protects the organization from substantial legal scrutiny. Most often, the literature identifies ways that this managerialization creates purely symbolic, inadequate compliance; the translation of legal ideals into managerial goals results in

neutralizing the law in order to preserve organizational priorities (Edelman 2016). However, I identified several organizations where effective accommodations resulted from managerialization of LAWL; while this has been acknowledged as a theoretical possibility, it is seldom observed. When applying LAWL, sometimes managerialization resulted in more substantive, less purely symbolic compliance. This was when lactation accommodations complemented the culture or structure of that particular organization and so caused negligible disruption. Further discussion of this somewhat surprising finding regarding managerialization is outside the scope of this present article, but see (Hoffmann 2019; Hoffmann 2021) for more discussion.

Much more frequently, however, managerialization in the literature results in symbolic compliance and inadequate organizational changes, such as in the following discussion of a pre-established wellness room at a data analysis business. In their interviews, the lactating employee's manager and HR specialist praised the law and the business's wellness room as benefitting morale and diminishing turnover. However, the wellness room was a poor accommodation, being far from where the employee worked, even though it satisfied the requirements of the law.

People could use [the wellness room] if they needed to take insulin, or they needed a private place to pray, or needed to — I don't know — take care of some personal business or something. So I was told I could use that wellness room during my breaks and lunch hour. But it's on the second floor and I'm on the fifth floor, on the other side of the building. And, by the time I got my pump and then went to the wellness room, that was ten minutes right there. And then another ten to come back, that's twenty minutes. And it would often take me a while before [my milk would start to flow freely], so it would often take me about forty minutes. [W090]

The wellness room benefited the employer by providing proof of its compliance without detracting from its pre-existing ways of working. The physical accommodation conformed to the

letter of the law—private space, not a lavatory. However, because this company’s wellness room was inconveniently located and the employee was not allowed sufficient break time to travel to and from the wellness room and express milk, the accommodations were merely symbolically compliant. The law was satisfied officially, but, in practice, no workable solution was provided.

In this organization, compliance seemed easy since there already was a wellness room that met requirements; allowing this employee to use that space in no way challenged existing managerial method or threatened core operations. However, allowing the lactating employee sufficient breaktime was too great a disruption to operations and was beyond any possible management flexibility. This organization officially complied with the law, praised the law’s accommodations’ managerial benefits, yet the compliance was merely symbolic, resulting in little real change.

This nicely illustrates managerialization. This organization engaged in no change to comply with the law. It presented what was already in place as if it were law-driven accommodation. In fact, in shifting from legal goals to managerial priorities, these accommodations were insufficient and, while not inconveniencing the employer, did not provide adequate benefit to the lactating worker.

Educational Conversations: From Managerialization to Children’s Health

However, in some organizations, managers’ focus shifted from both the law and managerial motivations to include a moral framework of children’s health. These managers became Morality-Motivated Advocates, supporting their lactating employees, drawing on health-focused rhetoric and implementing accommodations beyond the minimum requirements when necessary. These managers went from – sometimes begrudgingly – just complying with the law

at Time 1 to fully supporting lactation accommodations, five years later, at Time 2. During second wave interviews, about two-thirds of managers (who had not been Allies Already at Time 1, above in “Sampling”) no longer described their understanding of lactation accommodations exclusively through the lens of managerial needs, as they had done at Time 1, but had shifted to include a morality-based health-and-wellness understanding of LAWL to justify fully complying or even exceeding legal mandates. In contrast, HR personnel continued to maintain their focus solely on benefit to the organization.

This new focus on health and wellness was not simply a means to a managerial end (e.g., fewer sick kids results in fewer sick days of parents missing work), nor was it a strategic way to help their organizations. Instead, this seemed to be a focus on health for its own sake. For example, during his second interview, this middle-aged, white manager in the transportation industry explained his focus on the health benefits of breastfeeding for the children of his staff:

By breastfeeding the baby, the mother gets health benefits – like less cancer likelihood, and mental health benefits – but also the baby gets loads of health benefits: fewer infections, less allergies, less likely to be overweight, and on and on. It’s not just about the employee and the law, but it’s about the health of the babies. If they’re breastfed, they’ll be healthier and they can’t be breastfed unless their moms pump the milk. So it’s up to us, to me, to supervisors, to support those moms so that their babies can be healthy. [168]

This contrasts with the comments he made during his first interview:

This is a good law. It helps employees return to work. They want to have a baby, but then also nurse them and do that for them. And this law helps them do both. They use their breaks to go off and do that. Otherwise, we lose employees and we need to hire and train someone else. [168]

His initial focus was on managerial benefits from LAWL and how it met goals beneficial to the organization, like reducing turnover.

One of his lactating employees, a white woman in her 20s, explained that occasionally she struggled with finding a place to express her milk. When this happened, she would go to her manager to ask what space she should try next.

