



SUPPORT FOR BREASTFEEDING MOTHERS POLICY

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Signature

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Forum.

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This policy, which was developed by a partnership group on behalf of Grampian Area Partnership Forum, applies to all female employees of NHS Grampian and to women carrying out work for, or on behalf of NHS Grampian.

**NHS GRAMPIAN
SUPPORT FOR BREASTFEEDING MOTHERS POLICY**

If you have difficulty understanding the English language, this policy can be made available to you in a language of your choice.

This policy can also be made available, on request, in other formats e.g. in large print or on a computer disk.

For all requests for copies of this policy in another language, or in an alternative format, please call the Corporate Communications Team on 01224 554400.

NHS GRAMPIAN SUPPORT FOR BREASTFEEDING MOTHERS POLICY

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NHS GRAMPIAN

SUPPORT FOR BREASTFEEDING MOTHERS POLICY

1 INTRODUCTION

NHS Grampian (NHSG) recognises the benefits of breastfeeding and supports strategies and facilities in support of workplace breastfeeding for mothers during the first year of her baby's life.

This support includes the provision of:

- flexibility within working hours to schedule time to express milk
- facilities that allow privacy for expressing milk
- access to a clean, safe water source for washing hands
- access to a storage alternative for the breast milk
- sterilising facilities

This policy applies to all female employees of NHSG and to women carrying out work for, or on behalf of, NHSG.

2 LEGAL FRAMEWORK

2.1 Sex Discrimination Act 1975 states that, if a new mother has less favourable employment terms, opportunities, conditions, etc., due to the fact that she is breastfeeding, her employer will almost certainly be seen to be guilty of sex discrimination.

2.2 Article 4 of the EU Pregnant Workers Directive 1992 (92/85/EEC) requires public sector employers 'to assess any possible effect on the breastfeeding of workers'.

2.3 Workplace (Health, Safety & Welfare) Regulations (SI 1992 No. 3004) states that employers have a specific duty to provide suitable rest facilities for nursing mothers.

2.4 Employment Rights Act 1996 defines acceptable control measures which must be taken to reduce the risk to the mother – in particular altering working conditions and/or hours of work, removal from night duty and in some cases suspension on full pay from work activities. The Health and Safety Executive recommends that, wherever possible, new mothers should have some control over how their work is organised during the period that they are breastfeeding.

2.5 Human Rights Act October 2000 provides mothers with the opportunity to bring a claim for a breach of their rights if they are prohibited from breastfeeding in the workplace. Breastfeeding mothers do, however, have a duty to follow their employer's procedures and practices, not do anything to damage the health of the breastfed child, to take reasonable care to ensure her own health and safety and not to put others at risk by her actions.

2.6 The Employment Rights Act, 2002 provides parents of children under the age of six and disabled children under the age of 18, with the right to apply to work flexibly which their employers have a duty to consider seriously.

3 AIMS OF THE POLICY

This policy aims to:

- support and encourage staff to continue to breastfeed after they return to work to meet with the World Health Organisation and the Department of Health recommendations of exclusive breastfeeding for around six months and continued breast feeding for two years and beyond
- provide a safe and healthy environment for workers who are breastfeeding to express and store breast milk
- contribute to NHS Grampian's commitment to the promotion of good health at work
- raise awareness of the benefits of breastfeeding to mothers
- satisfy health and safety and employment legislation and European Union directives

4 BREASTFEEDING AND RETURNING TO WORK

NHS Grampian will positively encourage and support mothers returning to work to continue to breastfeed by:

4.1 promoting the health benefits of breastfeeding for the organisation's staff who are mothers and for their babies

The Maternity Leave Co-ordinator will provide a package of information leaflets on the benefits of breastfeeding for mother, baby and society, to all pregnant employees when they apply for maternity leave

4.2 providing time for staff to feed, or express milk for, their baby

Managers of staff returning from Maternity Leave, in consultation with HR Department, will negotiate flexible working and paid breaks to express breast milk, or feed the baby, during working hours. For employees who work full days, these breaks will not normally exceed a total duration of 45 minutes per day, spread over two break periods **and will be in addition to normal meal etc., breaks.**

For employees who work part days, managers should agree equitable break periods with the employee.

4.3 providing suitable facilities for feeding babies, expressing and storing breast milk

4.3.1 areas for rest, expressing milk and feeding babies will:

- be warm and contain a low, comfortable, chair
- be lockable, or have an arrangement which ensures privacy
- have hand washing facilities nearby
- have an electrical point to supply an electric breast pump

It is recognised that it may be difficult to provide facilities for employees who normally work offsite, or in small premises, with limited space, which are located at a distance from main centres. In these circumstances, local managers are expected to investigate pragmatic solutions e.g. allowing the employee to return home (where this is practicable) to express milk, or feed her baby; arrange to share facilities with another local employer etc.

4.3.2 Mothers are encouraged to continue to utilise the equipment they were using prior to their return from Maternity Leave.

