

Breastfeeding Policy

A Breastfeeding Policy is issued with this Circular that provides for paid breaks and facilities for breastfeeding in a flexible and consultative manner. A clause, *Lactation Breaks*, is included in the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*.

Attachments: Breastfeeding Policy

The NSW Government strongly supports participation in paid work by women in their child-bearing years and therefore continues to encourage the timely return to work of breastfeeding employees and achievement of balance between work and family.

- A *Lactation Breaks* clause was inserted in the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009* in 2010.
- The provisions in the Policy and Award apply to the Public Service as per Schedule 1 Part 1 of the *Government Sector Employment Act 2013*.

The *Employer Sponsored Childcare Policy and Guidelines* (Premier's Memorandum 1997-03) recommended the public sector put into practice the concept of 'mother friendly' workplaces. It suggested agencies assist mothers to continue to breastfeed as long as they choose by providing for lactation breaks and appropriate facilities. The parts of the childcare policy that relate to breastfeeding are superseded by this Circular. (The remainder of the childcare policy remains current.)

The *Anti-Discrimination Act 1977* (Schedule 1) makes it an offence to discriminate against a person who breastfeeds, including the act of expressing milk.

On 28 April 2010, the Industrial Relations Commission varied the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009* to include the following clause:

15A. Lactation Breaks

15A.1

This clause applies to staff members who are lactating mothers. A lactation break is provided for breastfeeding, expressing milk or other activity necessary to the act of breastfeeding or expressing milk and is in addition to any other rest period and meal break as provided for in this award.

15A.2

A full time staff member or a part time staff member working more than 4 hours per day is entitled to a maximum of two paid lactation breaks of up to 30 minutes each per day.

15A.3

A part time staff member working 4 hours or less on any one day is entitled to only one paid lactation break of up to 30 minutes on any day so worked.

15A.4

A flexible approach to lactation breaks can be taken by mutual agreement between a staff member and their manager provided the total lactation break time entitlement is not exceeded. When giving consideration to any such requests for flexibility, a manager needs to balance the operational requirements of the organisation with the lactating needs of the staff member.

15A.5

The Department Head shall provide access to a suitable, private space with comfortable seating for the purpose of breastfeeding or expressing milk.

15A.6

Other suitable facilities, such as refrigeration and a sink, shall be provided where practicable. Where it is not practicable to provide these facilities, discussions between the manager and staff member will take place to attempt to identify reasonable alternative arrangements for the staff member's lactation needs.

15A.7

Staff members experiencing difficulties in effecting the transition from home-based breastfeeding to the workplace will have telephone access in paid time to a free breastfeeding consultative service, such as that provided by the Australian Breastfeeding Association's Breastfeeding Helpline Service or the Public Health System.

15A.8

Staff members needing to leave the workplace during time normally required for duty to seek support or treatment in relation to breastfeeding and the transition to the workplace may utilise sick leave in accordance with clause 79, Sick Leave of this award, or access to the flexible working hours scheme provide in clause 21, Flexible Working Hours of this award, where applicable.

The provisions in the Policy and Award apply to Public Service Agencies (as defined in the Government Sector Employment Act 2013) which on 23 February 2014 corresponded to Divisions listed in Schedule 1, Part 1 of the *Public Sector Employment and Management Act 2002*. This policy is recommended for the NSW Government Sector, including State Owned Corporations.

Philip Gaetjens
Secretary

Further information:

Which agencies does this Circular apply to?

Public Service Agencies (as defined in the Government Sector Employment Act 2013) which on 23 February 2014 corresponded to Divisions listed in Schedule 1, Part 1 of the *Public Sector Employment and Management Act 2002*. This policy is recommended for government sector agencies, including State Owned Corporations.

Who needs to know about this Circular?

Secretaries, Senior Executives, Managers, Employees, Payroll, Industrial Relations, Human Resources.

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NSW Treasury website: www.treasury.nsw.gov.au

Breastfeeding Policy

Preface

Facilitating the Return to Work of Breastfeeding Mothers

Application:

Public Service Agencies (as defined in the Government Sector Employment Act 2013) which on 23 February 2014 corresponded to Divisions listed in Schedule 1, Part 1 of the *Public Sector Employment and Management Act 2002*. This policy is recommended for the NSW Government Sector, including State Owned Corporations.

Summary: The policy is designed to ensure public service departments effectively support lactating employees who wish to breastfeed.

Previous Policy: The current policy has been contained within a broader policy document “Employer Sponsored Childcare Policy and Guidelines”, which suggests agencies to assist mothers to continue to breastfeed so long as they choose by providing for lactation breaks and appropriate facilities.

Introduction

The NSW Government strongly supports the return of mothers to the workplace. For public service employers, promoting and supporting a mother’s choice to breastfeed recognises the need for work–family balance.

- In 2007 the Government amended the *Anti-Discrimination Act 1977* to make it an offence to discriminate against a person who breastfeeds, including the act of expressing milk.
- The Government’s *Making the Public Sector Work Better for Women* promotes greater participation in paid work by women in their child-bearing years and encourages government departments to support breastfeeding employees.

