



OPERATIONAL DIRECTIVE

Enquiries to: Sue Flindell Tel: (08) 9222 2327

Number: OD 0031/07

Date: 19 January 2007

Supersedes: OP1371/01

File No: 04-01829

Subject: **WORKPLACE POLICY AND GUIDELINES FOR BREASTFEEDING**

The Workplace Policy and Guidelines for Breastfeeding were developed in consultation with key stakeholders across Health and relevant external bodies.

WA Health recognises the importance of breastfeeding for both the mother and infant and acknowledges the short and long term health benefits involved in breastfeeding.

WA Health is committed to providing a workplace environment that will assist employees balance their work and family responsibilities. As part of this commitment, WA Health will support employees who return to work while still breastfeeding. This will be achieved by providing, wherever reasonably practicable, breastfeeding facilities and resources in or near the workplace.

The Policy applies to all persons employed within WA Health, which incorporates the following entities:

- Department of Health
- Metropolitan Health Services
- WA Country Health Services

This is a system wide policy and supersedes all existing policies related to breastfeeding in WA Health.

It is the responsibility of managers to ensure all staff have access to a copy of this policy. Employees who have any queries about this policy are to contact their supervisor or manager. Managers or supervisors with queries should contact their Human Resources Branch.

A copy of the new policy and guidelines is attached for your information, and can also be accessed via Health Workforce Link at <http://intranet.health.wa.gov.au/hwl>

Dr Neale Fong
DIRECTOR GENERAL
DEPARTMENT OF HEALTH



Workplace Policy for Breastfeeding

SCOPE

This policy applies to all persons employed in WA Health, which incorporates the following entities:

- Department of Health
- Metropolitan Health Services
- WA Country Health Service.

This is a system wide policy and supersedes all policies related to breastfeeding and work in WA Health.

POLICY STATEMENT

WA Health recognises the importance of breastfeeding for both the mother and infant and acknowledges the short and long term health benefits involved in breastfeeding. The National Health and Medical Research Council and the World Health Organisation recommend exclusive breastfeeding for the first six months and continued breastfeeding for up to two years and beyond.

Practices such as allowing flexibility in when to return to work following parental leave or a gradual return to work, and providing an environment that supports breastfeeding in the workplace can greatly assist employees who are breastfeeding to return to work.

WA Health is committed to providing a workplace environment that will assist employees balance their work and family responsibilities. As part of this commitment, WA Health will support employees who return to work while still breastfeeding. This will be achieved by providing, wherever reasonably practicable, breastfeeding facilities and resources in or near the workplace.

Under the federal *Sex Discrimination Act* it is unlawful to discriminate against a woman on the basis that she is breastfeeding. Employers have an obligation to take all reasonable measures to accommodate employees who wish to breastfeed or express breast milk at the workplace. Employees who are breastfeeding are not to be subjected to any criticism, harassment or discrimination for breastfeeding at work.

Female employees who wish to breastfeed or express breast milk upon returning to work should discuss their specific needs and situation with their manager prior to returning to work. Managers, in consultation with the

employee, are to fully consider ways to accommodate requests and, where reasonably practicable, implement appropriate arrangements.

Entitlement to Flexible lactation breaks

An essential component of combining breastfeeding and work is the allocation of time to express milk during the course of the day. It is important for the maintenance of the milk supply and for the woman's physical comfort and wellbeing for milk to be expressed periodically throughout the day.

Employees who are breastfeeding are entitled to two paid breaks of up to 30 minutes per 8 hour shift, or as otherwise negotiated, in addition to normal breaks to enable them to express their breast milk or breastfeed their infant, up to two years of age.

Employees are required to negotiate an arrangement with their employer as to the frequency, duration and timing of lactation breaks. Negotiations will need to take into account both the employee's and the organisation's needs. The breastfeeding arrangement and conditions associated with it, agreed between the parties involved, must be appropriately documented. As with any flexible work practice, the arrangement should be reviewed on a regular basis.

Employers should provide reasonable access to a clean, hygienic and private area for the purpose of breastfeeding or expressing milk.

Decisions made regarding requests for breastfeeding breaks must be fair, transparent and capable of review. Managers are not to refuse reasonable requests for lactation breaks.

