



**NSW Police Force**

# Breastfeeding Policy

Human Resources Command



## **Breastfeeding Policy**

Guidelines for commanders, manager and employees in relation to breastfeeding and expressing milk in the workplace.

### **Essential Summary**

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The policy applies to all NSWPF employees in accordance with the relevant industrial provisions. In the implementation of this policy, commanders/managers, breastfeeding employees, and all employees generally have responsibilities.

The key objectives that underpin this policy are:

- the promotion of a safe and healthy workplace for all employees which is consistent with Work Health and Safety obligations;
- the promotion of a fair and equitable workplace which is consistent with Anti-Discrimination requirements; and
- improved attraction and retention of employees through the provision of family friendly work arrangements.

## Document Control Sheet

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### *Modification History*

<b>Version #</b>	<b>Version approval date</b>	<b>Author/Position</b>	<b>Summary of changes</b>
1.0	4 July 2010	Karen Hardy Senior Policy Officer HR Policy	Original document.
2.0	January 2014	Dianne Carroll Senior HR Officer HR Policy	Inclusion of new scope and definition sections and updated references to legislation, contacts and Awards.
3.0	April 2017	Teresa Heien Senior Policy Officer HR Policy	Reformatted into new policy template including an essential summary. References to obsolete policy documents (Work Options and Family Friendly Information Package, Carer's Responsibilities Guidelines, Harassment, Discrimination and Bullying Policy, Workcover NSW Pregnancy and Work Guide and the Public Sector Workforce Breastfeeding Policy) have been removed and hyperlinks reinstated.

Table of Contents

- 1. **Policy Statement** ..... 5
- 2. **Scope**..... 5
- 3. **Definitions** ..... 5
- 4. **Policy** ..... 6
- 5. **Procedures** ..... 8
- 6. **Contacts** ..... 10
- 7. **References** ..... 10
  
- Appendix 1 Case studies**..... 11

## 1. Policy Statement

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The New South Wales Police Force (NSWPF) recognises the importance of breastfeeding for the health of infants and mothers. NSWPF is committed to a supportive environment that will enable employees who wish to continue breastfeeding on return to the workplace following maternity leave.

There are a range of benefits to be achieved by supporting a woman's choice to combine work and breastfeeding, including the retention of organisational skills and knowledge. NSWPF will support the health and wellbeing of breastfeeding employees and their babies through the provision of flexible work arrangements and family friendly work practices.

The key objectives that underpin this policy are:

- the promotion of a safe and healthy workplace for all employees which is consistent with Work Health and Safety obligations;
- the promotion of a fair and equitable workplace which is consistent with Anti-Discrimination requirements; and
- improved attraction and retention of employees through the provision of family friendly work arrangements.

Commands and decision makers should understand that lactation breaks are required for the health, comfort and safety of a breastfeeding employee. There are associated health risks, for example potential infection, if a breastfeeding employee does not feed or express in line with their established lactation pattern. This pattern will change in both length and frequency as the baby gets older.

## 2. Scope

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The policy applies to all NSWPF employees in accordance with the relevant industrial provisions. In the implementation of this policy, commanders / managers, breastfeeding employees, and all employees generally have responsibilities.

## 3. Definitions

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**Lactation Break:** a break taken by a breastfeeding employee to breastfeed, express breast milk or otherwise engage in an activity necessary to the act of breastfeeding.

**Caregiver:** for the purposes of this policy, a caregiver is any person who assumes responsibility for bringing an infant onto NSWPF premises with the intent of delivering an infant to an employee for the purpose of breastfeeding.

## **4. Policy**

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The needs of each employee will be different and the following provisions will be utilised to support the safe return to work of breastfeeding employees.

### **4.1. Flexible working arrangements**

**4.1.1.** Breastfeeding employees who return to the workplace following a period of maternity leave may access flexible working arrangements having regard to the needs of the employee (including lactation patterns) and operational / service delivery requirements.

**4.1.2.** All requests for flexible work arrangements will be genuinely considered on a case by case basis in accordance with relevant award provisions and organisational policies. Such flexibilities might include flexible start and finishing times, part time work, job sharing and flexibility for mothers to take lactation breaks during work time.

### **4.2 Lactation Breaks**

**4.2.1.** Breastfeeding employees will be provided with as many breaks as needed to enable them to safely manage their lactation patterns. These arrangements will be determined in accordance with this policy and the relevant Awards. Lactation breaks are to be provided as follows:

- a) A full time employee or part time employee member working more than 4 hours per days is entitled to a maximum of two paid lactation breaks of up to 30 minutes each per day.
- b) A part time employee working 4 hours or less on any day is entitled to only one paid lactation break of up to 30 minutes on any day so worked.
- c) A flexible approach may be taken by mutual agreement between an employee and their manager provided that the total lactation break time entitlement is not exceeded. When giving consideration to any such requests for flexibility, a manager needs to balance the operational requirements of the organisation with the lactating needs of the employee.