Things would be going okay, and then something would happen. [Early on] I was pumping in [what is now a new employee's] office. That was great! Then, of course, [that employee] got hired. Then I was pumping in the back room, which was okay, but then someone put all the boxes [of materials for an upcoming initiative in the organization] in that room, and there was no more room for me! [laughs] So I had to keep going back to [my manager]: "Where should I go now? What room can I use now?" And each time, I'd sort of have to explain to him, not only that I'm still pumping, but why I am and why it's important...It's the natural food for a baby. It keeps them healthy. And it hurts [my breasts] if I don't pump when I have to!... [Manager] didn't know. Or maybe he didn't care. Until I told him about it. [W077]

Although each hurdle was a frustration for her, these frustrating moments also presented opportunities for her to discuss lactation with her managers and engage in educational conversations.

Similarly, at Time 1, a white, male supervisor of office workers in a manufacturing organization said, fairly tersely, that the lactation accommodations were "good to help women. Sometimes it's a hassle when [current lactating employee] isn't there [because she's pumping]. But it's what we've gotta do...It's the law now." [157]

In fact, by Time 2, these educational conversations had been so effective that the manager [#157] permitted the employee extra time to express milk; now he framed the accommodations as more than legal compliance and vital to supporting key health goals:

If I help one of our women pump the milk, I'm helping beyond just all of us here. [Interviewer: What do you mean?] ... I'm helping her help her baby, and then more women are helping their babies. I mean, I think of it as sort of helping the kids who will be the grown-ups of the next generation. You don't realize what that milk will do. But now I do. [157]

Without the law mandating accommodations, these lactating employees could not have commanded their managers' attention to re-evaluate their understandings of breast milk and lactation accommodations.

Importantly, this shift to health goals could even include benefits of those outside and unrelated to the organization. For example, at Time 1, this director of a county government office was focused on the benefits of the lactation accommodations to the organization and the employee; although he used the words "everyone is happy," he was referring to people within his organization:

This is the right thing to do. Absolutely. Women come back to work. They miss their babies. This lets them keep up that connection. It's not easy, of course. We aren't really set up for that, but we find a place and we make it all work out so everyone is happy....There's this law. [147]

In the second wave interview, this white, middle-aged man believed that by supporting his lactating employees he was helping his country as a whole:

We've learned that "breast is best." That wasn't the case when I had kids, but now we know that breastfed babies are healthier. That not only means that their moms will miss less work because of them. I mean, that's great for me! But it also means that they will grow up to be healthier kids and adults. That's good for all of us. For America. If I support my employees so they can nurse their kids, then that [benefit is] passed on to the whole next generation. We need a healthy country to be competitive in this whole global economy. That starts with their babies. [147]

This manager's switch by Time 2 to understanding that breastfeeding benefits people entirely outside the organization shows a substantial shift. Between the two interviews, this manager did not simply change his talk; he became a Morality-Motivated Advocate, successfully mobilizing for an additional lactation room near his employees' work area, even though a legally compliant room was available farther away.

Importantly, these conversations did not happen in a vacuum. The law created the organizational commitment. Arguably, the frame of health and wellness was first provided by LAWL, since this amendment to the FLSA came from the Affordable Care Act. Moreover, organizational knowledge that these accommodations were legally mandated bestowed legitimacy on the needs, which encouraged managers to engage with and listen to lactating employees. These managers often voiced their awareness of the law during their first interviews, such as when manager #157 said, “It’s the law now.” However, LAWL created space for conversations that deepened knowledge and facilitated effective compliance.

Employees’ Stories on Educational Conversations

Many workers who engaged in educational discussions with their managers described these discussions as difficult, at least initially. For example, this grade school teacher described how she had to emotionally prepare before talking to her school’s principal:

Of course, I needed to talk with him about it. But, I mean, he’s older and sort of standoff-ish, and, it’s not that we’re not friendly, but I just didn’t want to, I don’t know, say the wrong thing. The first time I went to tell him that I’d need a private place [to pump] I really had to steady myself. And then [once I had been pumping for a while] something would come up about [the space where I pumped] and I had to clear it with him, or I’d need something changed. And, whew! I just kept telling myself how important [pumping / breast milk] is. And so I told him, too. It was hard enough for me to go talk with him, so I guess I just told him everything I could. [W028]

The structure of her workplace, with her principal exercising substantial power over her, created a great emotional hurdle for engaging him in educational conversations.

Educational discussions sometimes posed risks to the lactating employees insofar that they were challenging their managers’ beliefs about motherhood, worker identity, physiology, and division between home and work. Literature shows that posing alternate understandings to

powerful actors' beliefs – although critical to changing their opinions – might also anger or annoy them (Boyle, and Corle 2010; O'Brien 2001; Plumm, and Terrance 2009). An example is disabled workers initiating discussions for better accommodations (O'Brien 2001). In less supportive work environments, educational conversations could involve asserting one's dual parent-employee identity, defending one's parenting philosophies, and discussing one's anatomy in workplace contexts that could be intimidating, and, with temperamental managers, truly dangerous.