This Policy should be read in conjunction with the Workplace Guidelines for Breastfeeding, WA Health Work Life Balance Policy and employee's awards and agreements.

Grievances arising as a result of the application of this policy will be resolved in accordance with local grievance resolution processes.

SUPPORTING DOCUMENTS

Workplace Guidelines for Breastfeeding

<http://intranet.health.wa.gov.au/hwl/policies/index.html>

Australian Breastfeeding Association Website

<http://www.breastfeeding.asn.au>

Balancing Breastfeeding and Work Booklet, The Department of Health and Ageing

<http://www.health.gov.au/internet/wcms/Publishing.nsf/Content/health-publth-publicat-document-brfeed-work-booklet-cnt.htm>

Department of Consumer and Employment Protection Work and Family
Website

<http://www.docep.wa.gov.au/lr/WorkLife/Work%20and%20Family/Pages/Breastfeeding%20at%20Wor.html>

RELEVANT LEGISLATION

Public Sector Management Act (1994) (WA) (as amended)
Equal Opportunity Act (1984) (WA) (as amended)
Sex Discrimination Act (1984) (Commonwealth) (as amended)
Occupational Safety and Health Act (1984)

RELATED DOCUMENTS

WA Health Work Life Balance Policy
Flexible Work Practice Policies
Equal Opportunity Policies
Diversity Management Policies
Grievance Resolution Policies and Guidelines

ACCESSING POLICIES

Policies are located on:

- Health Workforce Link (<http://intranet.health.wa.gov.au/hwl>)
- Local Intranet

IF YOU HAVE A QUERY

Employees who have any questions are to contact their supervisor or manager. Managers or supervisors with queries should contact their local Human Resources Department.

CONTINUOUS IMPROVEMENT

To maintain continuous improvement in the development of human resource policies, please refer any feedback regarding this policy to the Policy Officer, Organisational Development Division at policyofficer@health.wa.gov.au

VERSION CONTROL

This document has been developed in accordance with the 'WA Health Human Resource Policy Development Framework'.

Date of endorsement: 16 January 2007

Policy effective date: 16 January 2007

Policy review date: 16 January 2009

Workplace Guidelines for Breastfeeding

INTRODUCTION

The following guidelines support the implementation of the Workplace Policy for Breastfeeding and provide guidance in relation to the provision of workplace facilities and practices that will enable women employed within WA Health to continue breastfeeding. The guidelines are optional and may be adapted as required to suit local area health service requirements.

This document is located on [Health Workforce Link](#)

PURPOSE

These guidelines have been developed to provide assistance and support to employees who are breastfeeding, to advise of their rights, options, and responsibilities, and for managers involved in the management of such employees.

These guidelines should be read in conjunction with the Workplace Policy for Breastfeeding, Work Life Balance Policy, employee's awards and agreements and applicable flexible work practices policies.

BENEFITS

Research has shown that flexibility in work arrangements is desirable to assist all parents with their added responsibilities and that family friendly policies and work practises benefit both employers and employees.

Breastfeeding has positive effects on the nutritional, physical, psychological and social health of the infant and mother. It has also been identified as one of the most cost-effective primary prevention measures available and economic benefits can be gained for the family and general community by providing policies and structures that support breastfeeding women.

The World Health Organisation (WHO) and National Health and Medical Research Council (NHMRC) recommend that babies be exclusively breastfed from birth to 6 months and then partially breastfed up to two years and beyond. Studies have shown that returning to work is a major reason for early weaning.

The Australian Government has made a commitment through its National Breastfeeding Strategy to encourage breastfeeding awareness, with the aim of increasing Australia's rate of breastfeeding.

Given the high proportion of women in the workforce who seek to return to work after birth, workplaces are an important setting for interventions that encourage and assist initiation, continuation and exclusivity of breastfeeding. Having a Breastfeeding Policy and physical facilities, such as private rooms for breastfeeding, help provide a supportive environment conducive to breastfeeding and can provide a number of significant benefits to the infant, mother, employer and the community as a whole.

