**Accommodating Breastfeeding Breaks in the Workplace**

In July 2023, new employment entitlements were brought in as part of the recently passed Work Life Balance Act 2023. The Government enacted the extension of the breastfeeding entitlement from 6 months to 2 years which in addition puts the responsibility on employers to ensure that these individuals are accommodated with suitable facilities or are facilitated with reduced hours to enable breastfeeding.

An employee working and breastfeeding is entitled to take **paid** time off work each day to breastfeed.  Individuals wanting to avail of breastfeeding breaks must notify their employer at least 4 weeks before they return from maternity leave of their intention to breastfeed (or express breast milk).

Breastfeeding breaks can be taken as either a one-hour break, two 30-minute breaks or three 20-minute breaks. Part-time workers are entitled to breastfeeding breaks, calculated on a pro-rata basis.

Employers will need to develop policies and procedures for managing these rights and prepare for negotiations with employees who want to alter their working patterns.

Breastfeeding can be a sensitive and difficult issue for employees to discuss with their employer, but it is an important one to help their transition back to work after maternity leave.

It is good practice for employers to discuss with employees who are still breastfeeding what could reasonably and proportionately be done to facilitate their return to the workplace. An employer may consider nominating a female employee to conduct these discussions if there is a question of sensitivity or appropriateness.

Enabling employees to continue breastfeeding at work can encourage staff loyalty and the organisation can benefit from the skills of the employee returning sooner that might otherwise be the case. Breastfeeding can help maintain the wellbeing of the returning employee by avoiding health problems such as mastitis and other related issues.

**Creating the right environment**

**Policy**

It is good practice for an employer to have a policy on breastfeeding which sets out how requests from employees returning from maternity leave for changes to their working conditions would be considered. An employer should make this policy known, this might be part of a flexible working or maternity policy.

**Facilities – getting it right**

A private space

A breastfeeding employee may ask for a private, hygienic, safe and secure area where she can express milk, this could be an unoccupied office or an area used for meetings that can be discreetly screened. If in doubt an employer should ask the employee what would be most appropriate.

In any event it would be inappropriate to use toilets or sick rooms as there may be a hygiene risk. If, after careful consideration, an employer is physically unable to provide an appropriate space, they should discuss the issue with the employee to see if there is any alternative facility.

**Fridge and storage**

Most businesses have refreshment areas that contain a fridge or cool area. Employers should consider enabling expressed milk to be stored there, perhaps secured in a re-sealable container for hygiene purposes. It would be good practice to discuss storage preferences with the employee.

**Adapting the workplace**

Sometimes employers can make simple adaptations for little cost. Once again invite suggestions from the Employee. Examples may include a curtain, a cooler box etc.

If employers are unable to grant additional breaks, they could consider slightly extending normal breaks for the employee such as a mid-morning coffee break or leaving earlier in the day to minimise any disruption to the business.

**Use of flexible working**

Although the law allows employees to ask for flexible working for any reason such requests from employees who want to breastfeed are likely to be temporary and so a permanent change to an employment contract would not be appropriate. However, a temporary change to working arrangements may enable the employer and employee to both meet business and breastfeeding needs.

Employers may find it helpful to consider including accommodating the needs of breastfeeding employees within a policy for requesting flexible working. This can help employers make objective, correct and fair decisions.

If, after discussion, an employer has to turn down a request to breastfeed from an employee, the employer should explain the business reasons to the employee.

**Managing the narrative around other Employees.**

The Employer needs to strike a balance between the needs of a breastfeeding employee, bearing in mind it will only be for a short period and any additional work that colleagues may have to do over this time. Employees have temporary changes to their working patterns for all sorts of reasons and you should explain your decision from this standpoint.

**Breastfeeding in the workplace and the risk of discrimination**

A refusal to allow a breastfeeding employee to express milk or to adjust her working conditions to enable her to continue to breastfeed may amount to unlawful sex discrimination. However, if you have considered the request objectively, discussed the issue with your employee and explore ways together as to how best to adhere to the new legislation whilst not impacting too greatly on your business then a transparent honest robust conversation would help.

If perhaps you require further assistance on this topic contact the HR Team via [HR@ISME.IE](mailto:HR@ISME.IE)

Or alternatively call 01 6622755 Option 2