**4.2.2.** Arrangements for breaks should be reviewed at agreed intervals to ensure an appropriate balance is maintained between employee needs and operational requirements over the longer term.

## **4.3 Facilities**

**4.3.1** NSWPF will take all reasonable steps to provide suitable facilities for employees who choose to express milk or breastfeed their babies in the workplace.

**4.3.2** The provision of facilities will vary for individual employees and workplace requirements due to the diverse nature of both NSWPF and its workforce.

**4.3.3** Where required by the employee, the provision of workplace facilities is to include the following:

- a lockable hygienic space that ensures privacy and is kept clean
- comfortable and appropriate seating
- a table or bench to support breastfeeding equipment
- a power point suitable for the operation of a breast pump
- access to a refrigerator for storage of breast milk
- facilities for storage of breast pump and other equipment, and
- facilities for washing hands and equipment.

**4.3.4** Assessment of onsite facilities should be a command's first consideration. This may involve the modification of existing facilities e.g. installing a lock on the door of an existing office, conversion of office space for the time and purpose of breastfeeding, implementation of a breastfeeding booking system for a suitable command meeting room or putting in blinds to ensure privacy in an otherwise suitable room. The assessment should also consider the impact of any safety and risk factors within the command and the proximity of the private space to the holding cell, charge room and customer service areas.

**4.3.5** All employees should fully explore internal work arrangements and facilities in the first instance. Requests from employees to travel home to breastfeed their baby during working hours can be approved by consultation between both parties under certain circumstances as agreed. Within rural and remote locations, travelling home to feed during lactation breaks, when home is within reasonable proximity to the command, may be the most practicable arrangement for both parties.

**4.3.6** Use of offsite facilities

If suitable facilities cannot be located within the command, use of local facilities can be negotiated with the employee. These must be within a reasonable distance and factor in travelling time to and from the agreed location to minimise the impact on operational / service delivery requirements.

Consideration may be given to nearby community or government facilities that are equipped for this purpose.

#### 4.4 Babies in the workplace

Employees who wish to have their baby brought to the workplace to breastfeed should be supported based on an assessment of risk at the time and the suitability of facilities.

#### 4.5 Support and advice

4.5.1 Where commanders or employees are having difficulties in negotiating suitable arrangements, contact should be made with the Workplace Relations & Equity Unit for support and advice.

4.5.2 Where employees need medical treatment in relation to breastfeeding and transition to the workplace, there is capacity to utilise flexible working hours to attend appointments that fall during working hours or sick leave in accordance with the medical appointment provisions of the [NSWPF Sick Leave Management \(non work related\) Policy and Procedures](#).

4.5.3 For advice and support with breastfeeding and returning to work you may wish to contact the *Australian Breastfeeding Association National Breastfeeding Helpline 1800 mum 2 mum* (1800 686 268), or go to the website [www.breastfeeding.asn.au](http://www.breastfeeding.asn.au)

4.5.4 Telephone advice to this service or the public health system telephone support service can be made within paid work time should a difficulty arise whilst feeding or expressing within the workplace.

### 5. Procedures

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In the implementation of this policy, commander/managers, the breastfeeding employee and all employees generally have responsibilities.

5.1.1 Commander/manager:	5.1.2 Employee:
<p><b>Notification</b></p> <ul style="list-style-type: none"><li>• Prior to proceeding on maternity leave ensure all pregnant employees are aware of NSWPF's commitment to supporting the safe return to work of breastfeeding employees who wish to do so and the provisions of this policy.</li></ul>	<p><b>Notification</b></p> <ul style="list-style-type: none"><li>• Advise their commander/manager of her desire to return to work whilst still breastfeeding and discuss their individual requirements with their commander/manager.</li><li>• Advise their commander and manager when they no longer require lactation</li></ul>