Recognised benefits for employers include:

- Increased ability to attract and retain staff
- Lower staff turnover and increased return from parental leave
- Reduced training (or re-training) costs
- Reduced absenteeism (including parental absenteeism due to infant illness)
- Improved employee morale and commitment
- Increased productivity
- Positive corporate image

Organisations that have introduced work life balance initiatives have found that the benefits have far outweighed the cost and effort of making changes, particularly in attracting and retaining skilled, productive and healthy employees.

Benefits for mothers may include:

- Increased ability to manage work and family commitments
- Increased ability to return to the workforce earlier hence maintaining job skills
- Healthier babies, which lead to more productive and happier mothers
- Less time off work (caring for ill babies)
- Health benefits associated with breastfeeding
- Continuing the special bonding between mother and baby associated with breastfeeding
- Increased concentration, motivation and job satisfaction knowing that family and work commitments are being met
- Increased job security from the knowledge that an organisation understands and supports workers with family responsibilities

ENTITLEMENTS AND FACILITIES

Flexible lactation Break

Employees who are breastfeeding are entitled to two paid breaks of up to 30 minutes per 8 hour shift, or as otherwise negotiated, in addition to normal breaks to enable them to express their breast milk or breastfeed their infant, up to two years of age.

This entitlement is consistent with the International Labour Organisation's recommendations.

Where an employee works less than an eight-hour workday, lactation breaks may be accessed on a pro-rata basis, based on 1/8 of their work day, for example where an employee works a 6 hour day the entitlement would be up to a total of 45 minutes.

Employees are required to negotiate an arrangement with their employer as to the frequency, duration and timing of lactation breaks. Negotiations will need to take into account both the employee's and the organisation's needs. This discussion should take place prior to the employee returning to work from maternity leave, to enable appropriate planning to take place.

All requests for breastfeeding breaks must be fully and properly considered, in a timely manner. Decisions made regarding requests for breastfeeding breaks must be fair, transparent and capable of review. Managers should not refuse reasonable requests for lactation breaks.

All employees' circumstances will be different and it is important to look at each request on a case-by-case basis and consider what is reasonable under the circumstances. Wherever practicable the individual needs of employees can be met by allowing flexibility in how and when lactation breaks are taken.

While it is important that flexibility exists to enable individual needs to be met where possible, arrangements should involve minimal disruption to the workplace. In particular, client service/patient care issues require careful consideration by both parties.

Scheduling of breaks needs to be negotiated between the employer and employee, and communicated to other staff, particularly those directly affected by the employee's absence during their lactation break. Managers and staff will need to organise appropriate coverage, if required, for employees while they are on lactation breaks.

At the time of negotiating breastfeeding requirements the manager and employee should also determine the most suitable location to be used for breastfeeding or expressing milk, and take into consideration issues such as travel time to and from the location and how this will be managed.

Lactation breaks may either be taken on-site or away from the workplace, and can be taken in a number of ways. Possible options are as follows:

- Both breaks taken with the unpaid meal break, to allow the mother an extended period to express/breastfeed or travel away from the workplace to feed her child offsite.
- One lactation break taken with the meal break, and the other taken separately.
- Both breaks taken separately.
- Several shorter breaks (up to a total of 60 minutes per 8 hour day) taken.

The breastfeeding arrangement and conditions associated with it, agreed between the parties involved, must be appropriately documented. Where the arrangement includes approval to travel home or to another location to breastfeed, this should be included in the agreement

As with any flexible work practice, the arrangement should be reviewed on a regular basis and revised where any change of circumstances result in a change to the agreement (following appropriate notification and renegotiation by both parties).

Facilities

Employers should provide reasonable access to a clean, hygienic and private area for the purpose of breastfeeding or expressing milk.

Due to the diverse nature of both the workforce and the business of WA Health, the provision of facilities will vary in accordance with individual employee and workplace requirements giving consideration to space and logistic restrictions.

Some workplaces may not have dedicated room(s) for the purpose of breastfeeding or expressing milk, however employers should take reasonable steps to ensure that suitable alternative facilities are available or that employees may access the facility at another location.

The room allocated for the purpose of breastfeeding or expressing milk should be suitable and safe for the mother and infant. In most cases, this does not involve a lot of expense to the employer, rather reorganising. It is not suitable for employees to breastfeed or express breast milk in the toilets or storage rooms.

