

Breastfeeding and Lactation Breaks in Schools

Guidelines for Principals and School Staff



Introduction

Returning to work after maternity leave is a critical time for a mother and baby. The NSW Government strongly supports participation in paid work by women in their child-bearing years. 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.

Public Sector Industrial Relations issued circular [NSWC 14-15 Breastfeeding Policy in 2014](#) which provides up to two paid breaks of 30 minutes each day for the purpose of breastfeeding and expressing milk for NSW public sector employees. This includes teaching service staff.

Background

Australian federal and state initiatives are aiming to increase breastfeeding rates in Australia in infants up to six months of age. The way to support this for working mothers is via a combination of the Commonwealth Paid Parental Leave Scheme, the provision of lactation breaks and suitable facilities in the workplace. The *Crown Employees (Public Service Conditions of Employment) Award* makes provision for two paid thirty minute lactation breaks for clerical and administrative staff. The provision of lactation breaks for front line staff such as teachers requires individual management as teachers may be timetabled on class at a time when they need to take a lactation break.

The following provides guidance on the practical implementation of requests for lactation breaks in NSW Government schools.

What must the Department provide?

Lactating teachers are entitled to two 30 minute paid lactation breaks per working day. Teachers who work for less than 4 hours per day shall be entitled to one paid 30 minute lactation break per day. Every effort should be made to provide employees with access to suitable facilities to support breastfeeding. 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

As a minimum this would mean a private lockable room with comfortable seating and power. Access to facilities for washing hands, equipment and refrigeration is also required but not necessarily in the same room. Schools are not required to make a room available solely for the purpose of lactation breaks but need to implement a booking system for facilities used for lactation purposes and introduce "In Use" signage to ensure privacy.

What must the teacher do?

When discussing a return to work from a period of maternity leave, a teacher must discuss their intention to utilise lactation breaks and provide as much detail as possible about their individual requirements to their principal. The teacher must take operational needs into account when determining lactation breaks. A teacher may use a lactation break to either express milk or to breastfeed a child.

Implementation Summary of Actions/Responsibilities

In facilitating the practical implementation of lactation breaks, both the principal and the teacher have clear responsibilities which are outlined below:

| Principal | Teacher |
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| Prior to proceeding on maternity leave ensure all teachers are aware of the Department's maternity leave and right to request provisions and the provisions of these guidelines. | Undertake to communicate with the principal in accordance with the Department's maternity leave and right to request provisions. Advise the principal of their intention to return to work whilst breastfeeding. |
| Engage in discussions with the employee about their specific needs in terms of lactation. | Discuss specific needs with the principal well before the intended return to work. Advise the principal when they no longer require lactation breaks. |
| Aim to achieve a balance between the needs of the employee and the needs of the workplace in terms of suitable lactation breaks. Be prepared to try alternative arrangements should the initial plans turn out not to be feasible. | Take operational needs into account when determining lactation breaks. Be prepared to try alternative arrangements. |
| Seek the assistance of the Industrial Relations Directorate if agreement cannot be reached or a suitable arrangement is proving difficult to implement. | Seek the assistance of the Industrial Relations Directorate if agreement cannot be reached or a suitable arrangement is proving difficult to implement. |
| Ensure the provision of a suitable space and access to facilities. This includes a private, lockable space with "In Use" signage. | Provide own equipment for expressing and storing milk. Ensure equipment is stored in personal locker or other suitable location. |
| Ensure the lactation space is clean/hygienic | Clearly label expressed milk containers before placing in refrigerator. Ensure the lactation room remains tidy after use. |
| | If breastfeeding a child rather than expressing, ensure the child is delivered promptly and remains on the premises only for the purpose of lactation |

Practical implementation of lactation breaks in NSW Government Schools

The following options are based on a teacher's entitlement to two 30 minute paid lactation breaks per working day. In accordance with the *NSW Public Sector Industrial Relations Breastfeeding Policy*, every effort will be made to provide employees with access to suitable facilities to support breastfeeding.

All options are based on the premise that discussions at the local level will occur prior to the intended return to work. The age of the child on the employee's return to work will determine the frequency of lactation up to two paid breaks. In some instances the employee may only require one break which may coincide with lunch time, while others may be during class time and therefore the suite of options may apply. With the current public sector paid maternity leave provisions and now in addition the Commonwealth Paid Parental Leave Scheme, employees may be off on paid leave for between 32-46 weeks. They may then also access further unpaid leave under the Department's provisions. These conditions are likely to further reduce the incidence of lactation at work.

School Teacher Options

Secondary Teachers

- Timetabling free periods to align where possible with lactation breaks;
- Utilising non-teaching executive staff to cover lactation breaks;
- Use of casual relief.

Primary Teachers

- Timetabling class free time (RFF) to align where possible with lactation breaks;
- Utilising non-teaching executive staff to cover lactation breaks;
- Use of casual relief or any spare staff entitlement to cover lactation breaks.

In addition to the above for all school teachers consideration could also be given to:

- Releasing teachers from before or after school staff meetings or other obligations to support breastfeeding;
- The return to work on a part time basis and gradually increasing the number of days to support breastfeeding.

Additional Support and Assistance

Where schools are having difficulty in determining practical implementation of lactation breaks for a teacher returning from maternity leave, additional assistance is available on a case by case basis from the Industrial Relations Directorate. In the first instance every attempt should be made at the local school level to determine an implementation plan prior to the employee returning from maternity leave. Where schools or employees are having difficulties in agreeing on suitable arrangements contact should be made with the Industrial Relations Directorate on 7814 3510 or Indrel@det.nsw.edu.au for support and advice.

An Example

A teacher is planning to return to work part time 3 days per week after nine months of maternity leave. The teacher wishes to continue breastfeeding at least until the child reaches 12 months of age (one school term). The baby is eating solids and as such is down to three milk feeds a day. Only one of these feeds is during the working day, as the other two are in the morning and early evening. On the days when the teacher is not at work she would normally feed the baby around noon and therefore would need to express when at work around this time. The school's lunch time is not until 1.00pm so expressing at lunch time is not going to work. The teacher and the principal have agreed to schedule any class free time at around noon to facilitate a lactation break.

If the teacher worked in a primary school then the only class free time would be the weekly 2hr RFF component. For a teacher working 3 days per week this would equate to 72 mins or 1hr and 12 mins. This would cover two of the day's lactation breaks and the other day would need to be covered in another way. Fortunately, on the other day the school has sports day and the lunch times are earlier and therefore the teacher can lactate at that time. The principal has arranged the playground duty roster so that the teacher is not rostered on to duty.

If the teacher worked in a secondary school then class free time would be in the form of free periods and the teacher and the principal could arrange the timetable in advance to ensure the class free time coincides with the lactation break.