5.1.1 Commander/manager:	5.1.2 Employee:
	breaks.
<p><b>Considerations</b></p> <ul style="list-style-type: none"> <li>• Provide sufficient flexibility to allow an employee to safely feed or express breast milk as individually required having regard to the provisions of the Work Health and Safety Act and the Anti-Discrimination Act.</li> <li>• Balance the needs of the employee and workplace in the consultation around suitable lactation breaks. Any issues and challenges should be discussed with the employee and alternative arrangements considered and if feasible, trialled or implemented.</li> <li>• If the command and employee cannot agree on suitable lactation arrangements contact should be made with the Workplace Relations &amp; Equity Unit to assist with the facilitation of a suitable arrangement.</li> </ul>	<p><b>Considerations</b></p> <ul style="list-style-type: none"> <li>• Discuss their specific needs and situation with their commander /manager.</li> <li>• Take operational needs into account when determining lactation breaks.</li> <li>• Minimise the distraction of having a baby in the workplace for other employees.</li> <li>• If the command and employee cannot agree on suitable lactation arrangements contact should be made with the Workplace Relations &amp; Equity Unit to assist with the facilitation of a suitable arrangement</li> </ul>
<p><b>Implementation</b></p> <ul style="list-style-type: none"> <li>• Ensure the provision of arrangements and facilities to support breastfeeding employees are consistent with this policy.</li> <li>• Arrangements should be monitored and reviewed to ensure both NSWPF and the employee's needs are being safely met.</li> </ul>	<p><b>Implementation</b></p> <ul style="list-style-type: none"> <li>• Where an agreement to leave the workplace for a lactation break is in place, the officer shall advise the work area when leaving for and returning from their agreed break.</li> <li>• Provide their own equipment for expressing of breast milk and storage of equipment within their personal locker. If not allocated a locker, negotiate appropriate storage arrangements.</li> <li>• Clearly label expressed breast milk storage containers with their name and date before placing in the designated refrigerator.</li> <li>• Ensure the lactation room / area remains tidy and secure.</li> <li>• Ensure that their child is delivered directly to the space designated for the purpose of lactation breaks and the caregiver and the child leave the workplace at the completion of each lactation break, as applicable.</li> </ul>

**5.1.3** In addition to the specific responsibilities referred above, **all employees** have a responsibility to treat employees who are breastfeeding with respect and dignity and refrain from behaviours that may constitute unlawful discrimination.

## **6. Contacts**

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For advice on this policy please contact Workplace Relations & Equity Unit on (02) 8835 8384 or eaglenet 28384, or (02) 8835 7328 or eaglenet 27328.

For advice on health and safety matters please contact the Region OHS Co-ordinator in the first instance or Workforce Safety on (02) 9285 3899 or eaglenet 53899.

## **7. References**

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### **Legislation**

- *Work Health and Safety Act 2011 (as amended)*
- *Anti-Discrimination Act 1977 (as amended)*

### **Awards**

- *Crown Employees (NSW Police Force Administrative Officers and Temporary Employees) Award 2009*
- *Crown Employees (NSW Police Force Special Constables) (Security) Award 2012*
- *Crown Employees (NSW Police Force Special Constables) (Police Band) Award 2012*

### **Policies and Procedures**

- Pregnancy and Work – Policy & Procedures
- Flexible Work Arrangements Guidelines & Procedures
- Respectful Workplace Behaviours Policy Statement & Guidelines
- Sick Leave Management (non work related) Policy and Procedures
- Flexible Rostering Guidelines for Administrative Officers and Ministerial Employees
- Treasury Circular NSWTC 14/15 – Breastfeeding Policy

Further information on the associated health considerations for the breastfeeding employees can be obtained in the NSW Health Policy Directive [Breastfeeding in NSW - Promotion Protection and Support](#)

## Appendix 1 Case studies

**These case studies are provided to illustrate the need to consider lactation requirements on a case by case basis balancing the employee and operational needs.**

### Example 1 – Flexible work arrangements

An unsworn scene of crime officer wanted to return to work whilst still breastfeeding. She discussed this with her commander and they agreed to return to work on a part-time work agreement totalling 3 days per week, 7 hours per day.

Prior to returning to work, the employee also notified her commander of her desire to continue breastfeeding whilst at work. This necessitated the need for the employee to take lactation breaks.

Her current lactation patterns required her to express every 3.5 hours, necessitating 2 x 30 minute breaks during her working hours. It was agreed that two breaks of up to 30 minutes each could be taken in work time in addition to her regular lunch break. It was also agreed that one of these breaks could adjoin her lunch break to allow sufficient time to eat lunch and express as required. The other break could be taken as required by the lactation pattern during the rostered shift.

Some days the officer did not need the full hour allocated to her for her two lactation breaks and it was agreed on these occasions that she would return to work as soon as she had finished expressing milk/breastfeeding.

**For further information:** [Flexible Work Arrangements - Guidelines and Procedures](#)

### Example 2 – Offsite lactation break

A general duties police officer from a country location informed her commander of her desire to return to work while she was still breastfeeding her baby. During discussions, it was identified that the station was very small and did not have a suitable room for breastfeeding or expressing milk. Other suitable community facilities were canvassed but were not within a reasonable distance from the Police station. However, as the officer resided close to the Police station, in this instance her house was considered the most suitable facility for the officer to express milk or to feed her baby. Therefore, it was agreed that the officer could travel home for lactation purposes during her shift. The arrangement was that up to 30 minutes each break would be provided in work time, with any additional time required (for lactation or travel purposes) from within flexible working arrangements.

