



Breastfeeding in the Workplace

Note: This publication is intended to provide general guidance only. It does not constitute legal advice and should not be relied upon as doing so.

Advisory Officers, at the Employment Relations Service, can offer confidential and free advice on all aspects of employment law and employment relations.

Overview

Introduction

There is no law which specifically covers breastfeeding in the workplace in Guernsey.

However, under health and safety legislation an employer has a duty to look after the health, safety and welfare of all employees. The main issues for an employer to consider under this duty for a breastfeeding mother are:

- providing a safe and appropriate place for her to feed the baby and/or express milk. Toilets are not considered suitable for hygiene reasons.
- providing appropriate storage for expressed milk. Many businesses will have a fridge on site and arranging for the milk to be stored there is probably sufficient (suitably labelled and contained.)
- an employer is not required to grant paid breaks from a job for an employee to breastfeed or to express milk for storage and later use but reasonable agreement for suitable breaks should be made.

Discussing breastfeeding can be sensitive and difficult for employees and employers but it is important to understand the situation to help ease the employee back to work after maternity leave.

It is good practice for employers to discuss with employees who are still breastfeeding what arrangements can reasonably be made to ease their return to the workplace. The employee may prefer to hold these discussions with a female manager and, where appropriate and possible, this should be arranged.

Allowing employees to continue breastfeeding whilst at work may encourage the employee to return sooner than might otherwise have been the case. However,

employers should be careful not to be seen to apply pressure on employees to return to work before the end of maternity leave.¹

Creating the right environment

A policy on breastfeeding for employees returning from maternity leave will help employers make fair decisions when handling requests to allow for breastfeeding. The policy should be available to staff (for example within a staff hand book or on the company intranet).

Making and considering requests

The policy should be clear on how an employee will make a request to breastfeed at work. A written request, including any suggestions for breaks or alterations to working hours or practices is always helpful. This will give the employer an opportunity to consider and discuss how to best manage the issue to enable an employee to return to work easily and effectively.

Considering requests for additional breaks

Employers should consider any short break from work reasonably and objectively against the likely impact it might have on the business. Employers should be careful not to discriminate against breastfeeding employees by unjustifiably refusing requests for additional breaks.

Frequently asked questions

Q I've been told this is a legal right and an employer might end up in a Tribunal if they say no?

A No, there is no Law which requires time off to be granted for breastfeeding (although there are some health and safety issues and possible discrimination issues an employer needs to be aware of).

Q Is it sex discrimination if extra breaks for breastfeeding are refused?

¹ The Maternity and Adoption Leave (Guernsey) Ordinance, 2016:

<http://www.guernseylegalresources.gg/CHttpHandler.ashx?id=68125&p=0>;

Employment Guide on Statutory Maternity Leave: <https://www.gov.gg/CHttpHandler.ashx?id=102118&p=0>

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 the request is considered objectively and any refusal carefully explained and justified to the employee, preferably with clear reasons for denying the request, then a refusal may not be considered sex discrimination.

Q **What does breastfeeding in the workplace actually mean in practice?**

Breastfeeding at work may mean that the employee goes home or to a nearby nursery to feed their child. Or, a relative or child minder may bring the child to the workplace to be fed.

The employee can express milk which she will then need to store in a cool place. The pump and bottles used to express milk must be sterile to avoid contaminating the milk so it is vital that the woman has access to clean, hygienic facilities.

Q **Must employers have a formal written policy on making requests to breastfeed?**

A There is no requirement to have a formal policy on breastfeeding; however, a written policy helps managers to consider requests objectively and fairly.

Q **Will other colleagues think this is unfair on them and will it cause friction in the team?**

A An employer will need to strike a balance between the needs of a breastfeeding employee (bearing in mind it may only be for a short period) and any additional impact this may have on colleagues' workload. The expectations of other employees should be managed to avoid inappropriate or harassing behaviour.

Q **Can an employer place a time limit on breastfeeding in the workplace if the employer has agreed to accommodate an employee?**

A It is good practice to have periodic reviews to check how the arrangements are working for both employee and employer.

A breastfeeding employee may not know for how long she may breastfeed or circumstances may change as the baby grows. Having a fixed time limit on breastfeeding provisions is not helpful. Good communication with the employee will ensure that arrangements remain appropriate to her circumstances.

Other Publications

Publications can be downloaded from the website on a wide range of employment relations subjects, including local employment legislation and best practice guidance on other employment related matters.

Contact Information

For further advice

- Check www.gov.gg/employmentrelations
- Email employmentrelations@gov.gg
- Contact the **Employment Relations Service**, Edward T Wheadon House, Le Truchot, St Peter Port, GY1 3WH
- Telephone number: **01481 220026**