

Grindleton CE Aided Primary School



Breastfeeding at work policy (REVISED AUGUST 2020)

At Grindleton School we wish to secure the happiness and safety of all our children and staff. This policy is designed with our Christian Vision in mind.

'In the same way, let your light shine before others that they may see your good deeds and glorify your father in heaven.' Matthew 5 v16

Grow and shine in God's glory.

The Authority recognises the benefits of breastfeeding to mothers and their children and as such, is committed to the facilitation of breastfeeding by offering help and support to women who return to work whilst still breastfeeding.

These guidelines aim to meet legal requirements and to promote good practice in relation to breastfeeding for employees within schools.

Legal framework

A framework of legislation exists, which aims to protect new and expectant mothers, including those that continue to breastfeed when they have returned to work following a period of maternity leave. This includes:-

Management of Health & Safety Regulations 1999

This legislation places a legal requirement upon employers to protect employees who are or in the future could be new or expectant mothers.

If an employee wishes to continue breastfeeding when she returns to work, following maternity leave, she must provide written notification to the employer. Upon receipt of this notification, a specific risk assessment should be undertaken and the employer must do what is reasonably practicable to control any identified risks to the breastfeeding employee.

Some hazardous substances can enter breast milk and might pose a risk to the employee's breastfed baby. If the employee's work brings her into contact with a dangerous substance, it would be advisable to ask her before she returns to work whether she is breastfeeding, so that adjustments can be made to the role to remove any risk. If the risks cannot be removed, the employee must be temporarily transferred to a suitable alternative post or suspended on full pay (this should be the last resort). Current Health and Safety Executive guidance states that the following should be avoided: Toxic chemicals; Lead, Mercury, Antimitotic (cytotoxic) drugs, Pesticides, Carbon Monoxide: may cause harm to breastfed babies.

Workplace (Health, Safety and Welfare) Regulations 1992

The Workplace Regulations require employers to provide suitable rest facilities for employees that are breastfeeding. These facilities should be suitably located (i.e. near to but not within toilets). Where necessary, the facilities should enable the breastfeeding employee to lie down.

In order to breastfeed or express milk successfully a mother needs to feel comfortable and relaxed. She needs to be in a private place where she is not going to be interrupted by a colleague.

There is no right for the employee to bring her baby into work for the whole working day, nor is there any requirement for you to provide childcare facilities for staff. However, you should allow for her baby to be brought into school and taken to the designated area for breastfeeding at times when she needs to breastfeed, and then be taken away. There is no right for the baby to be present in other areas of school, other than the designated area and to transfer to and from this.

Flexible Working

All employees with at least 26 weeks' continuous employment have a statutory right to request flexible working.

Health and Safety law requires employers to permit adequate rest and meal breaks for breastfeeding employees. However there is no statutory right to time off work for breastfeeding.

When the employee informs you that she wishes to continue breastfeeding upon her return to work, you should meet with the employee to discuss her return. You should listen to what the employee considers will work. The breastfeeding pattern of babies varies according to their age, health and the individual child, and the nature of the employee's work may affect her breastfeeding pattern - an exact routine may be impossible.

- Ascertain how much time the employee will need, and when. Some women are able to express milk quickly and easy, others may take longer.
- The number of breaks required or their length may vary (usually reduce) over time. You should allow the employee to go home whenever she needs to breastfeed, providing this forms part of a flexible working request and agreement that has been previously approved.
- Take the employee's needs as a breastfeeding mother into account when scheduling shifts or rotas.

Do not make the employee feel timed, as this pressure will make it more difficult or sometimes physically impossible to breastfeed or express milk.

Equality Act (2010)

Failure to comply with the legislation to accommodate a breastfeeding employee within the workplace (i.e. failure to undertake a risk assessment and reduce/remove risks, failure to provide suitable rest facilities in which to breastfeed), could be classed as direct sex discrimination.

It is unlawful to suggest that an employee returning from maternity leave should give up breastfeeding earlier than she wishes, or to refuse to allow a breastfeeding employee to return to work until she has finished breastfeeding. Both of these would amount to direct sex discrimination.

All employers are legally responsible for taking such steps as are reasonably practicable to prevent one employee from sexually harassing another, and detrimental treatment or offensive teasing on the grounds of breastfeeding is included in this.

Procedure

1. Prior to her return to work following maternity leave, the employee must inform you in writing that she wishes to continue to breastfeed upon her return to work. It would be helpful if the employee provided this at the same time as her notification of return to work, to allow time for the implementation of any of the legal requirements.
2. Upon receipt of this notification, the Headteacher/line manager must undertake a risk assessment and the school must take all reasonably practicable steps to control or remove any identified risks to the breastfeeding employee.
3. It would also be helpful for the employee if the Headteacher/line manager outlined any possible arrangements within school to assist the employee with her breastfeeding. For example, a description of which room the employee can use and the facilities available (i.e. electric sockets, refrigerator, microwave oven, sinks available etc).
4. The Headteacher and the employee must also discuss the arrangements with regard to working time for the employee and the extent to which it might be possible to alter her working hours to allow her to breastfeed. This may involve a Request for Flexible Working application from the employee.

Further information and guidance

For further information on the subject of employees wishing to continue to breastfeed upon their return to work following maternity leave is available from the website for the Health & Safety Executive (www.hse.gov.uk/pubns)