By providing legitimacy and leverage, the law created space for educational conversations – conversations that were important for effective, substantive compliance. The political importance of the law is critical because the law facilitates educational conversations by enabling women to remain at work, to continue to breastfeed, and to tell their stories. Critically, the law imbues educational conversations with legitimacy so that employees can talk with reticent, resistant, underinformed, and less helpful managers about lactation.

Some lactating employees, like the restaurant employee below, saw the law as a source of strength that confirmed the legitimacy of her needs and accommodations.

I knew what the law said. I knew [the provided space] couldn't be a bathroom. I knew they had to let me do it. I knew I was right.[laughs] I just didn't know if [my manager] knew it![laughs]But I knew the law, so I went ahead and asked for what I needed 'cause the law said so. [Interviewer: Did you mention the law to your manager?] No, the law never came up. [W065]

Even though the employee never directly mentioned the law to her manager, her own knowledge of the law helped her ask for what she needed.

Similarly, this white office worker in the transportation industry talks about how the law empowered her to ask for necessary accommodations:

The law says the employer has to do certain things...I read all about this before I came back [from maternity leave]. I don't always like asking for favors. But this was *the law* and so it wasn't really a favor. It was what the law said. I wasn't being demanding. I was just doing what the law said. [W063]

Similarly, an accounting firm receptionist drew on the very presence of LAWL to validate her needs.

It's the law. This isn't something I just made up in my head that I should have. The law says I should – any woman should – get [these accommodations]. Even though I never said, 'You gotta do this because the law says so' I could have said [that]. [Lactation accommodations] are important. It's not just me. If it wasn't important, it wouldn't be a law. [W054]

Even though very few women in this study explicitly discussed the law with their managers, the law substantially supported their ability to ask for accommodations. These women knew that the law granted the right to express milk at work and to secure certain accommodations from their employers. This knowledge of their legal rights shifted the onus from them onto the legal mandate; their requests were legal entitlements rather than special favors, which confirmed the validity of their needs.

Managers' Stories

Employees and managers were aware of the power of these educational conversations. They observed the shift from management goals to a moralized focus on health benefits for children. For example, at Time 2, a manager explained that his acceptance of his employees' pumping at work and his greater understanding of the health benefits of breastfeeding came directly as a result of discussions with his lactating workers.

At first, I'll tell you, I thought it was gross. I mean, it's a bit like excrement – I mean, that's what I used to think. Now I understand how beneficial that milk is. I mean, it has antibodies that help the babies stay healthy and it helps with allergies

and all sorts of other things...And, at first, I just wanted them to go away and do what they had to do. But then they were telling me, like, why they were doing it. ...they believed that it was helping their babies be healthy. I really didn't understand that. I thought: milk is milk, but human milk is made especially for human babies – in fact, each mother's milk is made especially for her own baby. Man, it's like, how can you not give the baby that? You want healthy babies. [127]

This unmarried white man started out with so little knowledge of breastfeeding that he described mothers' milk as repulsive. After conversations with his employees about why pumping and breastfeeding were important to them, he not only understood the health benefits; he became a supporter of breastfeeding. Similarly, this manager in manufacturing did not understand the value of breast milk until his lactating employees taught him about it:

At [my organization], we obey the law and we care about our employees, so of course we do whatever we have to do for everyone who [says that s/he] needs something, needs some change, something for [the organization] to do. That's how I approach anything for an employee. Pumping the milk? I didn't really think about it, but, if I did, I didn't really want to think about it.

It's, ah, "mother's milk." I don't know. I had just thought, these [accommodations] are something we gotta do. It's what they need, so it's good for employee morale and all....But the milk is something different. It's good for the babies — really good. It's important for them...I didn't know. I never knew that. Then the girls were talking to me. They'd say stuff. At first, I was, like, polite. But it was interesting all the stuff the milk is good for. It's important because it does so much for the baby. I didn't know that. [121]

A principal, who shared that his wife had not breastfed their children, related that his employees taught him about the value of breast milk.

But now we know that nursing is very important for the health of the baby. It's *critical*. But people didn't know that. I didn't know that. [Those lactating employees], they talked to me about it *a lot*. Not just to me, they talked about why pumping was important to other [employees], [as well as] to each other. I guess I needed to be told, because people don't know about pumping and nursing. But if you understand how critical it is for the babies' health, you understand how important it is to do. [093]

These managers — whether they were originally indifferent, ignorant, or resentful — learned about more than breast milk and pumping from their employees. They were exposed to their lactating workers' values and commitment to breastfeeding. Over time, they were transformed into Morality-Motivated Advocates.

Employees' Stories

Lactating employees also spoke of educating their managers about various benefits of breastfeeding, sometimes explicitly explaining why pumping at work was necessary to breastfeed at home and be comfortable at work. These workers shared their beliefs in the importance of breastfeeding and their dedication to this goal. For example, this office worker, who had struggled with getting sufficient space for milk expression, described how she had to explain to her manager the health reasons for breastfeeding.