Employers are urged to consider establishing rooms for the purpose of breastfeeding mothers when building new health services, leasing accommodation for employees or if one does not currently exist.

The Australian Breastfeeding Association suggest appropriate facilities should ideally include:

- a lockable area that is clean, hygienic and private
- a power point for breast pumps and other equipment
- comfortable seating
- a clean and private storage area for breast pumps and other equipment
- access to a refrigerator/freezer for storing milk - an employee storing breastmilk must ensure that the stored milk is properly secured, labelled and safely stored, and should not be used if the employee has any doubts about its safety, and
- access to a sink for washing hands and equipment

Provision of breast pumps, sealed storage containers and any other aids are the responsibility of the employee. However, where pumps are provided this information should be included in local area guidelines.

In circumstances where employees work at sites not controlled by WA Health, for example School Nurses who are based at schools which are under the control of the Education Department, negotiation should occur between the individual, their manager and the external organisation to make suitable arrangements to enable the employee to combine breastfeeding and work.

Information or policies regarding facilities available for breastfeeding or expressing breast milk should be promoted widely to all staff and include guidelines on how to access and use the room.

[Health Services list here the location and details of suitable rooms that could be used for breastfeeding or expressing breastmilk at the health service or nearby location. Include links to relevant policies eg Family/Breastfeeding Room Policy]

[The Department of Consumer and Employment Protection's website](#) provides guidelines for establishing a Family Room.

Flexible Work Options

The Workplace Policy and Guidelines for Breastfeeding should be read in conjunction with the WA Health Work Life Balance Policy, employee's awards and agreements and applicable flexible work practices policies.

Employees may request access to other flexible work practices to support their return to work from parental leave and/or assist them combine breastfeeding with work. Examples include returning to work part-time or job share, working from home or using flexi-time to extend lactation breaks. Employees are required to negotiate flexible work arrangements with their manager in accordance with the relevant policy and their employment conditions.

OCCUPATIONAL SAFETY AND HEALTH

Employers are reminded of their obligations in relation to the Occupational Safety and Health Act 1984 (OSH Act), particularly section 19, which states:

“An employer shall, so far as is practicable, provide and maintain a working environment in which his employees are not exposed to hazards and in particular, but without limiting the generality of the foregoing, an employer shall –

- (a) provide and maintain workplaces, plant and systems of work such that, so far as is practicable, his employees are not exposed to hazards;”

Employees are also reminded of their obligations in relation to the Occupational Safety and Health Act 1984 (OSH Act), particularly section 20, which states:

“An employee shall take reasonable care –

- (a) to ensure his own safety and health at work; and
- (b) to avoid adversely affecting the safety or health of any other person through any act or omission at work.”

Managers and employees are required to consider occupational safety and health factors when making arrangements to breastfeed or express breast milk in accordance with the Workplace Policy for Breastfeeding. An assessment of possible risks should be undertaken and where risks are identified, steps should be taken to minimise such risks occurring. Consultation with your Occupational Safety and Health Officer, Risk Cover or other relevant experts is recommended before proceeding.

Managers should make employees aware of potential risks and bring to their attention these guidelines and any other health service specific procedures or guidelines that need to be adhered to in order to reduce potential risks.

Risks associated with bringing Infants into the Workplace

Where Infants are brought into the workplace to be breastfed there is potential risk of harm to the infant associated with exposure to hazards or infection. There is also a potential risk of the infant introducing an infection to the workplace. These risks are more serious in a hospital or health service setting.

Employees have a responsibility to ensure:

- Universal precautions, such as washing hands and general cleanliness, and infection control procedures are adhered to;
- Caregivers (any person who assumes responsibility for bringing an infant onto WA Health premises with the intent of delivering the infant to an employee for the purpose of breastfeeding) entering the workplace do so on the understanding that restricted access will apply;
- Caregivers avoid environments where there is risk of cross infection or injury;
- Either the caregiver or the employee constantly supervises infants in the workplace;
- Infants are delivered directly to the workplace facility designated for the purpose of lactation breaks; and
- Caregivers and the infant/s in their care vacate the workplace at the completion of each lactation break.