The station benefited from this arrangement as the officer returned to work from maternity leave earlier than expected and the lactation breaks did not adversely affect operational policing.

**Where the NSWPF is unable to provide suitable facilities for employees to express milk or breastfeed their babies in the workplace, alternate arrangements should be negotiated by the command and the employee, for example offsite facilities, including the officer's home.**

### Example 3 – Baby in the workplace vs. offsite lactation break

A general duties police officer informed her commander of her desire to return to work from maternity leave to her inner city police station, but she wanted to continue to breastfeed her baby. The officer informed her commander of the need to take lactation breaks during her 12 hour shifts. During the officer's shifts, the baby was in the care of a child care facility down the road from the Police station.

It was discussed whether the officer's mother could bring the baby into the station for feeding. It was agreed that this was not feasible based on a risk assessment of the Command at the time. The command had a number of high risk offenders currently reporting on bail and the only lockable room was the interview room which was directly next door to the holding cell. It was considered that the command was not a suitable location to facilitate on-site breastfeeding.

The employee and her commander agreed, given these factors, that the officer could travel to and from her child care centre to breast feed her baby.

**In determining lactation breaks, in accordance with 4.3.4 of the Breast Feeding policy, commanders will need to undertake a risk assessment of the workplace facilities to ensure the safety of the officer and her baby.**

**Example 4 – Baby in the workplace**

A LAM (Administrative Officer) working in a city police station advised her commander that she wanted to return from maternity leave while she was still breastfeeding her baby and was happy to use her own office.

After a risk assessment was undertaken this was considered appropriate. The command organised access to a fridge and the LAM organised a sign for the door to prevent interruptions whilst feeding. When it was time to feed her baby the LAM's mother brought the baby into the Station, accessing the staff only entry/exit.

At completion of breastfeeding, the LAM's mother and the baby left the station as soon as possible, to avoid disruption in the workplace.

On one occasion another officer did not read the sign on the office door and walked in whilst the LAM was breastfeeding. When the commander and the LAM reviewed the lactation arrangements the commander decided to organise a lock for the door to increase the privacy for the LAM.

The command benefited by an experienced LAM returning to work earlier than expected and also the goodwill of an officer feeling very supported in the workplace.

**In accordance with 4.3.3 and 4.3.4 of the Breast Feeding Policy, commands will need to:**

- **Where required by the employee, make provision of any such facilities to accommodate on-site lactation/breastfeeding breaks.**
- **Undertake a risk assessment of the workplace facilities, to ensure the safety of the officer and her baby.**

**Example 5 – Discrimination in the workplace**

A police officer advised her command of her intention to resume work from maternity leave when her baby was 4 months old. As per flexible work arrangements the commander and officer agreed to a part-time work agreement totalling 2 x 12 hour night shifts per week.

This officer was still breastfeeding and made a request to her commander for lactation breaks mid shift for the purpose of expressing breast milk. The officer indicated that she had spoken to the EDO and as the EDO's office had blinds, a lock and was not in use during the evening, an informal agreement was reached to allow the officer to utilise the office for the purpose of expressing milk.

The commander indicated that he was not supportive of such a break and that if the mother was still breast feeding she should be at home with her baby. This upset the police officer who loved working and tried to come back as soon as possible. The Officer felt as if she was being discriminated against for her breastfeeding decision and she felt that the commander was letting his own personal views on motherhood cloud an organisational decision.

The commander sought advice from the Workplace Relations & Equity Unit. The Workplace Relations & Equity Unit reminded the commander of the need to organise and support a suitable arrangement to accommodate the Officer's lactation pattern.

**Commanders must be mindful of their obligations under:**

- (1) [Work Health and Safety Act 2011](#)
- (2) [Anti-Discrimination Act 1977](#)
- (3) [Flexible Work Arrangements - Guidelines and Procedures](#)
- (4) **Breastfeeding Policy**

**Example 6 – Impact of Occupational Health and Safety**

A breastfeeding police officer who is working within the Drug Enforcement Area is part of a team who have been allocated a job involving dismantling a chemically based clan lab. The Police officer and her commander discuss the job in light of the fact that she is still breastfeeding and chemical exposure during breastfeeding can be harmful to the baby through contaminated breast milk.

It was decided that, even though all necessary Work Health and Safety requirements would be met in terms of the management of the job, the Police officer should not attend given the high presence of chemicals involved in this particular job.

The commander and officer agreed that there were other suitable duties relating to this job that did not involve the potential exposure to chemicals and the officer would still be an active member of the team.

**Commanders must be mindful of their obligations under:**

[Work Health and Safety Act 2011](#)