Before I left, while I was still there, but was pregnant, I said that I wanted to breastfeed. [Manager] was like, "Why?" I explained that breastfed babies are healthier – fewer ear aches, fewer colds, they don't develop allergies as much and so on. He almost didn't believe me.

But we kept talking. And then I left [for the birth and maternity leave] and then I returned a week or so before I started again, and I reminded him that I was going to pump and what I had arranged. And he was like, "You're really going to do that?" And then I explained to him again why this was important to me. And then, like, a week or so later, I started back at work.... Every so often, my pumping would come up. Not like he was bad about it, just like, "Oh, right, you've got to go pump again."

And I'd say something about the benefits of it. I started to feel like he was a guy and he just didn't understand. And then – and I could hardly believe this – but I overheard him explaining to a co-worker about my pumping. They were scheduling a meeting; it was [a busy time for the company] and I think the other guy [didn't understand why I had to pump]. And [the manager] was actually explaining all the health benefits and why it was important! I cried. I was there in the hallway, and I had to turn around and go the other way [because I didn't want to be seen crying]. I couldn't believe it. [W068]

Her supervising manager's transformation surprised and touched her so much that she was moved to tears.

Other workers echoed this experience (although often with less emotion), explaining that they, too, had to educate their managers, often in order to secure adequate accommodations. Eventually, educational conversations resulted in managers becoming advocates. For example, this event planner with her town's Chamber of Commerce explained how the issue of expressing milk at work was a foreign concept to her manager, but once he understood her predicament, he arranged for her to have a more easily accessible location to pump.

The management's mostly men, mostly older men, and, mostly men whose wives were able to stay at home. And they're much older than me, like 60s. So, not only have they not had to be around this for a really long time, but probably their wives never had to deal with trying to pump and work or take care of the kids and work. So, I think that, just that lack of experience [is a hurdle].... I talked about, "So this is important." And they were kind of like, "Do whatever, we don't really want to talk about this stuff," but, you know, [they started to understand].... Like, they got that this was important for my baby to be healthy....[And it's important] for my health, too, for me not be in pain with too much milk. Or leaking. It's not a [trivial] issue. [W011]

Similarly, the mother quoted below was an office worker in a downtown firm with very little space available for pumping in private. She explained how she initially encountered resistance, but persevered and educated her manager, who rallied to find her better space and granted her greater flexibility for lactation breaks:

My manager's an older guy. I don't know if his wife nursed his kids or what, but he had no idea about breastfeeding or about pumping or any of it. I didn't lecture him, but I would mention some of the health benefits: how it helps the baby. After I'd been pumping for a few months, he told me – this was just after Thanksgiving – that he had been at his son and daughter-in-law's house in Ohio and she's pregnant and he said that he had told her what I had told him about breastfeeding and all that. And she wasn't sure that she could nurse since she was going back to work – she's a teacher, I think – and he said that he was all "Sure you can! [Interviewee] pumps all the time!" I don't think I pump "all the time," thanks, but

I thought it was great that he was able to talk to his daughter-in-law about this.
[W023]

This story illustrates the power of these employee-manager conversations about lactation. The influence of their ongoing discussions even extended to the manager's actions outside the workplace to his own family. Day-to-day interactions of managers and lactating workers enabled critical discussions that educated these supervising managers about the health benefits of breastfeeding, the physiology of lactation, and the personal beliefs behind these employees' commitment to expressing milk at work.

Why No Shift for HR Personnel?

In contrast to managers, HR personnel neither shifted their focus to children's health concerns nor engaged in moralization of the law. HR specialists did not shift their attitudes or actions to encompass any belief that expressing milk or breastfeeding benefitted society. The deviation between HR professionals and some managers in second wave interviews highlights key differences between these two somewhat similar groups with regard to employees and to the law.

First, HR specialists spend substantial time working with supervising managers to implement the new policies and very little time interacting with employees. Unlike managers, who have daily interactions with employees, HR specialists continued to focus on managerial goals. They did not have as many educational conversations with workers and were not exposed to their pro-breastfeeding values. Additionally, the HR department compels managers to follow the letter of the law. In this case, they were charged with helping workers secure time and space for milk expression, meaning they often spent more time educating managers who were resistant

to implementing the new policies. For this reason, their efforts were focused on convincing managers to comply, not on receiving information or learning about workers' experiences, whether directly from the workers or managers.

Second, HR specialists were more focused on the law and how compliance could benefit the organization. They could not promote a public-spirited argument for fear it would undermine their reputation of loyalty to the organization. In maintaining a focus on managerial goals, HR personnel demonstrated that they were strategically addressing issues crucial to the organization (e.g., absenteeism)—a role they conceptualize primarily as ensuring the organization's compliance with the law—and were not idealistic activists overreaching their role. The HR specialist's professional field, therefore, is radically different from the supervising manager's: The HR specialist focuses on the organization, its place within society, and its compliance with society's laws; they are not charged with addressing the day-to-day needs of workers. Because of this, they have much less daily contact with employees than managers (see Edelman, Fuller et al. 2001; Marshall 2005; Suchman, and Edelman 1996).