Policy Principles

- Breastfeeding babies promotes their health and development and provides health benefits to mothers.
- Management support facilitates easier return to work of mothers from maternity leave, including continuation of breastfeeding while working.
- Every effort should be made to provide employees with access to suitable facilities to support breastfeeding.

Planning and preparation for return to work

An employee intending to continue breastfeeding when returning to work should discuss their needs with their immediate manager prior to returning to work. Some employees may wish to involve a human resources staff member in this discussion.

The discussion should focus on how best to balance work priorities with:

- Timing of lactation breaks
- Flexible working arrangements
- Private space and other facilities required.

The discussion should result in an agreed approach.

Facilities for breastfeeding and/or expressing milk

In consultation with the employee, the manager should identify sensible, practical and reasonable ways to meet the employee's need for access to:

- A private, lockable, hygienic room/space with a power point and comfortable seating
- Facilities for washing hands and equipment
- Refrigeration for storage of breast milk
- Facilities for convenient storage of breast pumps and related equipment.

Where it is not practicable to provide these facilities, the manager and employee should explore reasonable alternatives.

The employee is responsible for:

- Providing their own expressing and sterilising equipment and storage containers
- Seeking appropriate information and advice
- Taking appropriate measures to protect their own health and the health of others
- Securely storing expressed milk in sealed and clearly labelled containers.

Agencies planning relocation or refurbishment should take the opportunity to build into forward planning the space and facilities requirements of breastfeeding mothers.

Lactation breaks

Lactation breaks are necessary for maintaining an adequate milk supply.

Up to two paid lactation breaks per day of up to 30 minutes duration should be provided for a full-time employee and a part-time employee working over 4 hours per day in accordance with the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*.

Part-time employees who work 4 hours or less on any one day shall be entitled to one paid lactation break of up to 30 minutes duration per day. This is in addition to regular meal and rest breaks.

A flexible approach to lactation breaks can be taken by mutual agreement between an employee and their manager provided the total lactation break time entitlement is not exceeded. When giving consideration to any such requests for flexibility, a manager needs to balance the operational requirements of the organisation with the lactating needs of the staff member.

Arrangements for breaks should be reviewed at agreed intervals to ensure an appropriate balance is maintained between employee needs and operational requirements over the longer term.

Information and support

Some mothers may experience difficulties in effecting the transition from home based breastfeeding to the workplace and may wish to seek appropriate professional help. These mothers will have telephone access, in paid time to a breastfeeding consultative service, such as that provided by the Australian Breastfeeding Association's Breastfeeding Helpline Service or the public health system.

Employees needing to leave the workplace to seek support or treatment in relation to breastfeeding and the transition to the workplace may use sick leave or flexible working hours provisions, as appropriate to their award conditions.

Appendix A Relevant resources

New South Wales

NSW Anti-Discrimination Act 1977
Workplace Health and Safety Act 2011
Industrial Relations Act 1996 – Section 70

NSW Department of Premier and Cabinet (1997) *Employer Sponsored Childcare: Policy and Guidelines* <http://arp.nsw.gov.au/m1997-03-employer-sponsored-childcare>

Breastfeeding in NSW: Promotion, Protection and Support
http://www1.health.nsw.gov.au/pds/Pages/doc.aspx?dn=PD2011_042

Breastfeeding - Promoting and Supporting in NSW: Case Studies
http://www1.health.nsw.gov.au/pds/ActivePDSDocuments/GL2005_068.pdf

Making the public sector work better for women (2008)
http://www.dpc.nsw.gov.au/__data/assets/pdf_file/0005/30299/Making_the_public_sector_work_better_for_women_-_Strategy_2008-2012.pdf

Commonwealth

<http://www.health.gov.au/internet/main/publishing.nsf/Content/health-publth-strateg-brfeed-index.htm>

House Standing Committee on Health and Ageing *Inquiry into Breastfeeding* (2007)
http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=haa/breastfeeding/report.htm

Other

Australian Breastfeeding Association website <http://www.breastfeedingfriendly.com.au>
email: nswbfwa@breastfeeding.asn.au

Allen J and Hector D (2005) *Benefits of Breastfeeding* NS W Public Health Bulletin Vol 16(3-4) p42-46. ISSN 1034 7674 State Health Publication PH 050080
<http://www.publish.csiro.au/nid/227/issue/4216.htm>

NHMRC (2003) *Dietary Guidelines for Children and Adolescents in Australia: A guide to healthy eating* National Health and Medical

Research Council, Canberra
http://www.nhmrc.gov.au/files_nhmrc/file/publications/synopses/n34.pdf

Royal Australasian College of Physicians (2007) *Paediatric Policy: Breastfeeding*
<https://www.racp.edu.au/docs/default-source/advocacy-library/pa-pol-breastfeeding.pdf>

The Royal Australasian College of Physicians
<https://www.racp.edu.au/advocacy/search?wordsMode=0&topics=Child%20health%20and%20young%20adult%20medicine&sort=Date>