Risks associated with Employees leaving the Workplace

Employees are required to negotiate with their manager if they wish to leave the workplace to travel to their infant to breastfeed, and any special arrangements such as combining their paid lactation break with flexi time or other breaks (for example a lunch break) or leave without pay, in order to extend the length of the break.

Where mothers leave the workplace to travel to their infant to breastfeed, the paid lactation break includes travelling time. When negotiating arrangements for employees to leave the workplace, the distance and time required to travel to and from the infant is to be considered when determining if the request is reasonable.

Employees should be reminded lactation breaks are only to be used for the specific purpose agreed ie travel directly to and from external location and breastfeeding the infant at that location.

WHAT ELSE CAN EMPLOYERS DO

Informing Staff

Employers are encouraged to inform all WA Health staff of policies and facilities available to support employees who wish to breastfeed on returning to work. Information may be provided to staff when they apply for maternity leave or when they are due to return to work from maternity leave and at employee induction programs. Information about policies and facilities can be displayed and distributed where appropriate to inform employees who are pregnant or considering pregnancy.

Provision of Resources and Support

Employers are encouraged to provide resources and support for breastfeeding mothers. This may include related policies, breastfeeding information, literature, publications, research etc.

[The Australian Breastfeeding Association's website](#) provides a lot of information relevant for breastfeeding mothers. Employers may include links on their website to direct staff to further information on breastfeeding and associated issues.

Encouraging a Supportive Workplace Environment

Employees who are breastfeeding will not be subjected to any criticism, harassment or discrimination for breastfeeding at work.

Breastfeeding is a normal and important part of life and has benefits for the infant, mother, employer and general community. WA Health encourages and supports female employees who wish to continue to breastfeed after returning to work.

Managers should encourage a workplace culture that supports the needs of staff with family responsibilities. It is important to recognise diversity and flexibility in the workplace and understand that individuals all have different needs and those needs change over time.

Managers can be proactive by discussing the Workplace Policy for Breastfeeding and other flexible work practices with staff, and bringing to their attention the types of support available within the organisation to assist all employees.

Provision of Childcare

Provision of childcare or other appropriate support, services or facilities to underpin family friendly initiatives will support mothers returning to work. Options may include:

- Provision of childcare information and resources.
- Provision of childcare liaison roles to assist employees finding nearby child care
- Provision of on-site childcare centres or placements at local Childcare Centres for children of health service employees.

If childcare is reasonably close to the place of work, it will be easier for the mother to go to the infant or have the infant brought to her to breastfeed.

Breastfeeding Accreditation

In response to the increasing number of women returning to work shortly after the birth of their baby, the Australian Breastfeeding Association has developed Breastfeeding-Friendly Workplace Accreditation to assist employers to provide facilities and formulate policies to support breastfeeding women in the workplace.

A copy of the [Breastfeeding-friendly Workplace Accreditation Information Booklet](#) is available on the Australian Breastfeeding Association's website. The booklet outlines how employers can gain workplace accreditation including the essential and optional criteria to be met, and the benefits it provides.

Information packs for staff

Employers may wish to develop information packs for staff to support them breastfeeding after they return to work.

When employees signal their intention to apply for maternity leave, they are likely to want not only information about their leave provisions, but also about how they can incorporate the responsibilities of work and motherhood once they return from maternity leave. The organisation can assist in the transition of this process by providing information that will make the move back to work beneficial for both the mother and the workplace.

The information that a mother will be seeking could include flexible working arrangements, childcare (if offered), facilities provided for expressing breastmilk and policies on carers/family leave etc.

SUPPORTING DOCUMENTS

WA Health Work Life Balance Policy

[Family Friendly Website](#)

Health Service Family or Mothers Room Policy and Guidelines (where applicable)

[Australian Breastfeeding Association Website](#)

[The Department of Consumer and Employment Protection Website](#)

[The Department of Health and Ageing – Balancing Breastfeeding and Work Booklet](#)

(provides information for employers and employees on the benefits of breastfeeding and work and how employers can provide support in the workplace to mothers who choose to breastfeed)