In contrast, managers deal directly with the needs of their employees – whether they are accommodating or rejecting those needs. They are aware of which accommodations are used and to what extent that usage disrupts workings of the organization. For example, if lactation breaks diminish employees' productivity, managers not only are aware of it, but are responsible for compensating for it. HR personnel are insulated from actualizations of accommodations, including possible hidden costs. Therefore, it is striking that so many managers became Morality-Motivated Advocates, because of their proximity to these costs.

What Enabled and Disabled These Educational Conversations?

What were the necessary conditions for educational conversations that created the Morality-Motivated Advocates? The conversations depended on having workers with enough power to initiate conversations, but not so much power that conversations were unnecessary. For this group of lactating employees, the law made these conversations possible.

The Law

The law was critical for these conversations to occur in four ways: First, an obvious, but often overlooked, reality about workplace requests and grievances is that they are seldom found in workplaces that are so difficult that workers who might present those requests and grievances have been driven out (see Hoffmann 2006). In the case of lactation accommodations, if a workplace makes milk expression too difficult, the woman will either stop pumping at work, possibly ceasing nursing and lactation altogether, or she will prioritize lactation over employment and quit. In those scenarios, no lactating employee remains to discuss adequate accommodations. Thus, the law facilitates these dialogues first by helping lactating workers remain at work and continue to express milk so they have these important conversations.

Second, the law provided leverage and was a key structural component of the success of the educational conversations. The lactating workers' recognition that the law was in their "back pocket" helped them feel that they were not alone, and that they could use it to force organizational compliance. The law, and the specific rights it provided, could take on the burden of "being demanding" so the workers could pursue their rights and request the accommodations they needed by simply invoking the authoritarian voice of the law. Thus, regardless of whether the lactating employees engaged in actual rights-talk with their managers or not, the presence of

the law legitimizes these women's accommodation needs, allowing them to challenge the hegemonic view separating family duties from the workplace (Kostiner 2003).

Third, by mandating specific accommodations, the law provided a direct, tangible way to discuss what adequate accommodations would look like. Many civil rights laws include general proscriptions, such as "equal opportunity," but they rarely mandate specific accommodations. While the exact nature of the breaks and the precise locations of the places provided to the employees for their milk expression are not specified by the law, the presence of these two articulated accommodations opens the opportunity to discuss aspects of those accommodations. How inconvenient can a lactation room be to still be useable? How much variation in length of break can be adjusted? Why do these issues matter?

Finally, the law provided legitimacy. Knowledge of these accommodations being established by law confirmed their importance and the activity they facilitate. These accommodations are not mere recommendations or suggestions, but mandates. Thus, the weight of the law confers importance onto the activity the law protects. By its very presence, LAWL signals that workplace milk expression is so valuable an endeavor that the state and federal governments passed laws to protect and encourage it. While a place to pump and time to do so are both critical to successful milk expression at work, without the legitimacy conferred by the law on the activity, far fewer women would have negotiated adequate accommodations. More crucially, without the legitimacy bestowed by the law, far fewer women would have the temerity to engage in the educational conversations with their supervising managers to discuss their accommodations.

Worker Power: Enough, But Not Too Much

A sizeable minority of managers at Time 2 did not moralize the law. They maintained their earlier focus on managerial goals as a rationale for understanding the importance of compliance. Managerial conversion was not uniform because educational conversations did not uniformly occur.

Not all lactating workers successfully educated their managers. While a substantial minority did not need such conversations, others could not have them. These dialogues often were difficult. In many ways, lactating employees' burden of explaining the importance and benefits of breastfeeding to managers is similar to that of many minority groups, who often find themselves having to teach others about basic knowledge regarding their group's struggles (see Herring 2009; Royster 2003). Just as it is not the responsibility of members of racial or other minority groups to educate others, it is not the responsibility for the lactating workers; yet, as with minority groups, if they do not provide this education, they often experience worse interactions and greater struggles.

Lactating workers who could not have successful educational conversations faced lesser workplace conditions, inadequate accommodations, and unresolved disputes. Indeed, not all the lactating employees who attempted to have these educational conversations met with success. For example, this administrative assistant in a physical science department at a large university described her attempts to talk with her supervisor:

[The department chair] would get upset when I was gone for too long, or if I took a break when he was expecting me to be there, or, maybe not expecting, but wanted me for something. I'd explain how I had to pump. I just had to. Like, once I leaked [unexpressed breast milk] all over myself. I had to wear a sweater over myself for the rest of the day that another girl lent me. He saw that. I'd say, "I have to pump." Sometimes, I'd say something like, "This is something I need to do for [my baby]." And he'd just shake his head, like, "Whatever!" [W040]

Her manager never assisted in improving her lactation accommodations and during both interviews he expressed the belief that the accommodations were not a problem for him, and that his employees were doing fine and had no complaints.

