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## COMBINING BREAST FEEDING AND RETURNING TO WORK GUIDELINES

### Introduction and Aim

As a public health facing organisation, Cardiff and Vale University Health Board (UHB) wishes to support its staff to breastfeed their babies for as long as they wish. Increasing numbers of employees are choosing to breastfeed their babies and many of those who do so return to work while they are still breastfeeding. In addition, there are certain legal obligations that apply to employers which require them to provide support for breastfeeding employees returning for work. However it needn't be difficult to meet these requirements, and supporting breastfeeding staff can have benefits for the Health Board:

- Breastfed babies are healthier so the employer is less likely to have to deal with employee absence due to child illness.
- Increased employee loyalty with a higher rate of return to work following maternity leave.
- Less need for new staff recruitment and training costs.
- Attractive benefit to offer employees

It is recommended that babies should receive nothing but breast milk for the first six months of life, and then continue to be breastfed until at least 12 months of age, alongside complementary foods. If a breastfeeding employee's working conditions stop them from breastfeeding successfully they may be able to argue that their health and that of their baby are being put at risk.

### Objectives

- Create an open, diverse and supportive work environment that meets the needs of all breastfeeding employees.
- To support breastfeeding employees, their managers, colleagues and all other staff in maintaining a professional working environment that embraces diversity, and promotes fairness and equity for all.
- Breastfed babies are healthier so the organisation is less likely to have to deal with employee absence due to child illness
- Increased employee loyalty with a higher rate of return to work following maternity leave.
- Less need for staff recruitment and training costs
- Attractive benefit to other employees

### Scope

This procedure applies to all of our staff in all locations including those with honorary contracts

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<b>Equality and Health Impact Assessment</b>	An Equality and Health Impact Assessment has not been completed. This is because these guidelines are covered by the 'family friendly policies' EHIA, previously undertaken.
<b>Documents to read alongside this Procedure</b>	Maternity, Adoption, Paternity and Shared Parental Leave Policy Maternity Leave and Pay Procedure Flexible Working Policy Maternity Risk Assessment Procedure Shared Parental Leave Procedure Supporting Trans Staff Procedure
<b>Accountable Executive or Clinical Board Director</b>	Executive Director of Workforce and Organisational Development
<b>Author(s)</b>	Equality Manager/RCM
<b><u>Disclaimer</u></b>	
<b>If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the <a href="#">Governance Directorate</a>.</b>	

<b>Summary of reviews/amendments</b>			
<b>Version Number</b>	<b>Date Review Approved</b>	<b>Date Published</b>	<b>Summary of Amendments</b>
n/a			Previously Appendix 5 of the Maternity Guidance Notes
1	09/07/2013	25/07/2013	Updated to ensure compliance with legislation and good practice
2	10/07/2019	16/07/2019	This is a revised document. It has been updated to ensure compliance with legislation and good practice around more inclusive language. For example, using the phrase 'breastfeeding employee' so as to become more inclusive.

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## 1 Roles and Responsibilities

The line manager is required to assess the workplace to ensure that there are no risks to the breastfeeding employee arising from any processes, working conditions, physical, biological and chemical agents

The breastfeeding employee should provide the employer with advanced written notification that they are breastfeeding.

## 2 Process

- The employee should provide the employer with written notification that they are breastfeeding. It is advisable to do this before they return to work (or a 'Keeping in Touch' day), so that the employer can ensure they returns to a healthy, safe and suitable environment.
- The line manager is required to carry out a risk assessment to ensure that there are no risks to the breastfeeding employee arising from any processes, working conditions, physical, biological and chemical agents. The findings of the risk assessment should be recorded using the General Risk Assessment Form and maintained on the employees personal file. If the risk assessment reveals a risk, the employer must do all that is reasonable to remove it or prevent the employee's exposure to it.
- The employer is legally required to provide somewhere for pregnant and breastfeeding employees to rest. However, the facility required will depend on the workplace, role of the employee and their general health. For example – if they perform largely administrative duties, a quiet area to sit away from their desk may be sufficient. In a busy outpatient clinic, they may require somewhere away from the work area. It may not be necessary to provide a designated rest room to meet this requirement.
- The employer is encouraged to provide a private, healthy and safe environment for the employee to express and store milk. Managers should arrange for employees who wish to express milk during their working hours to have access to a private room to allow them to do this. Ideally it should be close to their work area to make this as easy as possible for them. An office with a comfortable chair and a "Do Not Disturb" sign may be sufficient to meet this requirement. The toilet is not a suitable place for expressing milk. The breastfeeding employee will provide any expressing equipment and cool bags required. Milk or cool bags stored in a fridge should be clearly labelled.
- The employer may need to consider temporary adjustments to working conditions or hours of work; for example working shorter shifts, extra breaks for expressing milk, avoiding night work or overnight stays.

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- The employee is protected against harassment which could include detrimental treatment or offensive teasing on the grounds of breastfeeding.
- The law states that an employee can decide how long they wish to breastfeed for and does not need to stop when they return to work.

### 3 Relevant Legislation

- Management of Health and Safety at Work Regulations 1999 (MHSW).
- Employment Act 2002.
- Workplace (Health, Safety and Welfare) Regulations 1992 (the Workplace Regulations).
- Equality Act 2010.

### 4 Where to go for more help

[UHB Health Safety and Environment Unit](#): UHW 42966 (external 029 2074 2966)

[Occupational Health](#): UHW 43564/42665 (external 029 2074 3264 / 2665) or UHL 25140 (external 029 2071 5140)

Further information on legislation is available from the Health and Safety Executive; [www.hse.gov.uk](http://www.hse.gov.uk)

[www.hse.gov.uk/mothers/faqs.htm](http://www.hse.gov.uk/mothers/faqs.htm)

Maternity Action: Advice on maternity rights and benefits: [www.maternityaction.org.uk](http://www.maternityaction.org.uk) Helpline 0845 600 8533

Welsh Government Website: Information about breastfeeding and returning to work.

[www.wales.gov.uk](http://www.wales.gov.uk)

Equality and Human Rights Commission: Advice on discrimination and human rights law. [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

National Breastfeeding Helpline: 0300 100 0212.