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accommodating breastfeeding
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Accommodating breastfeeding on return to work

GUIDANCE FOR EMPLOYERS



THE BUSINESS CASE

Breastfeeding is a healthy choice for mother and baby. For employers, there are good business reasons to accommodate breastfeeding when mothers return to work.

Fewer absences

Breastfed babies are sick less often than babies fed on formula. This means parents take fewer days off to care for a sick baby.

- Parents of breastfed babies have one-third of the absences of parents of formula fed babies.¹
- CIGNA, a US company, calculated that it had saved US\$60 000 (£36 000) in reduced absences by introducing support for breastfeeding mothers.²

Reduced staff turnover

Accommodating breastfeeding on return to work increases retention rates, keeping female talent and reducing recruitment and training costs.

- Women who described their employer as supportive were significantly more likely to return to work after maternity leave than those who described their employer as unsupportive – 77% compared to 63%.³
- US companies which accommodated breastfeeding had a 94% retention rate for women returning from maternity leave.⁴

- The Chartered Institute for Personnel and Development (CIPD) estimates the median cost of recruitment to be £1800 for the average employee and £6000 for senior managers.⁵
- The cost of staff turnover is between £20 113 and £39 887 for an employee on the average wage. This includes the cost of lost output and the logistical cost of finding and absorbing a new worker.⁶

More flexible return dates

Enabling women to combine breastfeeding and work gives women more choices about return dates. It makes it easier for parents to share leave in their child's first year, if that is what they want to do. This increases flexibility around the amount and timing of leave taken by parents.

Higher productivity and increased loyalty

Accommodating breastfeeding on return to work results in higher productivity and increased loyalty amongst all employees, not just breastfeeding mothers.

- Employees working in companies which accommodate breastfeeding have higher morale, higher productivity and overall more satisfaction with their job⁷. They perceive their employer as fairer and more attractive.⁸

It requires few resources

Accommodating breastfeeding at work is simple, inexpensive and time-limited.

Legal obligations

There is no explicit statutory right to breastfeeding breaks at work. Instead, employers must meet their obligations to breastfeeding employee under health and safety law, flexible working law and discrimination law.

1 Rona Cohen, Marsha B. Mrtek, and Robert G. Mrtek (1995) Comparison of Maternal Absenteeism and Infant Illness Rates Among Breast-feeding and Formula-feeding Women in Two Corporations. *American Journal of Health Promotion*: November/December 1995, Vol. 10, No. 2, pp. 148-153. <http://ajhpcontent.com/doi/abs/10.4278/0890-1171-10.2.148>

2 R.A Cardenas & D.A.Major, 2005, in *Journal of Business and Psychology*, *Journal of Business and Psychology*, Vol. 20, No. 1, Fall 2005; CIGNA media release, 15 June 2000

3 L.Adams, F.McAndrew, M.Winterbotham, 2005, Equal Opportunities Commission, *Pregnant & productive Working Paper 24*, available at: <http://www.maternityaction.org.uk/wp/wp-content/uploads/2013/09/eocpregnancydiscrimwomensurvey.pdf>

4 Ortiz, J., McGilligan, K., & Kelly, P. 2004. 'Duration of breast milk expression among working mothers enrolled in an employer-sponsored lactation program'. *Pediatric Nursing*, 30(2), 111-119.

5 2013 *Resourcing and Talent Planning* survey report, CIPD. Available at: <https://www.cipd.co.uk/hr-resources/survey-reports/resourcing-talent-planning-2013.aspx>

6 Oxford Economics, 2014, *The Cost of Brain Drain – Understanding the financial impact of staff turnover*, available at http://www.oxfordeconomics.com/publication/open/246524?mf_contact_key=118dccc96f32431019baddfa5a93cfd212206113_aacaea2968ee94189bfff1c954

7 M.Gettas & A.Morales, 2013, 'Breastfeeding in the Workplace', *ICAN: Infant, Child, & Adolescent Nutrition* 2013 5: 197

8 R.A Cardenas & D.A.Major, 2005, in *Journal of Business and Psychology*, *Journal of Business and Psychology*, Vol. 20, No. 1, Fall 2005



MANAGING REQUESTS FROM STAFF

What should employers do if a woman wants to breastfeed on return from maternity leave?

Start the conversation early

Employers who have accommodated breastfeeding on return to work recommend agreeing arrangements for breastfeeding as far in advance as possible. Breastfeeding breaks should be sorted out at least three weeks before the woman returns to work to give her time to change her breastfeeding routine without pain and discomfort.

It is a good idea for employers to raise the issue with employees when discussing their return from maternity leave and to include it in any written information provided to employees during their pregnancy. Employers are entitled to make reasonable contact with an employee during maternity leave and can contact the employee to discuss her return to work.