Where required, NHS Grampian may assist in the provision of breast pumps, sterilising equipment and a dedicated refrigerator, or cooler box with freezer packs, for storing breast milk at the correct temperature.

4.4 providing access to breastfeeding support

NHS Grampian employs specialist breastfeeding support staff who can make themselves available for individual help and to provide support to overcome any difficulties staff encounter when returning to work following Maternity Leave.

NHS Grampian ensures the provision of support for managers to enable them to help staff returning to work [see Section 7].

The Maternity Leave Co-ordinator will provide a package of information on preparing to return to work. NHS Grampian also provides a programme of breastfeeding workshops.

5 RESPONSIBILITIES OF MOTHERS WHO WISH TO CONTINUE TO BREASTFEED ON RETURN TO WORK FOLLOWING MATERNITY LEAVE

A mothers returning from Maternity Leave and who intends to continue to breastfeed -

- must make an appointment to see her manager, at least four weeks in advance of the date of her return from Maternity Leave, in order to discuss her intentions to continue to breastfeed.

She must also advise her line/clinical manager, **in writing**, of her intention to express breast milk, or feed her baby, during working hours

- should discuss the facilities for expressing and storing milk in the work place with her line/clinical manager
- should consider her current job and any adaptation that is likely to be required in order to allow her to express milk, or breastfeed her baby, in the workplace. The mother is expected to negotiate realistically with her line/clinical manager in order to explore pragmatic ways to accommodate her wish to express milk, or breastfeed her baby, in the workplace.
- should discuss any concerns regarding her conditions of work, or her hours and their compatibility with breastfeeding with her line/clinical manager
- is encouraged to consider her child care options e.g. find out what is available and what best suits her needs
- is encouraged to seek help in learning to express milk, to sterilise equipment and to transport and store express breast milk. She is also encouraged to stockpile her breast milk as a change in routine, such as returning to work, may lead to a temporary reduction in lactation and additional milk may, therefore, be required in the short term.
- should remember that she has a responsibility to be reasonable, to be organised and to carry out her job to a satisfactory standard. She is also encouraged to access breastfeeding workshops and any help that is available from NHS Grampian and/or other organisations and to read the explanatory literature which is provided to her.

6 ROLE OF THE MATERNITY LEAVE CO-ORDINATOR

In order to assist mothers to make arrangements for breastfeeding following their return to work from Maternity Leave, the Maternity Leave Co-ordinator will provide a package of documents to all staff members who apply for maternity leave which will include:

- a copy of NHS Grampian's Support for Breastfeeding Mothers Policy
- information on the benefits of breastfeeding for mother, baby and society
- information on preparing to return to work, including a reminder that, if it is their intention to continue to breastfeed, they require to make an appointment to see their manager, at least four weeks in advance of their date of return to work, in order to discuss and agree arrangements
- information on how to access a programme of breastfeeding workshops

7 ROLE OF THE LINE/CLINICAL MANAGER

When a member of staff returns from Maternity Leave with the intention of continuing to breastfeed, her clinical/line manager will:

- discuss any concerns the employee has regarding her conditions of work, or her hours of work and the compatibility of these conditions and/or hours with breastfeeding
- discuss the employee's current job and any adjustments that may be required
- arrange for a risk assessment of the employee's working conditions to be undertaken – see Section 8
- negotiate flexible working and/or extra time for the employee to express milk, or to feed her baby, in the workplace

Managers may wish to involve a member of HR Department in these discussions.

Managers will be provided with support to enable them to assist staff returning to work following Maternity Leave and should be aware that NHS Grampian employs breastfeeding support staff who can make themselves available for individual help and support to overcome any difficulties staff encounter when returning from Maternity Leave.

Managers will also be required to participate in any Action Plans which are agreed to rectify deficiencies in the system.

8 RISK ASSESSMENT

As long as an employee is breastfeeding, there is a duty to consider whether working conditions are a risk to her health and/or the health of her baby. The employee's line/clinical manager will, therefore, be responsible for arranging for a risk assessment of her working conditions to be undertaken and for ensuring that, where necessary, specialist advice is sought.

The risks to those workers continuing to breastfeed will be regularly reviewed and, where risks are identified, steps will be taken to avoid exposure to the risk for as long as the employee continues to breastfeed.

Guidance on undertaking risk assessments is available to managers from the Risk Management Support Unit.

BREASTFEEDING AND RETURNING TO WORK POLICY STATEMENT

The Scottish Executive has introduced the following Policy Statement for Breastfeeding and returning to work:-

“In addition to acting within EC and Scottish Law, NHS employers in Scotland should adopt the following code of practice in support of employees who are breastfeeding:

- take a positive and supportive attitude to employees returning to work and breastfeeding
- make a leaflet about breastfeeding available to pregnant employees
- wherever possible, allow appropriate flexibility in working hours, including regular breaks for employees who wish to breastfeed or to express milk
- wherever possible and as necessary, make rest areas, storage space and a dedicated refrigerator available for the use of breastfeeding employees.
- The Scottish Executive is also adopting this code of practice.”

FLOW CHART

