

# Breastfeeding Policy

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| <b>Governance Committee</b> | Finance and Resources Committee | <b>Date approved</b> |  |
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**Strategic Alignment**  
*Improving the Council's Resource Base – A Workforce Strategy that is built around the needs of the Council (as a single resource base) to deliver the priority outcomes, ensuring future workforce requirements, new skills and innovative approaches, and succession planning are recognised.*

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| <b>Consultation process</b> | <i>Consulted with Joint Trade Unions and Employee Equality Forum</i> |
| <b>Stakeholders</b>         | Contacts identified for each service                                 |
|                             | <i>Joint Trade Unions<br/>Employee Equality Forum<br/>Employees</i>  |
| <b>Distribution</b>         |                                                                      |

### Change record

| <b>Date</b>        | <b>Author</b> |
|--------------------|---------------|
| <b>Change made</b> |               |

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## **1. Introduction**

North Lanarkshire Council recognises the short and long-term advantages of breastfeeding for both mother/parent and baby and supports breastfeeding as the optimal infant feeding choice for all parents.

The Council are committed to providing employees with the ability to balance their working lives with their personal lives including supporting employees with childcare responsibilities and as part of our commitment the Council are encouraging and supporting staff, who wish to do so, to continue breastfeeding on their return to work from maternity leave to maximise the full benefits of breastfeeding. One of the ways the Council are doing this is by ensuring there are facilities in place to allow mothers returning to work to do so and giving them the flexibility and facilities to allow them to breastfeed successfully.

This document uses the word mother to describe the parent who is breastfeeding. However, we acknowledge and respect that there are parents who are breastfeeding who may have a gender identity other than female and may use terms other than 'mother' to describe themselves.

## **2. Policy Statement**

The aim of this policy is to encourage employees returning to work from maternity leave to continue to breastfeed through the provision of appropriate facilities and access to flexible working arrangements in line with the Council's Smarter Working Policy.

The Council believes that by ensuring appropriate provisions are in place both the employee and the Council will benefit. These benefits may include reduced parental absence throughout the organisation, higher rates of employees returning to work after giving birth, lower recruitment and training costs, improved employee continuity, more people being attracted to employment within the Council and increased morale and employee loyalty, enabling employees to make important choices for their families.

The Council has a duty to consider whether or not the mothers working conditions are a risk to their health or the health of the baby. The Workplace (Health, Safety and Welfare) Regulations 1992 state that employers must provide 'suitable facilities' for breastfeeding employees 'to rest'. These facilities should be close to toilet/washing facilities and there should be somewhere for mothers to lie down if necessary.

This policy should be read in conjunction with the Council's Maternity Policy and the Council's Smarter Working Policy.

## **3. Legislation and Associated Policies**

This policy was created taking into account and incorporating the following legislation:-

- Children and Families Act 2014
- The Shared Parental Leave Regulations 2014
- Equality Act 2010

- Work and Families Act 2006
- Employment Act 2002
- Employment Relations Act 1999
- Employment Rights Act 1996
- Management of Health and Safety at Work Regulations/Workplace (Health, Safety and Welfare) Regulations 1992
- Breastfeeding etc. (Scotland) Act 2005
- Dignity at Work Policy
- Smarter Working Policy

#### **4. Scope**

This policy applies to all employees who make a request in writing to their line manager to provide support/facilities to enable them to continue breastfeeding upon their return to work.

It is the duty of the line manager to decide what the practical arrangements will be in agreement with the employee. This will depend on hours worked, service provision, the ability to use flexi-time, and where the baby is being cared for.

#### **5. Roles and Responsibilities**

##### 5.1 Executive Directors and Heads of Service

- Support requests and supply the necessary facilities where reasonably possible
- Ensure managers and employees are aware of the policy
- Support breastfeeding as optimal infant feeding choice for all parents

##### 5.2 Line Managers

- Ensure employees are aware of the policy before starting maternity leave.
- Discuss breastfeeding arrangements with the employee before their return to work, if the employee has confirmed in writing their intention to breastfeed.
- Carry out a risk assessment. This will identify any particular risks that need to be considered in relation to the arrangements put in place for the mother/parent to continue breastfeeding.
- Explore all possible options to alter the work pattern or tasks to eliminate any identified risk. If after all possible consideration has been given to altering the work pattern, no alternative can be found, redeployment should be considered for a temporary period to facilitate breastfeeding arrangements.

##### 5.3 Employees

- The employee should inform their line manager in writing that they intend to continue breastfeeding upon their return to work. This should be done as soon as is reasonably possible, however, a minimum of 4 weeks' notice prior to returning to work must be given.

- Discuss any breastfeeding arrangements with their line manager, including requests for reasonable adjustments for disabled employees, prior to returning to work.
- Take reasonable care to ensure their own health and safety and not to put others at risk from their actions, e.g. keep the breastfeeding area clean and tidy after use, storing breast milk appropriately, keeping to the arrangements agreed with the line manager etc.

## **6. Practical arrangements**

When making arrangements to return to work following maternity leave, employees should notify their manager that they wish to continue breastfeeding. The Council recognises that everyone is different and require different arrangements to meet their needs. The length of time that a mother breastfeeds is based on their own personal choice and therefore there is no time limit on breastfeeding arrangements.

The line manager and employee should complete a risk assessment and discuss the practical arrangements before the employee returns to work; where possible this should be completed a minimum of 4 weeks prior to the employee returning to work. This will include employees that will be working from home/hybrid workers to ensure that suitable arrangements are put in place. Areas for discussion will include working time, flexible working hours, times and arrangements for breaks for feeding/expressing milk, facilities, reasonable adjustments etc. While it is the employee's own decision as to how long they will breastfeed, it is important also to agree a review date at this meeting to evaluate the practical implications and if necessary, amend the previously agreed arrangements.

Reasonable time will be allowed during working hours to express milk. This in practice could mean agreeing extended lunch and/or other breaks, starting slightly later in the morning or leaving early in the evening, depending on service provision and within the context of the flexible working options.

It should be noted that there is no legal requirement to allow breastfeeding mothers to return home during the working day to feed their baby and any agreement to such requests would take into account circumstances such as distance to the employee's home address. However, in terms of best practice line managers can consider such requests using flexible working options in the Smarter Working Policy or a temporary change to shift patterns to accommodate any request where possible. It is, however, recognised that facilities must be provided to allow mothers/parents to express and store milk at work.

Where possible, the following requests will be accommodated for breastfeeding mothers/parents during the period they are breastfeeding:

- a) Flexible working  
Temporarily changing working hours or patterns to allow a mother/parent to breastfeed in line with the Council's Smarter Working Policy.
- b) Suitable facilities for breastfeeding or expressing milk  
A private, hygienic, safe and secure area where a breastfeeding mother/parent can express milk and, where necessary, the facility to lie down.
- c) Suitable facilities for storing breast milk

Access to a refrigerator and, where possible, a clean area where sterilising equipment may be stored.

For further information please contact your line manager.

## **7. Risk Assessment**

Whilst a member of staff is breastfeeding, the Council have a duty to consider the working conditions and whether there is a risk to the health of the mother/parent or the health of their baby. It is the responsibility of the member of staff's supervisor to ensure that risk assessments have been conducted and that it is safe for them to perform their current role.

If a risk is identified, we will do all that is reasonable to reduce the risk, including temporarily changing hours or conditions. If the risk cannot be avoided then suitable alternative work with similar terms and conditions will be found for them.

Please click here for further information held in [Section 36 – New and Expectant Mothers guide](#).

## **8. Monitoring and Review**

This policy will be monitored and reviewed as necessary