Breastfeeding Policy

NSW Government Policy as negotiated between the Public Service Association and the Director of Public Employment
April 2010
Breastfeeding Policy
Facilitating the Return to Work of Breastfeeding Mothers

**Application:** This document applies to Public Service Departments\(^1\).

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

**Previous Policy:** The Premier’s Memorandum (M1997-03) *Employer Sponsored Childcare: Policy and Guidelines* covered lactation issues. That advice is superseded by this document.

**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.

**Health benefits**
The National Health and Medical Research Council and NSW Health recommend six months breast milk only, followed by six months of breast milk combined with appropriate solids to achieve the health benefits from breastfeeding for mothers and babies.

**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.

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1 Public Service Departments being defined as Principal Departments and Other Agencies as listed in Part 1 of Schedule 1 of the *Public Sector Employment and Management Act 2002.*
**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) 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

Occupational Health and Safety Act 2000

Industrial Relations Act 1996 – Section 70

NSW Department of Premier and Cabinet (1997) Employer Sponsored Childcare: Policy and Guidelines

Breastfeeding in NSW: Promotion, Protection and Support

Breastfeeding - Promoting and Supporting in NSW: Case Studies

Making the public sector work better for women (2008)

Commonwealth


House Standing Committee on Health and Ageing Inquiry into Breastfeeding (2007)

Other

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

