

All states have legislation that protects your right to combine breastfeeding and paid work. The Federal Sex Discrimination Act 1984 also protects this right. The Federal Sex Discrimination Act 1984 was amended on 24 May 2011 to further strengthen the laws protecting the rights of breastfeeding women. ANYONE who discriminates against breastfeeding mothers is now breaking the law. A key difference from the amendment is that breastfeeding is now a separate, stand-alone ground of discrimination, rather than a subset of sex discrimination.

Speaking to your employer

The first step before returning to work is to discuss your needs with your manager or HR department to see what provisions are currently in place for breastfeeding employees. You may choose to discuss your intention to continue to breastfeed at the cessation of your parental leave. Providing early notice will ensure the organisation has plenty of time to plan ways to accommodate your needs. At this point it could also be useful to provide them with information around the Breastfeeding Friendly Workplace program, in case they would like to contact the BFW team for assistance.

To find more information to give to your workplace about the type of support they can provide you, visit:

www.breastfeeding.asn.au/workplace

If you have an Equal Employment Opportunity (EEO) Officer, Diversity & Equity Group, Human Resources Group or Personnel Group, or are a member of a union, see what their approach is in relation to combining breastfeeding and paid work. Items to ask about may include:

- Does your organisation have a Breastfeeding Policy?
- What other policies does your organisation have that relate to employees returning from maternity leave, such as flexible work options?
- Is there a room available at your workplace for breastfeeding and/or expressing?
- Has anybody else in the organisation returned to work while breastfeeding?
- Does your organisation offer lactation breaks – paid or unpaid?
- Is there a salary sacrifice scheme for breast pump hire or purchase available?

Keep a record of your conversations and any decisions made for future reference.

One thing worth mentioning to HR is that your breastfeeding needs are temporary, they won't last forever, and as your baby ages your needs will reduce. It might be worth pointing out that there is research to prove that supporting employees to continue breastfeeding provides benefits to the organisation:

1. **Reduced absenteeism:** A study in the US reported that one-day absences to care for sick children occur more than twice as often for mothers of babies who are not breastfed.¹
2. **Lower turnover rates:** Some research has found that women who are supported in breastfeeding their babies by their employers are more likely to return to work after maternity leave.² Studies of several companies with breastfeeding programs in the US showed a retention rate of 94%.³

¹Cohen R, Mrtek MB, Mrtek R (1995) Comparison of Maternal Absenteeism and Infant Illness Rates Among Breast-feeding and Formula-feeding Women in Two Corporations American Journal of Health Promotion 10(2): 148-15.

² Payne, D., & James, L. (2008). Make or break Mothers' experiences of returning to paid employment and breastfeeding: a New Zealand study. Breastfeeding Review. 16 (2), 21: 2-27.

³ Ortiz J, McGilligan K, Kelly, P (2004) Duration of Breastmilk Expression Among Working Mothers Enrolled in an Employer-Sponsored Lactation Program. Paediatric Nursing 30(2): 111-119

3. High productivity and loyalty: Companies who provide support for breastfeeding have consistently reported improved morale, better satisfaction, and higher productivity.⁴⁴
4. Legislation compliance (Sex Discrimination; OHS and Equal Opportunity/EOWA reporting)
5. Demonstrates a commitment to workplace diversity; employee health and wellbeing; and corporate social responsibility.

Some women feel more comfortable putting their requests in writing before a face-to-face discussion with their manager. However, it is always useful to find out your entitlements before approaching your manager, so you are better placed to negotiate your individual needs.

Below is a sample memo/letter to tell your manager about your breastfeeding needs. Please feel free to adapt this to use your own words and relate it to your specific work situation.

Re: Breastfeeding Support in the Workplace

I am grateful for the support I have received throughout my [years/months] of employment with [organisation]. It has been an exciting time for my family and I as we prepare for the birth of our child. To ease my transition back into the workplace, I would like to discuss some arrangements that will allow me to continue breastfeeding after I return to work.

It is important for me to be able to continue breastfeeding when I return to work. Breastfeeding is recommended and supported by all health authorities because of the health implications for mothers and babies. Many organisations are now making it possible for women to continue breastfeeding after returning to work from maternity leave. I am hoping that we can agree on a plan that will allow me to breastfeed comfortably when I return to work. My immediate needs are:

Private lactation space with a lockable door and power point so that I can express breastmilk during the day. It only needs to be a small area to fit a comfortable chair and a small low table to place my equipment.

Access to a refrigerator to store breastmilk.

Flexibility to use break times to express breastmilk. I will need to express breastmilk about 2-3 times throughout an 8-hour workday, to prevent blocked ducts, mastitis, and maintain my milk supply. Expressing will take approximately 10-15 minutes (plus time to get to and from the lactation space). There may be occasions when I will need to express breastmilk outside of these allotted breaks. Would it be possible to use extra work time or discuss options for making up the time if necessary?

Knowing my organisation is making it possible for me to keep breastfeeding helps me feel more comfortable with leaving my baby to come back to work. I look forward to discussing this with you.

Sincerely,

[Insert your name]

Working Out What You Need

You may be wondering what your needs will be when you combine breastfeeding and work. Every mother and baby's needs are different, and every workplace is different. You may like to call the National Breastfeeding Helpline and speak with a breastfeeding counsellor about your specific circumstances and get some suggestions about your needs.

For more information on combining breastfeeding and working contact a breastfeeding counsellor 1800 686 268 or for email counselling visit www.breastfeeding.asn.au

⁴ Galty, J. (1997). Lactation and the labor market: breastfeeding, labor market changes, and public policy in the United States. *Health Care Women Int.*, 18, 467-480.