Without educational conversations with lactating employees, managers were unlikely to change from Time 1 to Time 2. These managers continued to articulate managerial needs and assumed that basic compliance would provide adequate accommodation. They did not shift to a broader understanding that included the moral benefit of children's health as the key motivation for compliance.

Women's levels of organizational and societal privilege affected their ability to assert their needs. Sufficient power – such as access to managers to engage in educational conversations or enough job security to risk potentially tricky confrontations – is both an issue for the educational conversations and an ongoing issue regarding workplace disputes (e.g., Abel 1982; Crenshaw 1988; Delgado, Dunn et al. 1985; Edelman, Erlanger et al. 1993; Galanter 1974; Grillo 1991; Hoffmann 2001; Hoffmann 2005; Lazerson 1982; McEwen, Mather et al. 1994; Sarat 1990; Silbey, and Sarat 1989). In most workplaces, men hold the majority of management positions (Haveman, and Beresford 2012). This was true for the organizations in this study, as well, further exacerbating the difficulty of these employee-manager discussions for some women.

Workers who initiated these critical conversations did so because they needed their managers' support. They lacked autonomy to make changes in the workplace without their assistance. However, they also had sufficient standing with their managers to make these conversations happen. That is, the employees who had these educational conversations had enough – but not too much – power. In some ways, this makes sense: workers who easily

acquired sufficient accommodations did not have to engage their managers in any discussion to gain needed accommodations. But those workers whose work conditions required accommodations for time or space needed to talk with their managers in order to work out solutions. These talks could evolve into educational conversations.

Sufficient Autonomy

Some lactating employees did not need to discuss lactation accommodations because their workplace arrangements already were sufficient, such as this university professor with her own office, who could pump privately whenever she wanted:

I could simply lock my door and pump when I wasn't teaching or in a meeting. I had a little 'mini-fridge' in my office already, so I stored everything in there—the milk, the pump, all that, so I wouldn't have to clean it between pumpings. I have no idea if anyone even knew I was pumping. I'm certain my [department] chair didn't know. How would he? [W053]

Because she had control over her time and adequate privacy, she required little accommodation from her organization, and so rarely spoke with her supervising manager about lactation and the accommodations it necessitated.

Illustrating the power of autonomy in the workplace, this supervisor of city assessors contrasted her previous job with her current one.

I have a great set-up here. I can pump whenever I want to because, basically, I decide what I do when. When I pump, I just shut my door. I could lock it, but no one would come in without asking permission first anyway. I have it great.... In my last job, I had to stick to a schedule [of visiting locations throughout the city]. I was told where to go when. I mean, I could have asked for time to pump, but where would I have done it if I were on site? I can't imagine [my former supervising manager] would have appreciated me needing to go back to the office frequently to pump my milk. He'd be like [makes a confused and annoyed face]! It just wouldn't have worked [in my earlier job]. [W049]

Similarly, this middle school guidance counselor explained that her flexible schedule and private office obviated discussing her milk expression needs with anyone

It's my own office. And I set the schedule. So if I need to be gone for, say, a dentist appointment, I just block that amount of time in to [scheduling program] and I don't have any students or meetings during that time. [When I was breastfeeding more, a few months ago], I would do the same thing for my [milk pumping] breaks. I just type it into the [scheduling] system. [W084]

Without the need to request accommodations for pumping, they did not have to wrestle with the legitimacy or appropriateness of their milk expression needs as other women in this study did.

These workers enjoyed sufficient autonomy that was already built into their jobs, their locations, and in their organizational hierarchies, in contrast with substantially disempowered workers who desperately needed the law to assert their rights. Workers with autonomy did not need to request a place to pump, since they had easy access to places already. They did not need to negotiate time away from their work activities because their schedules were sufficiently flexible. Because they had sufficient autonomy of space and time, they did not need to concern themselves with the legitimacy of their request. Indeed, they did not need to make any formal requests, whether deemed legitimate or not, since asserting their rights in this situation was less crucial.

However, without needing to make formal requests, they also did not need to have educational conversations with their supervising managers – conversations that could result in those managers becoming allies. For example, the principal who served as supervising manager of the guidance counselor [W084] was only abstractly aware of the guidance counselor's decision to pump milk. The guidance counselor explained:

It's a private decision. Each [lactating] employee does that however she thinks is best. [shrugs] [Interviewer asked about lactation accommodation.] We would, of course. We are supposed to [under the law] but no one has asked for them. I'm

not going to set up some special new place [to express milk] if no one is going to use it.... [later] This [law] is important because it keeps the new moms from missing their babies and helps them come back [to work], instead of deciding to quit to be [at home] with their babies. [088]

Without the motivation of need, the employee did not engage in any educational conversations with her principal. His attitudes did not shift between Time 1, when he expressed managerial goals, and Time 2. He did not work to improve lactation accommodations during that time.

Without the benefit of those educational conversations, the manager did not gain any understanding of breastfeeding that would have compelled him to moralize LAWL and embrace the societal goal of children's health.