Manage health and safety risks

Employers employing women of childbearing age must assess risks to new and expectant mothers arising from processes or working conditions, physical, chemical or biological agents. This must be regularly reviewed and updated. The law does not require employers to conduct an individual risk assessment for a breastfeeding mother however both ACAS and the Health and Safety Executive advise that it would be good practice to do so to help decide what action needs to be taken.

Employers must take reasonable action to remove or reduce any risks, such as altering working conditions or hours of work. Providing employees with breaks to breastfeed or express may remove or reduce risks.

It is a good idea for employers to check with the Health and Safety Executive if they are uncertain about how to manage risks.

There is no explicit statutory right to breastfeeding breaks at work. However, employers employing women of childbearing age are required by law to assess risks to new and expectant mothers arising from processes or working conditions, physical, chemical or biological agents.

Provide suitable facilities

Employers are required by law to provide a breastfeeding mother with a place to rest.¹ This could be the same room provided for the woman to breastfeeding or express. The Health and Safety Executive recommends provision of washing facilities and a clean, secure fridge to store milk. You can find out more about suitable facilities from our leaflet: 'Accommodating breastfeeding on return to work – The practical requirements'

Consider flexible working requests

Breastfeeding women can make a request for flexible working if they have worked for their employer for at least 26 weeks. They can ask for changes in their days, hours or place of work. They may ask to work shorter shifts, to work part-time or to move from evening or night shifts to day work in order to continue breastfeeding.

Employers are legally required to give the request serious consideration and can only refuse a request for good business reasons. The employer and employee can agree to make a temporary change in the employee's contract while she is breastfeeding.

It is a good idea for women to be encouraged to make a flexible working request at least two to three months before returning from maternity leave.

Comply with the Equality Act

Employers must comply with the Equality Act.

It is sex discrimination to fail to assess and take action on health and safety risks for a breastfeeding woman where the work is of a kind that could involve risks and any failure could have serious consequences for mother or baby.

It is sex discrimination to harass a breastfeeding employee or to fail to take action to stop other staff members from harassing a breastfeeding employee. Jokes and 'banter' can constitute harassment.

It is indirect sex discrimination for an employer to refuse a flexible working request from a breastfeeding mother if there are not good business reasons for the refusal and it results in the mother ceasing breastfeeding.

Consider introducing a breastfeeding policy

It is good practice for an employer to have a policy on breastfeeding. This could set out how employees can make requests and how these would be considered. This could be included in the organisation's maternity policy, if there is one.

¹ Regulation 25 of the Workplace (Health, Safety and Welfare) Regulations 1992



THE PRACTICAL REQUIREMENTS

Accommodating breastfeeding on return to work is not complicated. There are a few simple rules for employers to follow.

A suitable space

To breastfeed or express milk, women need a space which is clean (not a toilet) and available when they need it. The space must be private, either a room with a lockable door or an area which is screened off from view. Women using an electronic breast pump need an electrical outlet. There should be access to running water but this does not need to be in the same space.

Milk storage

Women who express milk need somewhere to store it. This could be in a secure container in a refrigerator or in a coolbox. Breast milk can also be kept at room temperature for a few hours.

Breaks to breastfeed or express

It takes between 20 minutes and 45 minutes for a woman to express milk.

When babies are smaller, they feed little and often. The number of feeds decreases as they get older. In an eight hour working day, a mother will need approximately 1-2 breastfeeding or expressing sessions for a baby older than 12 months; 2 sessions for a baby 8 months to 12 months; 2-3 sessions for a baby 6 months to 8 months; 3-4 sessions for a baby 6 weeks to 6 months; and 4-5 sessions for a baby under 6 weeks. The length and frequency of breaks will depend on the mother. Breaks should also take into account the time it takes for women to get to and from the place where they will breastfeed or express.

Lead times to change a breastfeeding routine

Breastfeeding breaks should be sorted out at least three weeks before the woman returns to work. This gives her time to change her breastfeeding routine without pain and discomfort and, if she is expressing milk, to get her baby used to taking a bottle or cup.

Any changes to her breastfeeding breaks should be negotiated in advance so that she can maintain her milk supply without experiencing pain and discomfort. It can take up to 24 days for a woman to cease breastfeeding altogether while avoiding health risks such as mastitis.

The Department of Health recommends exclusive breastfeeding until the baby is six months and then breastfeeding in conjunction with solid food. While 81% of women in the UK commence breastfeeding, only 34% are still breastfeeding when their child is 6 months old¹.

Women can express milk which they feed to their baby at a later time or they can breastfeed their baby directly. Women may express milk using an electric or manual breast pump, or express by hand. Women can breastfeed their baby directly if their home or nursery is close to work or if their carer brings their baby to their workplace.

¹ F. McAndrew et al, 2012, *Infant Feeding Survey 2010*, NHS Health and Social Care Information Centre