Insufficient Power

Employees' status within the organization and within society influenced their success in facilitating educational conversations. Some lactating employees felt insufficiently secure in their organizations and institutional hierarchies to have such discussions. In stark contrast to the circumstances of the upper-middle class, Ph.D.-educated professor, above, this department store clerk considered discussing adequate pumping accommodations with her supervising manager, but felt too powerless.

I really don't talk to him. Ever. He talks *to* [the other clerks and me]. He makes it clear that he is in charge and we are not in charge. That's how it's been since I came here. So, no, I didn't ask him about helping me with [lactation accommodations]. I figured it out for myself. [HR?] No, I didn't talk to anyone. [W008]

She did not ask her manager for assistance even though she often couldn't get away when she needed to pump and frequently struggled to find a private space when she did get a lactation

break. Most likely as a consequence of infrequent milk expression at work, her milk supply plummeted soon after she began working. She stopped breastfeeding entirely after three months.

This manufacturing industry office worker described how little control she had over her time and her physical space.

At first, I would pump in the back room, but then [my manager] or maybe his manager decided that that room needed to be available for other things. So then I went downstairs to the break room, but that took more time to get there, and I still had to set up [the pumping apparatus], and so what I ended up doing was I had to clock out when I left to pump and then clock back in again. [Interviewer: How did clocking out and back in affect your pay?] Well, it cut into my pay obviously, but I couldn't do it during just my break time. It's only 15 minutes. I just couldn't. [Interviewer: Did you explain that to your manager?] Did I explain it? No. How could I? What was I supposed to say? [W066]

Despite facing extreme barriers to workplace lactation, these women felt unable to discuss difficulties with their managers, much less educate them about benefits of breast milk or share their values that made them want to commit to pumping at work.

Indeed, at Time 2, the supervising manager of Interviewee #W066, the office worker, was unchanged. She said at Time 2:

[Supervising managers] were all told about the [change in the law]. It's important because it helps [lactating employees] transition back from their maternity leave. It makes it easier on them. [099]

She did not expand or improve the lactation accommodations beyond what had already been available, nor did she moralize the law to embrace a focus on children's health.

These lactating workers were unable to engage in educational conversations because they lacked sufficient power within their organizations, existing at the bottom of their organizations' hierarchies with little access to managers, such as Interviewee #W008, a store clerk. Another worker in this situation was Interviewee #W066, a lower-tier office worker, who could talk with

her manager, but was not able to request improved accommodations. Without those educational conversations, these workers' supervising managers did not moralize the law by shifting to children's health motivations, nor did they improve accommodations to better facilitate workers' milk expression.

Conclusions

Although lactating workers often initiated discussions to secure accommodations and assert their rights under the law, their conversations had the greater, longer-term benefit of creating "moral allies" (Becker 1963) among managers who embraced a new morality regarding compliance with lactation accommodations. To the extent that these managers had been aware of health benefits of breastfeeding, they saw the lactation accommodations as a means to key managerial ends, such as reducing absenteeism and turnover. However, eventually some managers came to understand health benefits as important both for their employees' children and of society more generally. They embraced a concern that extended beyond the "economic rationale for wellness" (Kirkland 2014: 958).

Rather than predicting the galvanizing effect of these educational discussions between employees and managers, earlier studies had often found that managers were uncooperative and obdurate when meeting employee accommodation needs, while HR personnel expressed greater compassion (e.g., Gwartney-Gibbs, and Lach 1992; Hallden 2015; Hodson, and Roscigno 2004; Kelly, Moen et al. 2014; Marshall 2003). This is not surprising since providing most accommodations – extra break time, more private space, etc. – has a direct impact on the remaining resources the manager has to address other employee concerns and to accomplish the work of that organizational unit.

Yet, my study finds managers are more likely than HR specialists to become advocates, because HR specialists lack the frequent contact with lactating employees that made these educational conversations possible. Since managers affect the day-to-day work life of their employees and bear responsibility for daily functioning of their divisions, it is they who must be approached and negotiated with by lactating workers struggling for effective accommodations. However, managers' willingness to create accommodations is quite surprising; they are the organizational actors who would bear the brunt of any negative consequences resulting from lactation accommodations. For example, the time and effort lactating employees spent pumping could directly affect these supervising managers, while any reduced productivity or inconvenience might be invisible to HR specialists. Nevertheless, in the case of LAWL, because HR personnel were positioned away from daily employee interactions and focused on crafting laws into organizational policies, they missed the educational conversations with employees and did not moralize the law.

Ironically, perhaps, workplaces where lactating employees had more difficulty were more likely to experience a shift from managerial objectives to include external, health-related goals. This is because lactating employees at more challenging workplaces would need to contact their supervising managers as each problem arose, to negotiate a solution. These discussions were more likely to become educational conversations. As a result of compliance rationales that drew on morality external to the organizations, those workplace accommodations became more deeply engrained with managers than had they referenced only managerial goals or legal mandates.

Lactating workers drew on a range of concepts – legal rights, benefits to the organization, benefits to their own health, and benefits to their children's health in their educational conversations. However, it was specifically the increased awareness about the benefits of

breastfeeding to children's health that created new allies to rally for improved lactation accommodations between Time 1 and Time 2. While this was effective in engendering advocacy and better accommodation, it piques the concern that this moralization of the law could elevate children's health above maternal health, workers' rights, and managerial goals, arguing for accommodations even when they reduce productivity or profit, for example.

Thus, this study extends scholarship on rights, organizational change, and advocacy. This article demonstrates how employee activism and self-advocacy might ameliorate workplace struggles – challenging some sociolegal scholarship on workers' resistance to rights-talk, while expanding on this same literature by demonstrating the power of re-focusing rights on an external party: these women's children. This article also shows how external, community values can create organizational change, that, over time, could become more reified than change driven by legal mandates or managerialization. It also contributes to ally-building scholarship in its finding of how increased managerial sensitivity from new information and modeled moral commitment altered those managers initially resisting accommodations to advocating for those needs.

Women's Rights Obscured Amid Children-focused Rhetoric

Lactating workers drew on a range of concepts – legal rights, benefits to the organization, benefits to their own health, and benefits to their children's health in their educational conversations with their supervising managers. However, it was specifically the increased awareness about the benefits of breastfeeding to children's health that created Morally-Motivated Allies. This moralization of the law elevates children's health above maternal health, workers' rights, and managerial goals, arguing for accommodations even when they reduce productivity or

profit, for example. By focusing on children's needs rather than workers' rights, manager-allies can articulate a motivation for greater accommodation that minimally challenges the power inherent in the workplace hierarchy.

Less focus on the lactating workers' rights removes certain hurdles that other accommodation-seekers wrestle with. Employees requesting accommodations for other needs – such as disability modifications – usually engage rights talk as a main verbal strategy. Yet, rights talk often demands the linguistic and emotional gymnastics of asserting difference in order to request equitable treatment and the very request can be stigmatizing (Albiston 2010; Barnes, and Burke 2012; Bumiller 1988; Chua, and Engel 2019; Engel, and Munger 2003; O'Brien 2005). The child gains a fictitious right to expressed breast milk, which, although unfounded in law, has power, similar to some of the rights assertions to unfounded rights found in the government letters discussed by Lovell (2012). This shift in whose rights were being asserted enabled women workers to demand lactation accommodations without actually having to assert rights for themselves, avoiding those difficulties of most other groups when needing accommodations.

This interpretation of children's rights is another shift away from women's rights and workers' rights frameworks – just as managerialization moved from employee rights to managerial goals. In this case, the shift is immediately helpful for women — it helps meet their needs to balance work and motherhood and solidifies LAWL and its effectiveness—but, like managerialization, it places other concerns before those women's rights. While this was effective in engendering advocacy and better accommodation, it raises concern about the fictional right of the infant to breast milk. In broadening the target of the law, this morality rhetoric also obscures the health concerns of, and the legal rights of, the lactating workers

themselves. Women's ability to make claims on the organization based on their own needs and rights disappear amid consideration of children's health.

In the immediate sense, as well as for the individual women who wish to express milk at work, the specific motivation for the lactation accommodations might not seem critical. The goal of LAWL was to improve working conditions for lactating women; therefore, an exploration of exactly *why* organizations create substantive accommodations might not seem important. However, in the longer run, understanding advocates' motivation may be critical for any discussion about policies to ameliorate gender parity and workplace equality.

Accommodations motivated only by managerial goals are a more precarious type of support; an organization's bottom line can change, and, when that happens, support for accommodations could disappear. Accommodations made for moral reasons are more stable. Additionally, morality-based motivations, like children's health, may be particularly critical when accommodations cannot align with managerial logic, such as pausing an entire work group or assembly line for a woman's lactation break.

Promoting children's welfare to further other issues is not unprecedented. Motivation regarding women's mothering duties and children has been used to further women's education (e.g., Moehling, and Thomasson 2012), suffrage (e.g., Morris 2017), and government assistance (e.g., Lemaitre, and Sandvik 2015). Yet while morality-motivated advocates' children-centered rhetoric could expand lactation accommodations in the workplace, furthering support of work/family issues – both arguably feminist goals – this motivation could perpetuate a view of women's first duty as being to their families.

Thus, on the one hand, moralization of the law could result in more stable, longer lasting organizational changes, more so than accommodations motivated by somewhat changeable

managerial goals. Yet, while morality-motivated accommodations may be less precarious and may more deeply engrain progressive organizational changes, this could have macro-political effects that are very regressive. Although the goals of the law are progressive – greater workplace equality for women, facilitation of home-work harmony, and support for employed mothers – the shift to prioritizing children’s health is also a shift away from these lactating employees’ rights as workers and as women. By amplifying children’s health concerns, law-focused rights and women’s equality concerns might disappear entirely from the discussion.

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